



RECOMMENDED POLICIES AND PROCEDURES

**FOR CHURCH USE IN THE EVENT OF
MORAL FAILURE**

**ADOPTED BY SOUTHWEST BAPTIST CONFERENCE TRUSTEES
FOR RECOMMENDATION TO THE CHURCHES OF THE SWBC**

Introduction

This policy will assist our church in upholding the highest biblical standards of personal holiness and sexual purity with particular scrutiny given to those who are in positions of leadership, power and influence. As an autonomous self-governing congregation, this policy sets high standards for those who are credentialed, employed, or empowered within the congregation to effect or influence the lives of others. It is our intent, through this policy, to guide the life and conduct of these spiritual leaders motivating them to high levels of personal, moral and sexual conduct and guarding those who have been put in their spiritual care.

This policy also provides procedures for the discipline and/or removal of any leader who violates this high standard, thereby forfeiting his or her right to continue in a position of spiritual leadership. Such order and procedure can provide an environment where complaints are clearly heard and abusers are identified and vulnerable ones protected.

Biblical Foundations

The primary mandate for this policy is the Word of God. Our secondary mandate is the law of civil government. This policy will assist the denomination and churches of the Baptist General Conference in upholding the highest biblical standards of personal holiness and sexual purity with particular scrutiny given to those who are in positions of leadership, power and influence. We believe the Bible clearly condemns those who wander away from this high standard. The Bible warns of the disastrous impact such misconduct will have upon their own person, victims affected and upon the church as a whole.

God's Standard Set

"You shall not commit murder, you shall not commit adultery, you shall not steal, you shall not bear false testimony against your neighbor. You shall not covet your neighbor's wife. You shall not set your desire on . . . anything that belongs to your neighbor." Deut. 5:17-21

"They pour abuse upon things they do not understand; like the beast they will perish, suffering hurt for the hurt they have inflicted. To carouse in broad daylight is their idea of pleasure; while they sit with you at table they are an ugly blot on your company, because they revel in their own deceptions. They have eyes for nothing but women, eyes never at rest from sin. They lure the unstable to their ruin; past masters in mercenary greed, God's curse is on them! They have abandoned the straight road and lost their way." II Peter 2:12b-15 New English Bible

Jesus Upholds the Standard

"Do not think I have come to abolish the Law or the Prophets; I have come not to abolish them but to fulfill them." Matthew 5:17

Apostle Paul Instructs

"Here is a trustworthy saying: 'If anyone sets his heart on being an overseer, he desires a noble task. Now the overseer must be above reproach . . . ' I Timothy 3:1,2a

"Do not entertain an accusation against an elder unless it is brought by two or three witnesses. Those who sin are to be rebuked publicly, so that others may take warning. I charge you, in the sight of God and Christ Jesus and the elect angels, to keep these instructions without partiality, and to do nothing out of favoritism. Do not be hasty in the laying on of hands and do not share in the sins of others. Keep yourself pure. I Timothy 5:19-22

"But now I am writing you that you must not associate yourself with anyone who calls himself a brother but is sexually immoral or greedy, an idolater or a slanderer, a drunkard or a swindler. With such a man do not even eat." I Corinthians 5:11

"Flee from sexual immorality. All other sins a man commits are outside his body, but he who sins sexually sins against his own body. Do you not know your body is the temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought with a price. Therefore honor God with your body." I Corinthians 6:18-20

The Bible mandates the leaders of the Baptist General Conference, pastors, leaders and members of the church as a whole to a standard of moral purity that honors God and is pure and blameless before an unbelieving world.

