

Clergy Sexual Abuse Prevention Recommendations for Churches



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A Resource provided by the Clergy Sexual Abuse Task Force
Cooperative Baptist Fellowship & Baptist Women In Ministry

Introduction

A primary goal of the Clergy Sexual Misconduct Task Force is to help congregations better prevent and respond to instances of clergy sexual abuse. In addition to congregational awareness and education, it is important to have sound policies that address practices that may lead to abuse. Of course, policies alone do not prevent abuse, they must be followed. Unfortunately, even best practices may not prevent every instance of abuse. However, a church culture that acknowledges the reality of abuse and takes visible steps to prevent it is critically important.

The following resources should serve as a guide and template for the policies and practices your church should consider. These documents are only a starting place. It is critical that each is edited and adapted by a congregation to fit their context. For a congregation to adopt a policy it is unable or unwilling to follow is legally risky. Should an instance of abuse occur that results in litigation, a church which fails to meet its own standard set forth in an adopted policy is setting themselves up for liability. However, the process of considering and adopting policies to which the church is committed helps to create an environment of awareness and accountability that may help prevent abuse.

The policies below focus primarily on the prevention of abuse of adults. This Task Force was formed, in part, due to the lack of resources to prevent and confront the abuse of adults in churches. There are many good organizations promoting child protection polices and prevention programs. For both child and adult prevention policies

churches should consult with their insurance carrier who may also have resources to help craft effective policies.

Our task force would like to acknowledge and thank those whose work has significantly contributed to this set of resources – Dr. David Pooler, Garland School of Social Work, Baylor University & Task Force member, The Christian Life Commission of the Baptist General Convention of Texas and their Keeping Your Church Out of Court resource primarily authored by Darren Moore of the law firm Bourland, Wall & Wenzel.

The suggestions below are general guidance in nature and do not constitute legal advice. You are encouraged to contact an attorney licensed in your state to review your church's policy.

Elements of this resource:

A Covenant of Clergy Sexual Ethics – a covenant between a minister and the church detailing the expectations of the church and the minister’s commitment to appropriate conduct

Sexual Harassment Policy – a sample policy for the church that defines sexual harassment, established standards of behavior and outlines complaint/reporting procedures

Sexual Misconduct/Abuse Prevention Policy – recommendations for a policy to prevent abuse. Includes guidelines for the recruiting/application process, the supervision of ministers and accountability measures, counseling guidelines, and congregational education.

Reference Contact Release Form/Addendum for Clergy to Employment Applications – these two documents are examples of release forms giving references the freedom to candidly answer questions about clergy applicants.

Guidelines for Church Response to Clergy Sexual Abuse – a detailed document suggesting how churches might best respond to an allegation of abuse

A Summary of the Role of Church Officer(s) in Response to Clergy Sexual Abuse – a brief guide to training and resources for church officer(s) tasked with abuse response.

Clergy Sexual Abuse is a devastating event for the victim and church. Such a breach of trust by a minister often causes people to lose their faith and fall away from the church. How churches react is critical so it is essential to be prepared. Churches

where such abuse occurs are often victims as well. The Task Force hopes this resource is helpful to your church. We sincerely hope it leads to conversation, education and new policies and practices that prevent abuse and promote a safe, healthy environment.

A Covenant of Clergy Sexual Ethics

As a disciple of Jesus Christ, called by God to proclaim the gospel and gifted by the Spirit to minister to the church, I dedicate myself to conduct my ministry according to the ethical guidelines and principles set forth in scripture and this covenant, in order that my ministry may be acceptable to God, my service beneficial to the Christian community, and my life a witness to the world.

