

## **Recommended Policy Statement on Sexual Misconduct for Local Churches of the Baptist General Conference**

### **Purpose Statement:**

As a people who believe strongly in biblical mandates to follow God's will in all things, we affirm that sexual misconduct is morally and ethically wrong. It constitutes abuse of vulnerable people. It represents a misuse of the power and authority given to God's shepherds. It sullies the church's representation of the character of Jesus Christ, and is an abomination to the heart of God. [Cf. Isaiah 42:1-4; Ezekiel 34; Amos 5:21-24; I Timothy 3:1-7; 4:12; 5:1-2; II Timothy 2:24-26; I Peter 5:1-6.]

Baptist polity determines that every local church is an autonomous, self-governing entity. The Baptist General Conference is a voluntary association of autonomous, independent churches, and has no ecclesiastical or legal authority over its member churches. Therefore, the denominational structures cannot dictate or determine the inner workings of the local church. However, in the light of both biblical mandates and legal and financial liabilities faced by all churches in regard to this topic, the Board of Overseers of the BGC recommends to every local BGC church that a policy and structure be put in place to deal with sexual harassment and misconduct.

It is not our purpose to foresee all potential situations or variations, but we intend to provide for the local church the minimal basic elements needed. Laws vary from state to state. Insurance carriers also have varying policy statements to recommend. Each local church should construct a final draft of this statement in a way that fully considers the pertinent local legal and insurance-carrier stipulations. Modifications will be needed in accordance with the church's size and readiness to deal with these issues, especially in small churches. Cooperative policies and resource-sharing structures between small churches would be advisable.

In cases where a local church already has a sexual misconduct policy in place, we strongly recommend that a constructive comparison and modifications be made with this policy statement so as to achieve the utmost effectiveness for your particular church.

### **Definitions.**

1. Theological.
  - a. Scripture clearly teaches that people in leadership of churches should set an example in faith, love, and purity. Any behavior or attitude that is potentially injurious to people under their care is to be avoided, while structures and policies for protection of potential victims is clearly mandated by our scriptural duty to care for each other, build each other up, and to avoid harming each other. In sum, the church should be a safe place for everyone.
  - b. From the standpoint of God's own attribute of justice, any damaging misconduct must be prevented, stopped, and dealt with properly. No entity that calls itself the Body of Christ can neglect to act in behalf of those who suffer wrongdoing under its care.

2. Sexual Misconduct. Any of the following are unacceptable behaviors within our churches or in any setting by approved lay people, ministers, or leaders of our churches:
  - a. Harassment:
    - (1) any act, behavior, language, jokes, or introduction of objects such as posters, pictures, or drawings, and unwelcome physical contact that create for others such discomfort that they cannot function without distress or great discomfort.
    - (2) any communication that explicitly or implicitly offers or invites the exchange of sexual favors for a promise of some advantage the promiser has power to give.
  - b. sexual abuse of a minor;
  - c. sexual violence, where there is actual or attempted rape or sexual contact by force, threat, or intimidation; criminal sexual behavior of other kinds as defined by state law.
  - d. other immoral behavior defined scripturally, e.g., adultery, and other prohibited sex outside of marriage.
  
3. Perpetrator: this term is to be used only after proof of misconduct has been evaluated and decisions made about it. Otherwise, use "the accused" in documentation.
  
4. Victim: this term is to be used only after proof of misconduct has been evaluated and decisions made about it. Otherwise, use "the complainant."
  
5. Allegations. All to be taken seriously. Some levels of evidence are easily accepted as compelling; other levels are much more difficult to so label, and will involve judgment calls. Care should be taken to distinguish honestly the level of certainty in all reports.
  
6. Confidentiality. Since some misconduct immediately becomes a matter of criminal law, confidentiality cannot be absolutely guaranteed, because records of investigations can be subpoenaed by court systems. Nevertheless we must attempt to protect people who would be injured, harmed, or seriously jeopardized by publication of some kinds of information. Once investigations are complete, people in leadership positions need to know enough of the case to make decisions.
  