Assumptions

There are a number of assumptions that govern the development and implementation of these guidelines and policies:

1. Truth is the number one priority. Pain can be a symptom of revealed truth. Efforts to alleviate pain for personal comfort often thwart the revelation of truth.
2. Most offenders will deny allegations until proven. Initial confessions are seldom the whole story.
3. Intervention may require multiple confrontations.
4. Failure to intervene and disclose places the church and denomination in legal jeopardy.
5. Intervention and disclosure must be exercised even if offenses are known to have ceased.
6. The goal of investigation, intervention, disclosure and restoration is not punishment. The goal is truth, wholeness and health.
7. Forgiveness is unconditional. Restoration, however, is conditioned by the perpetrator's responses and behavior over time.

8. The dignity of victims, the families of victims, the church, the perpetrator's family and the perpetrator must remain a top priority, but not at the expense of full and truthful disclosure.
9. The feelings, reputation and career of the perpetrator are secondary to the interests of the victim, their family and the church.
10. God is just. His justice demands that we act appropriately in all cases of misconduct. No entity that calls itself the Body of Christ can neglect to act in behalf of those who suffer wrongdoing under its care.
11. The perpetrator is incapable of acting in the best interests of himself, his family, the church or denomination. Therefore the perpetrator's involvement in the development of disclosure or restoration plans is inappropriate.
12. Scripture clearly teaches that people in leadership 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. The church should be a safe place for everyone.
13. The greater the level of the perpetrator's responsibility/visibility, the broader the disclosure required to discover the potential existence of additional victims and to insure accountability.
14. The President of the Baptist General Conference and the District Executive Minister of the Southwest Baptist Conference agree to be held accountable to implement these policies without regard to personal relationships.

Definitions

1. Sexual Misconduct.

A. Sexual Abuse

Sexual abuse is the subjection of any child or vulnerable adult, by anyone responsible for his or her care, to any sexual act which is in violation of the criminal sexual conduct code.

B. Sexual Harassment

1. Harassment is unwelcome sexual advantages, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct and communication of a sexual nature which is made a condition of employment or is made as a factor in decisions affecting an individual's employment or is creating stress in the employee's work place and is undealt with by the perpetrator and employer after adequate time to take timely and appropriate action.

2. Harassment is the introduction of objects such as posters, pictures, or drawings that create for others such stress that they cannot function without distress or great discomfort.

3. Harassment is any communication that explicitly or implicitly offers or invites the exchange of sexual favors for a promise of some advantage the promisor has power to give.

C. Sexual Exploitation

1. Sexual Exploitation is any kind of sexual interaction between a spiritual or psychological counselor and the client (whether initiated by either the counselor or the client) when the counselor is clearly empowered to be offering help in the client relationship.

2. Exploitation is any actual or attempted sexual contact with a minor; actual or attempted rape or sexual contact by force, threat or intimidation; criminal sexual behavior as defined by law.

D. Homosexuality

Homosexuality is the engaging in sexual relations with others of the same sex. Such behavior is biblically forbidden (Romans 1:26-27, 1 Corinthians 6:9-1, Leviticus 18:22, Leviticus 20:13)

E. Pornography

Pornography is sexually explicit material that appeals to one's prurient interests. The use of pornography is inappropriate in that it tempts one to commit adultery in one's heart (Matthew 5:27-28); can create a dependent fixation on or compulsion with sex; and its production and consumption exploit and demean people created in the image of God.

F. Pedophilia

Pedophilia is the sexual attraction felt by an adult toward a child. Sexual acting out against children is not only a gross violation of the child's body, mind and soul but also grievous offense against God.

2. Financial Improprieties. The misuse or misappropriation of funds not belonging to the individual. Such misuse is not limited to money belonging to the church or individuals within the church. It includes not only overt theft but also securing money, loans or other considerations based on misrepresentation.

3. Addictions. The compulsive bondage to specific behaviors such as gambling, sex, the consumption of alcohol, non-prescription drugs and other mood-altering substances.

4. Professional ethics. Professional ethics are the rules or standards governing the conduct of the members of a profession. Any pastor or church staff person who gives counseling, care, or direction to others must recognize that the person seeking 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, there is no such thing as "mutual consent" in terms of physical or sexual contact. No matter how the dependent person behaves, the professional is responsible for the protection of that person.