As a minister called to serve God and God's people, I commit myself to the following norms of ethical conduct, for which I am accountable to God, to my colleagues in ministry, and to the church in which I serve:

- I will demonstrate sexual integrity in ministry by understanding, respecting, and observing the boundaries of sexual misconduct which include sexual relations outside of marriage, unwanted or inappropriate physical contact, all other sexually oriented or suggestive behaviors such as overt and covert seductive speech and gestures, and the use of pornography.
- I will nurture my physical, emotional, and spiritual health, maintain enriching friendships, and build strong relationships with my family.
- I will develop relationships with God and others that encourage accountability and protect against temptation.
- I will recognize the special power afforded me in the pastoral office by never abusing that power in ways that violate the personhood of another human being, by assuming responsibility for maintaining proper boundaries in church staff/church member relationships, and by acknowledging that the congregant is always in a vulnerable position.
- I will avoid all forms of sexual exploitation and/or harassment in my professional and social relationships, even if others invite such behavior or involvement.
- I will not seek or accept sexual favors.

- I will exercise good judgment in professional and private conduct by avoiding situations which create the appearance of sexual misconduct as decided by the congregation.
- I will assume responsibility to report any reliable evidence of sexual misconduct by another minister to the appropriate person or committee.
- I will submit to the policies and procedures of the church when an allegation of sexual misconduct has been made, recognizing the importance of justice and due process.

As I seek to fulfill my responsibilities as a minister, I will strive to embody servant-leadership in all my relationships and to pattern my life and ministry after the example of Jesus Christ.

_____ Date _____

Clergy Person

_____ Date _____

Authorized Congregational Representative

This covenant is provided by the Clergy Sexual Misconduct Task Force of the Cooperative Baptist Fellowship and Baptist Women in Ministry as a resource for congregations to use and amend as appropriate to the church's context, tradition, and need.

Sexual Harassment Policy

It is important that every congregation establish, publicize, and enforce an anti-sexual harassment policy. Failure to do so means that it would be difficult to establish that a church exercised reasonable care to prevent and correct harassment. The policy should do the following:

- 1) define sexual harassment including quid quo pro and hostile work environment;
- 2) clearly state that such harassment will not be tolerated and will result in immediate discipline;
- 3) describe the proper procedure for filing a complaint of harassment with the church;
- 4) encourage victims to report harassment;
- 5) assure employees that complaints will be investigated promptly;
- 6) assure employees that no one filing a complaint will experience retaliation;
- 7) discuss the disciplinary measures applicable to those who violate the policy;
- 8) assure the confidentiality of all complainants.

The following template meets the above standards. It should not be adopted as-is but adapted for your church context. If possible, an attorney licensed in your state should review the policy prior to adoption. It is substantially based upon a template created by the Baptist General Convention of Texas.

Purpose

All employees of _____ Baptist Church have the right to work in an environment free from all forms of illegal discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. The position of the _____ Baptist Church is that sexual harassment is a form of misconduct that undermines the integrity of the employment relationship.

Responsibility

It is the responsibility of the (personnel committee) and each employee to ensure full compliance with this policy.

Definitions

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Policy

1. No employee shall be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.
2. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.
3. Such behavior may result in disciplinary action up to and including dismissal.

Complaints Procedure

1. Complaints of sexual harassment should be brought to the attention of the personnel committee.

2. The employee is also free to make the complaint directly to any supervisory personnel.
3. Supervisory personnel receiving a complaint of sexual harassment shall immediately contact the personnel committee.
4. After notification of the employee's complaint, an investigation will be initiated immediately by the personnel committee. At the discretion of the committee or by request from an employee, the church may hire an independent investigator.
5. After the investigation has been completed, a determination will be made regarding the resolution of the complaint by the personnel committee.
6. The church will cooperate fully with law enforcement officials in a criminal investigation.

Non-Retaliation

This policy prohibits retaliation against employees who bring, in good faith, sexual harassment charges or assist in the investigation of such charges. Any such employee shall not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of such activity.

Non-Employees

In addition to the above, any complaints of sexual harassment by an employee against vendors or other non-employees who do business with _____ Baptist Church or any complaints by a vendor or other non-employee against an employee of the _____ Baptist Church shall be reported and investigated in the same manner as stated in this sexual harassment policy.

Clergy Sexual Abuse Prevention Policy

A good clergy sexual abuse prevention policy will address the following elements. This is not a complete policy. This resource should serve as a guide for churches who should then adapt to their context and finally adopt a policy that is practicable for their congregation.

