



Alabama Baptist Convention
State Board of Missions

Preventing Sexual Misconduct In Your Church

Employment and other laws are constantly evolving, and nothing contained herein should be considered legal advice. The reader should consult the church's attorney before carrying out any of the suggestions or adopting any of the policies contained herein.

Prevent Sexual Misconduct: *Pre-employment*

Check background

- 1) Check references.
 - a) Carefully check at least five references when considering a minister. Check at least three not listed on the resume.
 - b) Excellent reference resources include directors of missions in associations where the minister has served, former staff members who have worked with the prospective minister, and church and community leaders from a former church. Do not contact anyone in the current church unless the prospect tells you to do so.
- 2) Look for gaps in ministry service.
- 3) Conduct an interview.
 - a) Include the spouse in the interview.
 - b) During the interview, secure written permission for criminal background check and credit check.*
 - c) Ask character questions.
 - i) Have you ever been charged with or convicted of a crime?
 - ii) During your ministry, has your moral life been above reproach?
- 4) Conduct a criminal background check and a credit check.

Require a church employment covenant agreement

- 1) Require a ministry candidate to sign a church employment covenant agreement. *
- 2) Place in the agreement conduct expected of the employee, and define consequences for misconduct.
- 3) Include permission to disclose any sexual misconduct.

Suggest a ministerial accountability plan

Encourage the prospective minister to develop a plan of accountability. This plan should include a list of trusted persons to whom the minister would turn for advice and counsel on maintaining integrity in ministry. *

Prevent Sexual Misconduct: *Supervision*

Set rules for counselors and for ministers who counsel

- 1) Put your counseling procedures in writing.
- 2) Offer only short-term pastoral counseling. Develop a referral network of other professionals who provide help beyond the scope of pastoral counseling.
- 3) Limit the length and number of sessions in which opposite-sex counseling is permitted. After the limit is reached, require the counselor to refer the person to another counselor.
- 4) Screen everyone who will be providing counseling. Review their qualifications.

*Samples available at www.alsbom.org/safe or 800-264-1225, ext. 263.

- 5) Consider conducting opposite-sex counseling by telephone. If this is not an option, consider having the counselor's spouse present.
- 6) Conduct counseling sessions only on church premises when others are present in the building.
- 7) All notes and records taken during the counseling session should be secured and kept strictly confidential.
- 8) Refrain from any speech or action that could in any way be construed as sexual or romantic.
- 9) Keep the door to the counseling office open or install a window in the door of the counseling office.

Set rules for youth and children's ministers

Youth ministries are at high risk for sexual misconduct allegations. Youth workers are often closer in age to the teens they work with, they're often unmarried and they spend a lot of time with youth — sometimes off-premises or at overnight activities. You need to establish rigid guidelines for youth ministers and youth activities.

- 1) Plan youth activities in advance of an event.
 - a) Establish a youth ministry team or youth committee.
 - b) No spontaneous "Let's all go to..."
- 2) Ensure that adequate adult supervision is present.
 - a) Two-person rule: Reasonable effort will be made to have two adult workers present, or nearby with preschoolers, children and students during church activities. Reasonable effort will be made to assure that one adult is not left alone with one minor. A husband and wife working the same room will typically be considered as one adult for purposes of this policy.
 - b) Six-month rule: Only adults who have been members of their current church for six months or more may serve as supervisors/chaperones.
 - c) Adults-only rule: Only allow adults age 21 and older as supervisors/chaperones of minors.
 - d) If possible, other than the youth minister, enlist only people age 25 or older as chaperones of minors.
- 3) No dating of minors by youth ministers or other paid or volunteer youth workers.

Establish a Sexual Harassment Policy*

Sexual harassment is a serious form of misconduct that has a devastating effect on employee relations and the life and ministry of the church. No employee - either male or female - shall be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that debilitates morale and that, therefore, interferes with work effectiveness. Such behavior may result in disciplinary action up to and including termination.

Establish a Computer and Internet Use Policy*

*Samples available at www.alsbom.org/safe or 800-264-1225, ext. 263.

- 1) Install Internet filters as a means of limiting access to Internet pornography.
- 2) Place all church computers so that the screen can be seen by anyone walking in the door, whether an individual office, common work area or other location.

Schedule appropriate leave time for ministers and family

- 1) Give appropriate vacation time.
- 2) Have guidelines about how vacation is to be used. Example: Do not use vacation for revivals, etc.
- 3) Require a minister to take one weekday off. The higher priority a minister places on his wife and family, the less likely he will be involved in sexual misconduct.

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Reported Sexual Misconduct: *Response*

***There are three areas of responsibility:
the victim(s), the congregation, and the reported perpetrator.***

The victim(s)

- 1) Plan for immediate attention to the victim(s).
- 2) Assign church members close to the victim(s) to provide immediate and long-term ministry.
- 3) Provide professional counseling support.
 - a) The church should pay the cost.
 - b) The counselor should be one acceptable to the victim.

Note: If the victim is a minor the counselor is responsible to report the incident to DHR.

The congregation

- 1) The pastor should not try to handle the situation alone. He should immediately involve a key leader such as the deacon chairman. This lay leader should become a part of devising a strategy of response. If the pastor is the one accused, this lay leader should lead the process.
- 2) Contact outside resources for advice and counsel.
 - a) Director of Missions.
 - b) State Board of Missions: Office of LeaderCare & Church Administration.
 - c) Legal counsel. An excellent resource is the Center for the Study of Law and Church at Cumberland Law School, Samford University, 1-800- 888-7303.
- 3) Contact the church's insurance company.
- 4) A group of mature lay leaders such as the deacons should be fully informed and given permission to help dispel rumors.
- 5) Inform the congregation, if deemed necessary.
 - a) Tell the truth, not necessarily details and names.
 - b) The congregation should never be misled or misinformed.