5. Perpetrator. The perpetrator is the guilty party. This term is to be used only after proof of misconduct. Otherwise, use "the accused".

6. Victim. A person who is harmed or made to suffer by the actions of another person. This term is to be used only after proof of misconduct has been evaluated and decisions made about it. Otherwise, use "the complainant." Secondary victims include family members of both victims and perpetrators.

7. Allegations. An assertion made by a party, which must be proved or supported with evidence. All allegations are to be taken seriously. Care should be taken to distinguish honestly the degree of certainty in all reports.

8. Confidentiality. Confidentiality refers to statements made with the expectation of privacy. Confidentiality cannot be absolutely guaranteed, because records of investigations are subpoenaable by court systems. Nevertheless we must be sensitive to people who would be harmed by inappropriate disclosure.

9. Investigation. The process by which the facts and the truth are discovered. The early stages of investigation determine the nature and timing of the intervention.

10. Intervention. The process by which the accused is confronted with the accusations and appropriate intermediate steps are taken until such time as judgment can be made based on the facts discovered in the investigation. The appropriate intermediate steps are determined as the investigation process progresses.

11. Disclosure. Disclosure is the revealing pertinent information. Truth telling in a grace-filled environment is healthy. Unnecessary injury by dissemination of details should be avoided.

12. Restoration for the Perpetrator. The process by which reinstatement is addressed.

13. Restoration for the Victim(s). The process by which the renewal of health and wholeness are addressed. Restoration addresses (among other things) freedom from guilt and shame; renewal of ability to see ourselves in God's image; and relational vitality with God and others.

14. Restoration for the Church. The process by which the health and focus of the church are addressed.

Suggested Guidelines and Policies for Churches

A. Who Is Included?

The following people are included under the standards and procedures of this policy:

1. All ordained or licensed people working in the ministry of the church,
2. All ministry staff people employed by the church,
3. All interim staff people functioning under license, ordination or employment,
4. All support staff people employed by the church,
5. All who have been commissioned by the church and are functioning within the local church context,
6. All preschool or day school personnel (administration, faculty, and support staff),
7. All club workers, youth ministry personnel, and supporting staff,
8. All Sunday school teachers,
9. All counselors working on behalf of the church or on the church premises,
10. All volunteers who are working with children or vulnerable adults,
11. All Board and Committee members,
12. Any other people as designated by the church board or pastoral staff.

B. Creating a Safe Environment

We recognize that a perfectly safe environment, one totally free of moral failure is impossible this side of heaven. Yet we believe in intentionally seeking to increase the safety of our church environment through education and screening.

1. Education - Education alone will not prevent moral failure in general or sexual misconduct specifically. Education, however, is important in revealing the compelling biblical mandate for sexual purity, and the personal responsibility for one's sexual growth and maturity. Education informs the church community of the support available from the church should any inappropriate sexual misconduct occur in connection with the ministry of this church. To support its responsibility this church may from time to time arrange programs or training opportunities designating key personnel as being expected to attend. When such educational programs are offered the pastoral staff, youth and children's workers, and others as the senior pastor or church board deems necessary, are expected to attend. Educational programs and materials should address all areas of potential moral failure, such as mishandling of funds, addictive behaviors, drug abuse, etc. Copies of this policy will be distributed to those listed in Section A. (See above)

2. Screening - It shall be the policy of this church to screen ministry staff personnel as well as volunteer workers working primarily with children and youth.

- a) Ministry Staff

In the course of a position search, the pastoral search committee or other responsible board or committee shall in the course of reference checking (Form 1, Appendix A), inquire as to any history of sexual misconduct, financial impropriety, or addiction. Additionally, before a single candidate is presented to the church or an employing board, the responsible committee will have in hand a completed "Authorization to Release Information Concerning Illegal Sexual Misconduct, Financial Improprieties and Addictions" (Form 2, Appendix A). Additionally, our church will contact its regional denominational office inviting them to share any information that may have come to their attention concerning staff currently being considered for employment.