Definitions

Clergy Sexual Abuse happens when a person with religious authority uses their role, position, and power to sexually harass, exploit or engage in sexual activity with a person in their care. This can include:

- sexualizing conversations (including telephone, social media, text or email)
- asking for or transmitting unwanted sexual images/text
- touching or hugging people who do not want to be touched
- pushing for sexual involvement
- creating hostility when the person being targeted attempts to set boundaries
- using sexual language and jokes
- pressing or rubbing against a person
- invading personal space

The sexual activity can include but is not limited to:

- touching sexual organs (over or under clothing)
- kissing
- oral sex
- masturbation
- intercourse
- rape.

Clergy Sexual Abuse is about the misuse of power by the perpetrator and the inability of the victim to provide consent because of that power differential.

Even if an individual nominally agrees to some form of sexual interaction, contact or relationship, that agreement DOES NOT constitute consent.

Employment

An important step for preventing clergy sexual abuse happens even before a minister is hired. It is critical that churches do extensive screening of applicants. This is even more important in Baptist and other churches with congregational polity where the ultimate hiring decision belongs to church members, not with an ecclesiastical body with higher authority to assign ministers. Background checks should be routine, but churches must also diligently follow up on all references. The interview process should include hard, specific questions about sexual impropriety. Churches should consider having applicants sign a reference contact release form. Two examples of such a waiver may be found at the end of this resource, one from Kansas and one from Texas which is in the form of an addendum to a ministerial application. This gives the applicant notice that the church will be asking previous employers very specific questions regarding sexual misconduct and provides protection so those employers may speak candidly.

A prevention policy should set forth the procedures that the congregation will go through when recruiting ministers and the application, interview and engagement process. Finally, upon hiring, the new minister and a church representative should sign a covenant of clergy sexual ethics clearly establishing expectations, like the one included in this resource.

Supervision of Clergy

Accountability is necessary to prevent clergy sexual abuse. Each congregation should have in place a personnel policy outlining how each member of the staff will be supervised. This will include regular evaluations or performance reviews.

Because at the root of clergy sexual abuse is an imbalance of power, the congregation should be intentional about the sharing of power. A minister that has too great a control and no checks on their decision making may be more at risk to commit abuse. Ministers should allow congregants to exercise control over church governance and decision making. For many churches this means a strong personnel committee is critical.

Education

Preventing clergy sexual abuse takes participation by an informed congregation. Church members should know they have a role to play in preventing abuse and in holding ministers accountable. Ministers should be trained on how to prevent and respond to abuse. There are many training programs available and the church should encourage attendance and certification. The CBF & BWIM Task Force has produced a basic education video which is intended for the entire congregation. Addressing the issue of abuse from the pulpit and through regular education sends a message to the congregation that abuse will not be tolerated and that members are vigilant for signs of abuse.

A Clergy Sexual Abuse prevention policy will set out what type of training is expected of clergy members as well as expectations for broader congregational engagement with the issue.

Counseling Policy

Clergy should exercise extreme caution when counseling congregants. Senior pastors, in particular, may find that counseling church members creates a dual-role that vulnerable church members find hard to navigate. While crisis counseling may be necessary, pastors should be quick to refer congregants to licensed, professional counselors for mental health counseling or therapy.

Should ministers on staff be expected to provide counseling, they should do so on a spiritual basis and not be licensed by the state. Counselors holding a license from the state may be held to standards that could conflict with demands of a minister.

A clergy sexual abuse policy will address situations where clergy are asked to provide counseling and outline procedures to be used to provide proof that sexual misconduct was not committed during the session. Examples of such procedures include video recording of the session, two clergy members being present, an open door at all times during the session, or the session taking place in a location with glass or windows providing easy visibility into the room.

Reference Contact Release Form

I authorize any references or churches listed in this application or on my resume, or referred to the committee by said references or churches, to give you any information (including opinions) that they may have regarding my character and fitness for working with children, youth or vulnerable adults. In consideration of the receipt and evaluation of this application by _____ Baptist Church, I hereby release any individual, church, youth organization, charity, employer reference, or any other person or organization, including record custodians, both collectively and individually, from any and all liability for damages of whatever kind or nature which may at any time result to me, my heirs, or family on account of compliance or any attempts to comply, with this authorization.