7. Disclosure. Truth-telling in a grace-filled environment is healthy and health-preserving. However, unnecessary injury by dissemination of some details should be avoided wherever possible. E.g., we can tell a church that a youth worker has become inappropriately involved with a youth, but not give details. Of course, if the "involvement" is criminal behavior, it will become a matter of public record in the criminal process. Child abuse. In many states, it is mandatory for any person in an educational or pastoral role to report suspected child abuse to child protection services. It is not wise--indeed unlawful in some states-- for pastors or church leaders to take investigation of such allegations upon themselves, but rather they should work cooperatively with trained child protection workers. To avoid serious legal repercussions or onerous financial costs, we strongly recommend consulting with your church insurance carrier and local attorney concerning this issue.

[A helpful packet of information to guide churches when child molestation occurs called "Reducing the Risk," written by Richard R. Hammar, J.D., LL.M., CPA, is available. Contact Church Ministry Resources, PO Box 1098, Matthews, North Carolina 28106.]

8. Professional ethics. Any pastor or church staff person who gives counseling, care, or direction to others must recognize that the person who comes for help or guidance is in a dependent position, both by nature of their need, and by nature of the professional's role. Ethical guidelines mandate that the responsibility for safeguarding the dependent person's personal boundaries lies with the professional. Thus, in such situations there is no such thing as "mutual consent" in terms of physical or sexual contact. No matter how the dependent person behaves, the professional stands liable for the safety of that person.
  
9. Prevention. Many abuses or cases of misconduct could be prevented by the following actions on the church's part:
  - (a) Selection and screening: all search committees perform thorough background checks and interviewing of candidates for all pastoral and staff positions, including examination of numerous references, the person's history of financial, sexual, and criminal conduct. Volunteers should also be carefully evaluated when they are working with minors; background checks of newer volunteer workers are helpful and recommended.
  - (b) Education: regular review and updating with all church staff and volunteers of ethical codes, church policies, legal definitions of misconduct, and training concerning sexual harassment; regular education to raise awareness of issues involved should be put on every church leadership calendar. This policy statement in its final form should be made available and accessible to all. Knowing this policy exists will encourage people to trust the church more.
  - (c) Supervision: when involved with counseling, there should be accountability and prayer-partner structures that encourage confidential processing of difficult counseling cases with professionals and/or colleagues, as well as places to discuss affectional or sexual attraction.
  - (d) Personal Awareness: constant effort to be aware of one's own inner feelings and needs, with prayerful and honest processing in order to head off problems, as well as concerted efforts at self-care and spiritual vitality.
  - (e) Precautions: whenever there are minors involved, there should be dual-gender chaperones, or at least two persons, so as to protect both the workers and the children; diapering infants should always be done in the presence of two adults.

### **Investigation of Complaints.**

Let it be known to all complainants and as well as persons involved in the investigation of complaints that every complaint will be taken seriously. Every person involved in the investigatory process must prayerfully and carefully purpose to be as fair, unprejudiced, thorough, and objective as possible. Since cases vary widely in nature and difficulty, it is often necessary to adapt policy to

the particular situation. In cases where the accused has more than one occasion of misconduct, it is advisable that expert consultants can be brought in to deal with them.

1. In churches of about 175 members or more, establish a Misconduct Issues Committee, appointed by the church board, that is gender-balanced and small enough to function efficiently for your size church and the execution of urgent duties. In churches where your population has more than one language group, this committee ought to include bilingual members. The chair of the committee would be designated as chief compliance officer. This person would not do interviewing, but would be responsible to see that the whole process is carried out according to guidelines, due process, and fairness to all parties. Membership of this committee should be rotated reasonably often (terms of three years, e.g.), so that expertise is maintained and passed on.

As stated in the "Purpose Statement" section above, smaller churches (less than about 175 members) will need to cooperate to deal with complaints by putting together policies and structures to manage them. [All the items below would be incorporated into that policy and structure statement.] Even in small churches, the church should publicize and make available this set of guidelines and the proper regional or district person(s) to contact in case of a complaint and how to do that.

