



21.2 RESPECTFUL COMMUNITIES

21.2.1 SCOPE AND AUTHORITIES

These by-laws are intended to be read in conjunction with Regulations 5:1.1 to 5.2.5 and 3.3.3 which deal with the discipline of members and congregational officers respectively. They seek to clarify and strengthen the authority of a presbytery and the synod in the discipline of members and officers of a congregation.

The by-laws allow Church Councils to seek assistance from the PRC of their Presbytery to help them fulfil their responsibilities for the discipline of members and officers. Further the by-laws give similar opportunities for the presbyteries to seek assistance from Synod SA ministry centres to help them in fulfilling their responsibilities for the discipline of members and officers of congregations.

These by-laws are best read in the light of supporting documents. These include the Regulations, Code of Ethics and Ministry Practice, Code of Ethics for Lay Preachers, Code of Conduct for Volunteers and Lay Leaders. The “Called to Care Training and Resource Manual” has many helpful resources and links to policies of the Synod and the Assembly.

The regulations are most helpful when dealing with members and congregational officers. In many of our congregations there can be a significant number of active people who are not members. One way to respond to this is for Church Councils to regularly review their membership rolls and actively encourage people to commit to membership in their congregation. When non-members prove difficult in the life of a congregation, a Church Council in consultation with a Presbytery PRC, might find helpful ways of dealing with their behaviour. Consultation is important before acting to impose discipline on anyone in the life of a congregation.

It is important to remember that delay in informing your presbytery and/or Synod may heighten conflict and make resolution more difficult.

21.2.2 DISCIPLINE OF MEMBERS, ADHERENTS AND REGULAR ATTENDERS

1. In fulfilling their responsibilities for the discipline of members Church Councils should inform and seek guidance from their Presbytery Liaison person and Placements and Safe Church Team prior to any formal action.
2. After due consultation with Presbytery leaders the Church Council may delegate their authority to the Presbytery PRC for the discipline of members and adherents, on a case by case basis.
3. The reasons for this delegation may include:
 - i. Conflicts of interest for local leadership;
 - ii. The situation is beyond the capacity of local leadership;
 - iii. Concerns over worsening conflict.

4. For similar reasons to the above presbyteries may delegate their authority to the General Secretary or their delegate.

21.2.3 DISCIPLINE OF OFFICERS

1. We note Regulation 3.3.3. (d) that a Church Council may refer matters of the discipline of officers to the Presbytery Pastoral Relations Committee (PRC).
2. A PRC may, after appropriate consultation, refer such matters to the General Secretary of their delegate.
3. A PRC on receiving a written complaint regarding the behaviour of a congregational officer or having been made aware of concerns from multiple sources may determine to make their own investigation. In such matters they have the right to seek assistance or delegate responsibility to the General Secretary or their delegate.

21.2.4 OVERSIGHT OF SYNOD

The Synod of SA reserves the right to review discipline matters that has the potential to put at risk the mission of the Church, and/or has implications for the Synod or the UCA SA Property Trust.

21.2.5 AWARENESS OF CROSS CULTURAL ISSUES

In working with these by-laws it is important to be informed by commitments and values of the Uniting Church expressed in the Covenant Relationship with First Peoples and the “Uniting Church is a Multicultural Church” statement of 1985. In particular we draw attention to paragraph 1.8 of the Code of Ethics and Ministry Practice:

The Uniting Church is a multi-cultural church and as such is made up of faith communities from across many different cultural backgrounds. Each culture has its own unique expression of community and relationships. which need to be borne in mind when overseeing the behaviour of ministers. In ministry with people from diverse cultural backgrounds these unique expressions form an important part of the intimate community which is formed and inform how Ministers expresses their ministry

And also from paragraph 3.5 (vii) dealing with professionalism; noting that ministers conducting their ministry in a professional manner includes:

being sensitive to the needs of, and ways of relating to, people from any different cultures with whom they have contact including being aware of one's own inherent cultural bias.

REGULATIONS: 5.1.1 to 5.2.5

5. CHURCH DISCIPLINE

5.1 DEFINITIONS

- 5.1.1 In this Part 5 of the Regulations unless the context or subject matter otherwise indicates:
- Complainant means the person who is making a complaint;
- Complaint means a complaint about the conduct, teaching or ministry of a Minister;
- Minister means a Minister as defined in Paragraph 3 of the Constitution, and also includes a Community Minister, Lay Pastor, Youth Worker, Pastor, Synod Secretary, Moderator, Assembly General Secretary, President, Presbytery Minister and a minister of another denomination serving in a placement;
- Pastoral Relations Committee means the Pastoral Relations Committee of the Presbytery;
- Respondent means a Minister against whom a complaint has been made;
- Standing Committee means the Standing Committee of the Synod.

DISCIPLINE IN THE CHURCH

- 5.1.2 Discipline in the Church is the exercise of spiritual authority with a view to honouring Christ the Head of the Church and ensuring the spiritual well-being of its members.