I further state that I HAVE CAREFULLY READ THE FOREGOING RELEASE AND KNOW THE CONTENTS THEREOF AND I SIGN THIS RELEASE AS MY OWN FREE ACT. This is a legally binding agreement which I have read and understand.

Applicant's Signature: _____ Date _____

Witness: _____ Date _____

Addendum for Clergy to Employment Applications

I hereby certify that:

- (1) No civil, criminal, or ecclesiastical complaint or charge for sexual misconduct that may have been lodged against me has ever been found probable, credible, or “guilty;” and
- (2) I have never resigned or been terminated from a voluntary or employed position on the basis of, or due to, sexual misconduct.

This certification is accurate and may be verified by _____ Baptist Church (the Church). I hereby authorize the Church to make any and all contacts necessary to verify this certification, and to confirm the absence of any criminal record or judicial proceeding involving sexual misconduct claims against me. I also specifically authorize all previous employers, agencies, and other organizations, agents or representatives, including law enforcement agencies or judicial authorities, to release any and all requested information to the Church. I understand that the information obtained through those sources may be used to deny me employment from the Church. I agree to hold harmless the Church and all organizations, persons, or entities who provide information from any and all claims, liabilities, and causes of action for the legitimate release or use of any information. I understand sexual misconduct includes but is not limited to a pattern, practice, or scheme of conduct, which may include sexual contact or sexual intercourse, that can reasonably be construed as being for the purposes of sexual arousal or sexual gratification or sexual abuse of any person.

Clergy's Name

NOTARY FORM

Church Response to Clergy Abuse

Allegations of sexual misconduct and abuse by a minister create a crisis for a congregation. A toxic mix of betrayal, anger, fear, power, and sex emerges as church people confront taboo topics among pastors and friends. Most churches and people prefer never to imagine allegations or instances of abuse. A common reflex within churches to relieve emotional pain and protect a beloved institution is to ignore the possibility of, or silence complaints of, sexual misconduct. When a congregation chooses not to speak of clergy abuse it becomes a church where abuse can flourish. But planning a response to allegations of abuse equips a congregation to care for abused people and abusing clergy, their families, and the church.¹

Prerequisites for a church response to clergy abuse

The minimum prerequisites for an adequate response include:

- 1) a comprehensive policy for the prevention of sexual abuse, which includes background checks for employees and volunteers, anti-abuse training at regular intervals, guidelines to protect children and vulnerable populations in the church, and mechanisms for reporting suspected abuse;
- 2) a “code of ethics for clergy” that includes guidelines related to appropriate sexual behavior;²
- 3) a willingness to engage a third-party, professional investigator; and

¹ See “Walls of Silence: Protecting the Institution Over the Individual” from GRACE: Godly Response to Abuse in the Christian Environment (<http://www.netgrace.org/resources/2015/4/9/walls-of-silence-protecting-the-institution-over-the-individual> accessed 11/2/2017)

² See “A Covenant of Clergy Sexual Ethics” included in the CBF “Safe Church” materials. See also Code of Ministerial Ethics from the Church of the Brethren (<http://www.brethren.org/ministryoffice/documents/ethics-in-ministry-relations.pdf> accessed 11/2/2017) and Model Code of Pastoral Conduct from The National Catholic Risk Retention Group (<https://www.virtus.org/virtus/PastoralConduct.pdf> accessed 11/2/2017)

- 4) the identification of church officers who will guide the church's response to clergy abuse, typically Personnel Committee chair, deacon chair, ruling elder, etc. Multiple officers should be identified to ensure adequate response. (See below "Church Officer(s) Role When Someone Alleges Abuse" for recommended training.)

CBF and BWIM offer training, assist with congregational conversations, and provide sample policies to support church learning and planning. Additionally, local sexual abuse prevention organizations and victims' advocacy groups offer training for faith communities on the recognition and prevention of sexual abuse. Congregations who train leaders and teachers, and develop comprehensive policies and codes of behavior, are not only less likely to suffer an abusive minister but are also prepared to respond should abuse occur.