2. Screen and train these committee members to make sure they have the maturity and spiritual resources to deal with such difficult material. Avoid appointing people who still have live issues with their own sexual traumas, or have prejudices that might interfere with fairness and ability to hear both sides of an issue. Conflict of interest should be judiciously avoided.
3. Set up forms for complainants to fill out (cf. example attached); all complaints should be made in writing if the complainant is capable of doing so; if not, a carefully prepared victim's advocate could help the person fill out the complaint form, as long as no undue influence over the testimony of the complainant is exercised. If the complaint comes from a minor, county child protection services should be immediately contacted, and given full cooperation with follow-through for the pastoral care of all persons involved.
4. With majority-age complainants, as soon as the complaint is received, the church leaders will seek consultation with legal counsel from their insurance carrier. If desired, guidance from your district executive minister could be helpful. The following elements are important:
  - (a) A dual-gender investigative team should meet with the complainant in private.
  - (b) A well-informed and prepared person to serve as a supportive advocate for the complainant could also be present to hear the process and follow up with the complainant in supportive ways, but not interfere in the process unless he/she feels certain that the process is unfair to the complainant (this advocate should not be a close friend or relative).

- (c) Give the person a copy of the church policy on sexual harassment and misconduct. Make certain the interviewee knows you are taking their complaint seriously, and will give them a fair hearing.
  - (d) Proceed to gently and sympathetically interview the complainant, to ascertain and record data concerning the following data: *dates, times, places, events, actions, relevant communications made and responses to them, and a summary of the subsequent impact upon the well-being of the complainant. The complainant should express what he/she wants done as a result of the complaint.*
  - (e) Once this testimony is received, ask whether there are any other witnesses, their names and locations to be contacted.
  - (f) Once the interview is completed, it ought to be written up stating the facts as objectively as possible and without insertion of the interviewers' personal opinions and the complainant asked to review it and correct any misstatements, sign and date it.
  - (g) This ought to all be done within seven days of being notified of the existence of a complaint.
5. Pursuant to the above, the accused person should be notified, and interviewed as soon as possible by the dual-gender team, with the same attitudes and list of issues as with the complainant.
- (a) The possibility of a supportive advocate for follow-up support is also a good idea at this point, with the same qualifications as for the complainant's advocate.
  - (b) It is best that any accused person who is a paid employee be put on a leave of absence with pay at this time until further investigation is made. Accused volunteers should be suspended from their posts of service.
  - (c) This testimony should also be recorded, verified and signed by both investigators and the complainant after the write-up is finished in an expeditious way.
6. The complainant should be kept informed of the progress and timing of the interviewing with the accused, as well as the steps to be taken by the church leadership thereafter.
7. Depending upon the severity of the accusation, the accused may want to seek legal counsel. Once attorneys are involved, a new character is injected into the process--usually more adversarial. All efforts should be made to keep the present guidelines in effect unless there is dependable, reasonably unbiased legal counsel to suspend them.
8. The two written reports should then be weighed by the sexual issues committee, and a recommendation made to the leadership board of the church.
- (a) The interviewing team and the chair of the Misconduct Issues Committee should all be present at that meeting.
  - (b) It would be judicious that your church insurance carrier legal counsel can be present.
  - (c) The district executive minister could be a real asset as well at this time, if not earlier.
  - (d) The reports should be distributed to the board, with caution that these documents are to be returned immediately after the meeting, and their contents kept confidential, and the papers preserved in a locked cabinet and password-protected computer software.
  - (e) Strategic care should be taken in order to prevent any reprisals or revictimization.

- (f) Some persons accused of such misconduct will strongly demand that they be able to face their accuser(s). This should be permitted only after both sides are carefully prepared so further emotional harm is not done.
9. Since cases vary greatly in nature and implications, the board of the church will need to weigh options with care at this point concerning the level, nature, and seriousness of the accusations. All efforts should aim at credible due process for both sides, and fair adjudication.
  10. The outcome options available to the church body depend upon the seriousness of the case, including any or several of the following:
    - (a) exoneration;
    - (b) short-term disciplinary measures, measures taken to reconcile parties involved if no emotional or physical damage to complainant can be assured; care must be taken to prepare people well for this encounter since emotions are often high, even volatile;
    - (c) permanent termination, with or without severance pay;
    - (d) removal of credentials with notification of denominational authorities of this removal;
    - (e) long-term discipline, with or without suspension, restoration either to fellowship, or to ministry, or both;
    - (f) handing person over to the criminal justice system.

Any of the above decision elements ought to be communicated in writing both to the complainant and the accused. Whatever the end result of the process, your district executive minister should be advised of the outcome.