- b) Children and Youth Workers

In the course of recruiting volunteers or paid staff for work with children, youth, or vulnerable adults, the board or committee responsible for such recruitment will request that these workers complete an application for children's, youth and vulnerable adults work. (Form 3, Appendix A) This application will include questions intended to reveal any history of sexual misconduct, financial improprieties or addictions.

C. Responding to Allegations and Instances of Moral Failure

1. Informal Investigations of Complaints - Should an incident of misconduct be reported, it will be brought to the attention of the church leadership. The chair will appoint two additional people to serve with the chair as a Mediation Team. The Mediation Team must consist of at least one woman. The appointees must be people who have the respect of the congregation and the personal and spiritual maturity to respect the confidences involved. In the event that the complaint is against the church chair, the Vice-chair and the Pastor will jointly designate the Mediation Team with the Vice Chair serving as convener. The incident will be investigated immediately according to the following procedure.
 - a) The Mediation Team will present the alleged perpetrator with the complaint.
 - b) Every effort will be made to honor the complainant's request for anonymity. Following a preliminary discussion, the investigation may include a meeting or meetings between the complainant and the alleged perpetrator.
 - i. If it does not, the Mediation Team will meet with the complainant to discuss the content and results of the meeting(s) with the alleged perpetrator and further explore options for resolution.

- ii. In the cases where a meeting(s) between the complainant and the alleged perpetrator occurs, or at any such meeting in the process, each party may be accompanied by an adviser/advocate of his or her choice.
 - c) Following these preliminary meetings, the Mediation Team will continue the investigation in order to determine the merits of the complaint and to attempt resolution. The Mediation Team must maintain confidentiality, protect the rights of all parties, seek to facilitate reconciliation and a remedy in cases where there is merit, and facilitate understanding and protection in cases where there is no merit.
 - d) If in the investigation, the Mediation Team determines that, sexual misconduct or other moral failure is likely to have occurred, they will move the process into a formal inquiry by making a report to the board of the church.
 - e) The Mediation Team will create an official, confidential record of the informal investigation process. This record will contain a statement of the complainant, notes on related meetings and witness conversations, assessment of the findings, and any actions recommended or taken. Whether or not the matter is forwarded to the church board, the chair or the vice-chair will keep a single official record of the incident. An informal investigation will seek to be concluded within 14 days of the reporting of the incident.
2. Procedures for a Formal Inquiry - Any incident that has been informally investigated may be brought to the church board at which point it becomes a formal inquiry. The following steps have been established as a process for the church board to seek resolution in such an inquiry.
- a) The Mediation Team will report to the church board on the informal investigation done in preparation for the formal complaint.
 - b) The chair or vice-chair will notify the church's insurance carrier.
 - c) The church board will inform the church and the district executive minister that a formal investigation into misconduct has begun.
 - d) The complainant shall be asked to submit his or her complaint in writing to the church board explaining the nature of the complaint and the facts upon which the complaint is based. The complainant will also be asked to articulate in this report the relief or action of the board being requested in the situation.

- e) If there is probable cause to believe the alleged claim is substantiated or appears to be substantiated in accordance with the definition of misconduct hitherto presented, the alleged perpetrator may be relieved of all responsibilities in the church and placed on administrative leave pending the outcome of the formal investigation. Such a suspension will be made with pay and benefits unless otherwise determined by the church board.
- f) The Mediation Team will request a written reply from the alleged perpetrator, a copy of which will be forwarded to the complainant.
- g) After having received the alleged perpetrator's response, the Mediation Team will prepare a written report that will include:
 - i. A description of the alleged incident(s) or the issues at stake pursuant to the definitions of moral failure stated earlier in this policy.
 - ii. A description of the evidence supporting or refuting the complaint.
 - iii. A list of witnesses interviewed and their responses.