Responding to allegations of clergy sexual abuse

Congregational leaders' first responsibility following an allegation of clergy sexual abuse is to ensure the physical, emotional, and spiritual safety of the person being abused. After safety is confirmed, congregational leaders should quickly inform the church officer(s) identified as responders to abuse. Upon notification of the disclosure of abuse, the responding church officers will:

- 1) ensure mandatory reporting requirements are met;
- 2) inform the complainant of the church response process and inquire if they desire to continue with the report and response process. With an affirmative response, responding church officer(s) will move to step 3. With a negative response, the allegation should be noted and stored in an appropriate file for future reference if necessary;
- 3) report allegations to the Personnel Committee or other appropriate congregational leaders in order to engage the next steps of the process;
- 4) notify the accused clergyperson of the allegation and place them on leave or appropriately restricted duty;

- 5) contract with an independent, third-party to investigate and determine the facts of the alleged abuse; and,
- 6) ensure that the complainant and their family, along with the minister and their family, have adequate emotional and spiritual support throughout the process.

When abuse is disclosed...

To safeguard reported victims and others, reasonable disclosures of abuse should be believed and responded to as true until found otherwise. Church leaders and/or members should act quickly to ensure the physical, emotional, and spiritual safety of the person being abused. Generally, contact between the reported abuser and victim should end, including all forms of communication. Though anonymity may not be preserved throughout the response process, deference should be given to the person experiencing abuse regarding disclosure of identity at the time of allegation.

The initial response of belief followed by prompt action in support of the person experiencing abuse is foundational for the wellbeing of the person and the church. Rapid enactment of the church's response plan limits further harm and demonstrates a commitment to protecting individuals.

Mobilize the Church Response

After the victim's safety is assured the person who received the disclosure of abuse should immediately contact the church officer(s) identified as responders, providing a summary of events and contact information for the person alleging abuse. If the disclosed abuse pertains to a minor or other protected individual, the church officer(s) should ensure that all parties follow local mandatory reporting laws.

The church officer(s) should immediately contact the person alleging abuse to inform them that a response has begun, to summarize the process of response, and determine their willingness to engage this process. If the victim is unwilling to engage the church response process, the allegation should be noted and filed for future reference and the victim referred to supportive services (counseling, etc.). If the victim is

willing to engage the process, the church officer(s) inform church leadership that the response will continue.

With the consent of the person alleging abuse, the church officer(s) will notify the Personnel Committee or other appropriate church leadership (deacon chair, moderator, pastor, or whomever is designated in the church's policy) that an allegation has been received and the response will begin. Initial contact with church leadership does not require notification of parties involved or details of events, merely that the process has begun so church leaders can prepare to play appropriate roles in response.

The accused minister should be placed on administrative leave, or appropriately limited duty, by the Personnel Committee (or other church leadership as described by church policy). The Committee should note that leave / limited duty is not an assumption of guilt but creates space for an adequate investigation into the allegation.

The church officer(s) should contact the church's insurance carrier and legal counsel to inform them of the abuse disclosure.

Engaging 3rd-party Investigation

Following the allegation of abuse to the church officer(s), notification of church Personnel Committee or other leadership, and notification and leave of the alleged offending clergy person, an external organization should be contracted to conduct the investigation into the allegations. Any 3rd-party organization contracted for the investigation should be disinterested from the congregation, able to respond in a timely manner, and equipped to understand the congregation's policies, polity, and response plan. The church officer(s) should seek to ensure that the investigator works in a trauma-informed manner. Typical 3rd-party investigators include licensed private investigators, law firms, or faith-based abuse prevention organizations.

After a 3rd-party investigator is secured, the church officer(s)'s focus may shift to caring for those affected by the clergy abuse. (See below "Caring for Those Affected by Clergy Sexual Misconduct")

The report of the investigator should indicate the credibility of the allegation, establish the basic facts of the abuse, and may make suggestions for employment and/or disciplinary actions. The church officer(s) should inform the appropriate church leaders, the alleged offending clergy, the disclosing victim, and the congregation of the findings.