BY WHOM EXERCISED

- 5.1.3 Discipline is to be exercised by:
- (a) The Church Council on behalf of the Congregation in the case of members or adherents, except in the case of allegations of sexual misconduct;
 - (b) The Presbytery when a Presbytery determines a Church Council has not adequately dealt with a discipline matter in relation to a member or adherent of the Congregation;
 - (c) The Presbytery upon a request of a Church Council if the Church Council considers it is not able to deal with a concern due to a member's or adherent's involvement in the Congregation;
 - (d) The Presbytery and Synod in the case of Ministers.

5.2 THE DISCIPLINE OF MEMBERS

PASTORAL CARE OF MEMBERS

- 5.2.1 (a) In cases where:
- (i) in the opinion of the Church Council, any member of the Church appears to disregard the privileges and obligations of membership or to disregard the discipline of the Church; or

- (ii) a formal complaint has been received about a member by a member of the Church Council; the Council shall endeavour by visitation and pastoral counsel to restore the relationship of the member to the life of the Church.
- (b) Any member who declines to renew a satisfactory relationship with the life of the Church shall be advised of the possibility that the name of that member may be removed from the membership roll and shall be given opportunity either in person or in writing to make a submission on the matter to the Church Council.
- (c) Should that member be a member of the Church Council, and that member declines to renew a satisfactory relationship with the life of the Church subsequent to visitation and pastoral counsel in accordance with Regulation 5.2.1 (a) that member may be requested by the Church Council to resign his or her position to that body and cease all responsibilities associated with that position prior to a decision being made regarding removal of the name of that member from the membership roll.

SUSPENSION OR TERMINATION OF MEMBERSHIP

5.2.2 Where the Church Council has determined that the member has failed to respond to the pastoral care and invitation to renew a satisfactory relationship with the life of the Church, the Church Council may:

- (a) suspend the rights and privileges of membership; or
- (b) remove the name of the member from the membership roll.

The member shall be notified in writing of any such action.

RIGHT OF APPEAL

- 5.2.3 (a) A person whose membership rights and privileges have been suspended or whose name has been removed from the membership roll, may within one month after receipt of the notification in writing require reconsideration by the Church Council. If not satisfied with the outcome of such reconsideration as notified in writing, the person may within one month after receipt of the notification, appeal to the Presbytery by notice in writing. The Presbytery, either itself or by a committee appointed for the purpose, shall determine the matter.
- There shall be no right of further appeal.
- The person concerned may make a submission personally or in writing to the body considering the matter.
- (b) In the event of an appeal of a member being sustained the member's name shall be returned to the roll of members and the suspension removed forthwith.

RESTORATION OF MEMBERSHIP

- 5.2.4 (a) A person whose name has been removed from the roll of a Congregation pursuant to Regulations may have it reinstated by a decision of the Church Council.

- (b) A person whose name has been removed from a membership roll of a Congregation for disciplinary reasons shall not be enrolled as a member of any other Congregation without the prior knowledge of and advice from the council which is responsible for the maintenance of the roll from which the person's name was removed.

ALLEGATIONS OF SEXUAL MISCONDUCT AGAINST MEMBERS OR ADHERENTS

- 5.2.5 (a) Where a complaint of sexual misconduct is made against a member or adherent the Policies for the Prevention of Sexual Misconduct shall apply, to the exclusion of the process outlined in Regulation 5.2.1.
- (b) The Policies for the Prevention of Sexual Misconduct are binding documents of the Church and require that allegations of sexual misconduct against members and adherents of the Church be dealt with as sensitively and expeditiously as possible. When an allegation is made in the manner prescribed in the relevant Policy. The Presbytery and the Church Council shall ensure that the relevant policy is adhered to.

REGULATION 3.3.3

TERMINATION OF OFFICE OF ELDER AND CHURCH COUNCILLOR

- 3.3.3 (a) An Elder and a Church Councillor respectively shall relinquish office in the Congregation and cease to be recognised if he or she:
- (i) resigns from the particular office by notice in writing to the secretary of the Congregation;
 - (ii) declines to carry out the responsibilities of the particular office; or
 - (iii) transfers membership to another Congregation.
- (b) If in the opinion of the Church Council an Elder or Church Councillor is no longer:
- (i) conforming to the standards of a member of the Church; or
 - (ii) complying with its discipline (in circumstances other than in Regulation 3.3.3(d)); or
 - (iii) carrying out the responsibilities of the particular office, the Church Council may recommend to a meeting of the Congregation that the Elder or Church Councillor be removed from office and the Elder or Church Councillor shall be removed from office if the recommendation is supported by a determination of a meeting of the Congregation.
- (c) An Elder or Church Councillor who is removed from office by a decision of the congregation, shall have a right of appeal to the Presbytery. The decision of the Presbytery to confirm removal or re-instate the Elder or Church Councillor shall be final.
- (d) If in the opinion of the Church Council there are concerns about the behaviour of an Elder or Church Councillor whether in person or through cyber bullying (with reference to paragraph 1.6 of the Manual for Meetings) the Church Council may refer the matter to the Presbytery Pastoral Relations Committee to determine if the Elder or Church Councillor shall be removed from office. The decision of the Presbytery Pastoral Relations Committee shall be final.