11. It is important to make sure that all parties, accused and accuser, and their families, receive the necessary follow-up pastoral care as well as offers of counseling, paid for by the church in cases where the perpetrator cannot afford to pay for the victim's counseling. There may be insurance-carrier provisions for this item.
12. In the case that the accused rejects the conclusions of the board of the church, and wants to appeal the case, this can be done by involving the district executive minister and a hearing board formed to re-investigate and hear out all parties. Again, care needs to be taken at this level to make sure no conflict of interest is present in personnel involved, and that no revictimization be allowed.
13. If the perpetrator desires restoration to ministry, and the local church leadership agrees to the initiation of a restoration process, the district executive and the district overseers should appoint a restoration committee, which body would follow guidelines along the following lines: If there is evidence of the following, then there is a possibility restore this person to ministry (though this is debated hotly):
  - (a) there is not an on-going (e.g., two or more events) pattern of misconduct and there is no evidence of this person being a habitual sexual predator or a sexually addicted/compulsive person;
  - (b) repentance for the wrongdoing that motivates the person to change in approach to relationships and sexual issues;
  - (c) revelation in interviews of genuine spiritual sensitivity to the pain and damage caused to others;
  - (d) an evaluation by a Christian therapist experienced in sexual wrongdoing that the person has a high level of insight into the psychosocial-developmental, spiritual and relational

- needs/pressures/problems of life that contributed to the misconduct, how and why they did the wrong, and spiritually and emotionally appropriate motivation for never doing it again;
- (e) cooperative and positive attitude toward entering into an accountability relationship for a period varying from six months to two years in order to demonstrate and maintain personal well-being, relational and marital health, and to maintain clear boundaries with all persons with whom they are relating or to whom ministering.

In addition:

1. In cases where people in ministry have counseling responsibilities, or other opportunities to be alone with and in close proximity to dependent persons, the work they do must be supervised by a counseling supervisor, and accountability given for the best management of inner feelings and responses to people to whom they are possibly attracted.
2. We strongly recommend a thorough-going evaluation by an expert in the field of sexual misconduct by an experienced professional. This evaluation is a separate function from the counseling itself, and to be done by a different person than the counselor/therapist. The results of the evaluation should be passed on to the therapist and the restoration committee. At the end of the two years of probation, a return visit to the evaluator would clarify whether there was transformation of contributing causes and a better management of etiologic (causal) factors. At such time that all signs are positive, re-issuance of credentials can proceed, with the possible need of a public ceremony dedicated to that end. Appropriate announcements should be made through denominational organs concerning people being returned to ministry.

Other related issues:

1. One person should be designated by the Board of the Church to deal with possible media issues and requests. [Cf. Hammer's booklet, named above.]
2. An intervention by a professional with the whole congregation in order to heal their wounds may be quite helpful. There are available guidelines for such an intervention from the Alban Institute, Suite 433 North, 4550 Montgomery Ave., Bethesda, MD 20814-3341.
3. In general, church bodies that have policies and procedures in place, and proactively maintained, are going to be much safer from accusations of negligence of duty, or possible law suits.
4. Because the legal and insurance scenes are in constant flux, it is imperative that church bodies of all levels keep informed and actively seek to maintain their policies and procedures in accordance with the best legal and ecclesiastical guidance. Insurance coverage needs to be frequently reviewed with your carrier, in the light of the fact that insurance companies' policies are constantly being revised. For example, some now deny coverage if the church knows of past misconduct by the accused.
5. It would be wise to obtain and publish copies of the latest relevant state laws with the church's policy.
6. District Executive Ministers and boards will help churches obtain and maintain these legal information data-bases.

Example of Intake form:

Name, address, phone, of complainant, place, time & date of interview, names of known witnesses of the alleged actions, and their addresses, phone numbers, etc., and essential testimony of the complainant, signed and dated by the complainant, name(s) of interviewer(s), and their role in the ecclesiastical structure, along with their own signatures and date of the interview. Important: any testimony recorded by the interviewers needs to be checked by the complainant and all corrections made before this document is used in the next steps. Also important: the interviewers should not insert their own opinion in the document. This is simply a report of the person's testimony, not a document of prejudice.

**Composed and edited by the Task Force on Clergy Sexual Misconduct, under appointment of the Board of Overseers.**

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November, 1995