Caring for those affected by clergy sexual misconduct

The church officer(s) should lead in providing spiritual and emotional care for the accuser/victim of clergy sexual abuse, the offending minister, the families of both accuser and offender, and the congregation as a whole.

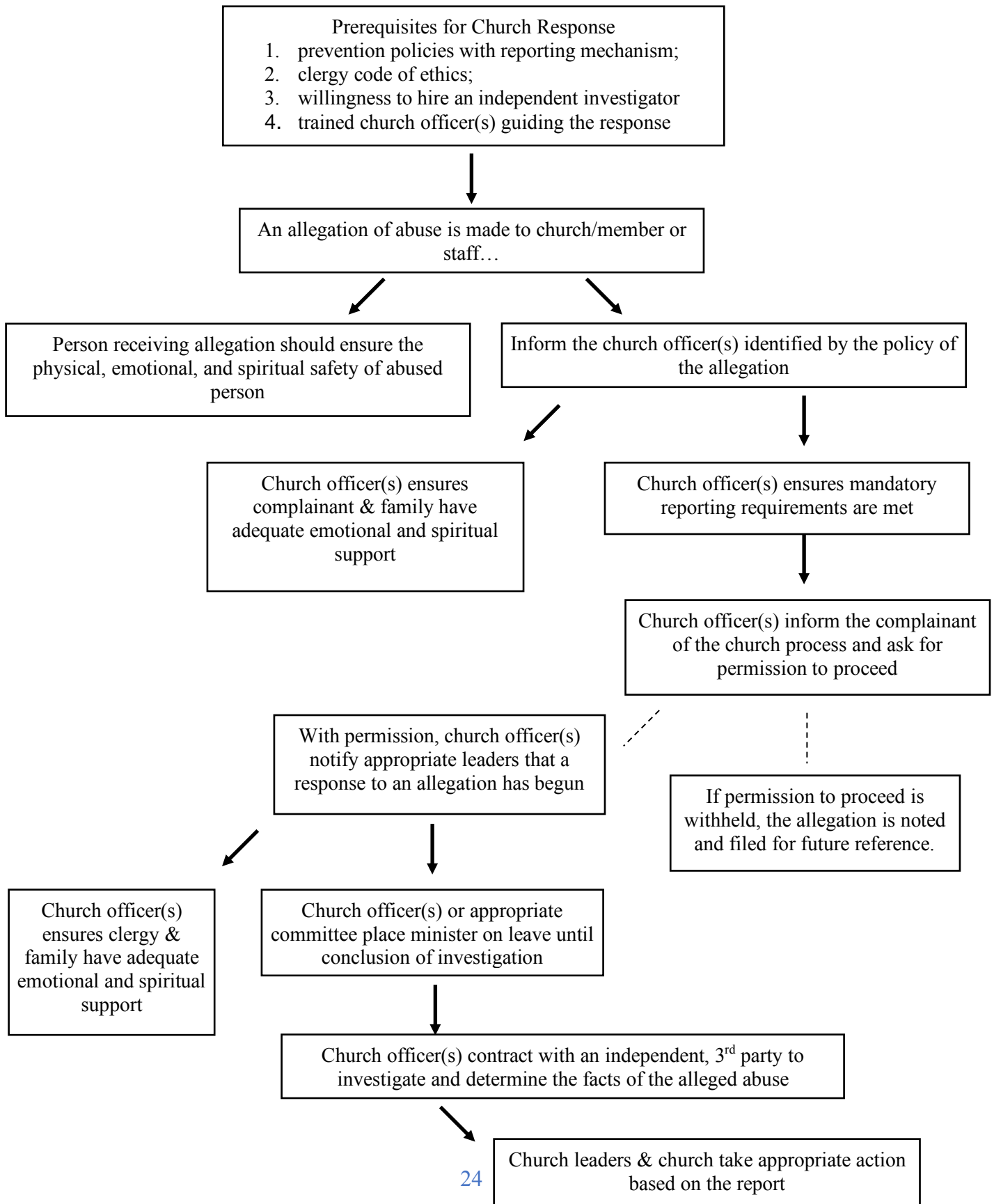
Care for the person who suffered abuse begins with believing the allegation and beginning the response process quickly. Assuring physical, emotional, and spiritual safety is paramount in care for the victim so the abuser should have no access to their accuser. The church officer(s) should lead the church's effort to connect the accuser and their family with professional and/or pastoral counseling, as well as connection to local sexual trauma support services. Additionally, if financial assistance is appropriate and needed, or other forms of support required, the church officer(s) should guide the process between accuser and congregation.