This report must not contain personal conclusions, or recommendations concerning the allegations.

- h) The Mediation Team shall present a report to the board of the church who will appoint an ad hoc Hearing Board consisting of five members composed of at least two females and two males:
 - i. One member from the constituency of the complainant,
 - ii. One member from the constituency of the alleged perpetrator,
 - iii. Two members from constituencies not represented by the complainant or the alleged perpetrator, and
 - iv. Chaired by a fifth member who is mutually agreeable to the complainant, the alleged perpetrator, the chair of the Mediation Team, and the church board.
- i) Within one week of the Hearing Board's notification and appointment, the Hearing Board will convene.
 - i. Members will be given copies of the complaint, the alleged perpetrator's reply, the Mediation Team's report, and supporting documentation.
 - ii. The Mediation Team may serve as consultants to the Hearing Board relative to issues concerning policy interpretation and definition and to assist with the hearing procedure, including the coordination of the appearance of the witnesses.

- iii. The Hearing Board shall operate in accordance with basic principles of fairness, guaranteeing appropriate due process to the complainant and the alleged perpetrator. Confidentiality through these proceedings will be maintained. Within two weeks, the Hearing Board will complete its hearing, forwarding all its reports and recommendations (including majority and minority reports, if appropriate) to the church chair.
- j) Within one week of receiving the report of recommendation of the Hearing Board, the church chair shall forward the Hearing Board's report to the church board that will consider final action on the complaint.

3. Action and Reporting

- a) Victims of the misconduct may be given remedies designed to restore the complainant to circumstances that existed prior to the misconduct.
 - i. In the case of harassment this might include, but not be limited to, restoration of paid benefits, or position lost, or reassignment to another job supervisor.
 - ii. In the case of sexual abuse or sexual exploitation, the victim and the victim's family may be provided a care plan including, but not limited to, the following: anonymity, the right to privacy, the right to confront the perpetrator, spiritual support, and the offer of professional counseling.
 - iii. In the case of other forms of moral failure, remedies might include restitution, public confession and apology.
- b) Infractions of this policy may warrant disciplinary action including, but not limited to, letters of warning or reprimand, suspension from certain types of ministry activity, mandatory counseling, participation in group accountability sessions, suspension with or without compensation, permanent termination (with or without severance pay), removal of credentials, removal of ordination credentials with notification of denominational authorities of this removal, or handing the person over to the criminal justice system.
- c) The chairman of the board will present its recommendations to the church in accordance with church constitutional procedures.
- d) The chairman of the board will report to the appropriate law enforcement agencies any perceived infractions of criminal misconduct law mandated to be reported by state law enforcement agencies. This reporting is mandated by almost every state in cases of sexual abuse of minors and vulnerable adults.

- e) Either party - the alleged perpetrator or the complainant may make an appeal of the decision resulting from the hearing and the action of the church board to the church board. The only issues that would lead to reconsideration by the church board on an appeal will be:
- i. The allegation of new evidences discovered that were not available at the time of the hearing and if presented would materially affect deliberations of the hearing and church board.
 - ii. Allegations of gross procedural errors in the hearing procedure that materially affected the fairness of the hearing.
 - iii. In the event of an appeal, the church chairman may request the regional denominational minister to assist in the reexamination of the process and an assessment of the legitimacy of the appeal. With the advisement of the regional denominational minister and the review by the church board, the acceptance or rejection of the appeal by the church board will be regarded as a final decision by the church.
- f) An alleged perpetrator will be restored to ministry if the evidence indicates that the complainant's charges are without merit.
- g) In the event that there has been a violation of moral conduct according to this policy, and the perpetrator wishes to be restored to ministry, such restoration will be undertaken by this church only if the following criteria are met.
- i. That there is full confession of the exact nature and extent of one's misconduct to begin and continue a restoration process.
 - ii. That there is no evidence that the misconduct is indicative of an ongoing pattern of sexual misconduct, addiction or financial impropriety.
 - iii. That there is clear evidence of openness and integrity in the process of addressing the charges.
 - iv. That there is clear indication of verbal and behavioral repentance evidenced by the cessation of the sin and the pursuit of Godly behavior.
 - v. That there has been submission evidenced by the full acceptance of the restoration process and subjection to the complete authority of the restoration team. Submission is more than mere compliance.
 - vi. That there is clear evidence of reconciliation, healing and health between the perpetrator, spouse and children.
 - vii. That there has been revealed in interviews a genuine spiritual sensitivity to the pain and damage caused to others by the actions of the perpetrator.
 - viii. That in cases of financial impropriety, restitution be accomplished with appropriate monetary repayment.