Care for the offending minister and their family begins with a conscientious investigation that is begun quickly by the 3rd-party investigator and carried out with discretion. The church officer(s) should strive to guard the minister from rumors and innuendo by maintaining confidentiality throughout the process and communicating appropriate information at regular intervals. Support for the minister and their family should include the offer of professional and/or pastoral counseling and financial assistance as warranted and appropriate.

Care for the congregation includes the timely release of appropriate information regarding accusations of clergy sexual misconduct and actions taken by the church officer(s) and others. When appropriate, acknowledge the possibility of additional victims and provide confidential means of communication with the church officer(s) for

access to professional and/or pastoral counselors and other support. The church officer(s) should provide to the congregation information regarding local counselors and sexual trauma support services because a pastor's sexual misconduct could "trigger" survivors of other trauma or abuse. The church officer(s) may also recommend to church leadership an interim minister or church health consultants for assistance in the congregation's recovery from abuse.

Visual Summary of Church Response to Clergy Sexual Misconduct



Church Officer(s) Role When Someone Alleges Abuse

The congregation entrusts to the church officer(s) the role of receiving allegations of clergy abuse and securing independent investigators to examine the claims. The church officer(s) should engage the response policies adopted by the church with care to document each step in the process.

The first work of the church officer(s) should be to ensure the physical, emotional, and spiritual safety of the person making an allegation of abuse. Secondly, the church officer(s) must confirm that they, and persons receiving the allegations of abuse, follow all local mandatory reporting requirements. Though policies may vary among congregations, the church officer(s)'s work in response will generally consist of:

- interviewing people with care, discretion, and compassion;
- asking the questions necessary to obtain information;
- securing the services of an independent investigator;
- recommending action to the congregation or other appropriate church body regarding discipline based on the independent investigator's report;
- assisting church leaders throughout the process by communicating with the congregation about the allegation, process of response, and recommendations of the church officer(s);
- providing resources for the spiritual and emotional care of the victim and their family, clergy person and their family, and the congregation.

Training the Church Officer(s)

The church officer(s) tasked with guiding the response to allegations of clergy sexual misconduct should seek training related to understanding the patterns, effects, and responses to abuse. Local sexual trauma services providers, such as rape crisis centers and child advocacy centers, routinely host training sessions for faith groups related to preventing, identifying, and responding to abuse. Several nationwide groups, such as GRACE, The Hope of Survivors, the Faithtrust Institute, Darkness to Light, and

Keeping our Sacred Trust, also provide information related to preventing and responding to abuse. Most of this training is free or very low cost, happens at regular intervals, and is best attended more than once (the emotional intensity related to the subject matter makes comprehension/retention challenging).

The Diana R. Garland School of Social Work at Baylor University conducts research related to clergy sexual abuse and offers resources through their website for learning and response (baylor.edu/social_work).

The church officer(s) should create and maintain contacts for local supportive resources to access in response to an abuse allegation. In addition to the local sexual trauma services providers, church officer(s) should maintain a referral list for mental health and/or pastoral counselors able to assist victims of abuse. The church officer(s) should also be familiar with church insurance providers and legal counsel, local law enforcement, and denominational affiliates for supportive and reporting relationships.

The church officer(s), in conjunction with clergy and lay church leadership, should understand the congregation's leadership structure, governing documents, and processes for staff oversight. When an allegation occurs, the congregation's response policy implemented by the church officer(s) should integrate with the other governing documents so that victims and clergy are assured of a transparent, predictable, and just process.