- ix. That the perpetrator has undergone evaluation by a qualified Christian therapist experienced in matters related to sexual misconduct, and who recommends the alleged perpetrator's preparedness to reenter the responsibilities of ministry.
- x. That the perpetrator will have completed the above criteria and have evidenced fitness for restoration for a period of at minimum six months to two years.
- xi. When the perpetrator is other than a member of the pastoral staff, the church board will review the process and may recommend that the church restore such person to ministry.
- xii. When the perpetrator is a member of the pastoral staff, a council of ministers be called to recommend to this church that such minister be restored to ministry.

h) The establishment of a Restoration Team

The church board shall appoint a Restoration Team utilizing the following guidelines.

If the perpetrator is a layperson or support staff member, the team should consist of:

- i. The chair and one additional member of the Hearing Board,
- ii. Three members of the church who exemplify fairness, character and strength,
- iii. No less than two members of either gender

If the perpetrator is a member of the pastoral staff, the team should consist of:

- i. The chair and one additional member of the Hearing Board,
- ii. The district executive minister or a designee,
- iii. An ordained person from another church,
- iv. Three members of the church who exemplify fairness, character and strength,
- v. No less than two members of either gender

i) The categories of restoration are:

- i. Restoration to fellowship within the Body of believers.
- ii. Restoration to spiritual and emotional health and wholeness.
- iii. Reinstatement to their previous or a similar position.
Reinstatement to previous or similar position cannot be considered until the first two categories have been achieved. The first two categories are always achievable, depending upon the appropriate response of the perpetrator. Reinstatement of position and

ordination is dependent upon the policies and decisions of the local church. Recognition of ordination is dependent upon the decisions of the Baptist General Conference Board of Overseers.

j) The mediator will keep official and confidential records of all formal inquiries and will advise future ministry employers in accordance with state law. When the perpetrator is a member of the pastoral staff, the mediator will send copies of official and confidential records to the denominational regional headquarters.

k) Restoration for Victim(s)

Steps in the process should include:

- i. Spiritual and Psychological Counseling (as needed).
- ii. Intentional efforts of church leaders to avoid re-victimization during investigation, disclosure and restoration of the perpetrator.
- iii. Intentional efforts of church leaders to acknowledge victimization, value and affirm the person and to include them in the life of the church. These efforts might include appropriate apologies from the perpetrator.
- iv. Monetary restitution (in cases of financial impropriety).

l) Restoration for Church

Steps in the process are:

- i. Spiritual and organizational counseling from district executive minister or other outside consultant.
- ii. Replacement of staff or church leaders as necessary.
- iii. Improve or create systems that contribute to a safe environment for everyone.
- iv. Renew the call for all to live lives of purity and holiness.
- v. Focus or re-focus on the primary mission of the church.
- vi. Monetary restitution (in cases of financial impropriety).

D. Policy Distribution and Maintenance

The vote of the church will put this policy in place. This policy may be amended by the church board in accordance with changes in statutes or judicial interpretations. This policy will be distributed to the personnel who it affects and be made available to the church as a whole.