The reported perpetrator

- 1) Inform the accused person of the allegations.
- 2) Inform the accused of the process to be followed.
 - a) During the time of investigation, the accused should temporarily step down from the position.
 - b) If the person is a church employee, there should be full compensation during the time of initial investigation.
 - c) If there is a confession of wrongdoing or credible evidence, the perpetrator should be given the option of publicly confessing and resigning (such as in a letter).
 - d) If the person refuses to resign, he/she should be told of the process of dismissal.
- 3) Severance pay should be considered for the sake of the family. They are secondary victims.

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“Reducing the Risk II resource kit”: James Cobble, *Church Law and Tax Report*,
www.reducingtherisk.com.

Conducting a Criminal Background Check

Why is it necessary to conduct a background check on your church workers, employed and volunteer? Simply answered, “What you don’t know can hurt you!” Certainly churches need to protect themselves from lawsuits (negligent hiring, negligent retention, negligent referral), but much more importantly churches must protect its members and guests, especially children and minors. The
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general assumption is that the church should know about previous behavior before hiring employees and enlisting volunteers. Background checks are an important tool for meeting this assumption. Churches are encouraged to conduct a background check before putting people – even volunteers – to work in sensitive areas, such as with preschoolers, children and youth. What should be done?

1) Receive written permission from the worker granting authorization to conduct a background check. A standard authorization form is available from the State Board of Missions' Office of LeaderCare and Church Administration.

2) Select a background reporting agency to run the check. Listed below are several companies that provide such a service. Discuss with the selected company costs, coverage and application forms.

- **Department of Human Resources:** A child abuse/neglect report through DHR is free. Contact your county DHR or the state at 334-242-1425.
- **Employment Screening Services:** <http://www.es2.com/default.asp?ID=18> or 1-866-859-0143
- **Lifeway Stores:** www.lifewaystores.com/backgroundchecks
- **ScreenNow:** www.screennow.com or 1-800-853-2414
- **Single Source Services:** www.singlesourceservices.com or 1-800-859-0143
- **Volunteer Central:** www.churchvolunteercentral.com or 1-800-267-9040

Upon receiving the report, handle the information provided with extreme confidentiality. Only those requesting the background check should be allowed to see the information.

Authorization for a Background Check

I hereby authorize the

_____ (please print church name)

to conduct a background check(s) for employment purposes. I understand that this may include criminal, credit and/or motor vehicle checks.

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Name: _____ Last _____ First _____ Middle _____

Other names used (if appropriate: maiden name, prior married name, etc.)

Date of birth _____ Social Security Number (for employment purposes only) _____

Driver's license number _____ State _____

Address _____

City _____ State _____ Zip _____

I agree to sign any other authorization required by this church in order to perform a background check.

Signature _____ Date _____

Minister's Accountability Plan

Introduction

One of the initial steps in the prevention of clergy sexual misconduct is for ministers to recognize that all ministers are subject to temptation. They must deal with these temptations.

One way of guarding integrity is through accountability groups. Accountability groups are small groups that meet regularly to hold each other to high standards of character.

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The purposes of accountability groups

- 1) To help the minister recognize his own susceptibility.
- 2) To locate and acknowledge warning signs for the minister.
- 3) To help establish boundaries for the minister.
- 4) To warn the minister if he is becoming too personal with someone.
- 5) To question the minister about relationships, such as scheduling a meeting or riding in a car alone with a person of the opposite sex.

Considerations in initiating an accountability group

- 1) Should the group include any of his own congregation?
- 2) Is there a regular time for meetings?
- 3) Should the congregation be aware of the accountability group?
- 4) Is confidentiality assured?
- 5) Is the group to provide support for each other or just one person?
- 6) How large should the group be?

Possible format for an accountability group

- 1) Minister meets with three laymen from his church one Wednesday night a month. They could be the *family accountant*, the *family investment broker* and the *family lawyer*. They do not function in these roles, but their special knowledge of the family will help. A fourth person could be added as a *health/fitness* person.
- 2) Minister meets once a month with a spiritual mentor. This could be a minister from his own denomination or from another denomination.
- 3) Minister schedules a weekly or monthly meeting with the entire family to discuss family matters of all kinds.
- 4) Minister discusses with his wife daily the importance of a good, faithful marriage. He should report to her any possible attempts on his integrity.

Conclusion

Knowledge and open communication between both mates in a marriage makes them one instead of two.

A Covenant of Ministerial Ethics

As a minister called of God to serve this church, I commit myself to these ethical practices:

I will continuously cultivate my relationship with the Lord that I may grow more and more into the image of Jesus, my Savior and Lord.

I will conduct myself in a way that exemplifies the gospel I preach, demonstrating what it means to be a Christian.

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I will nurture strong relationships with my family.

I will develop relationships with friends and colleagues that will help hold me accountable for proper behavior.

I will demonstrate sexual integrity in ministry by observing these forbidden boundaries:

- Sexual relations outside marriage.
- Unwanted or inappropriate physical contact.
- Improper behaviors such as suggestive speech, either verbal or written.
- The use of pornography.

I will submit to the church-adopted policies and procedures for responding to an allegation of sexual misconduct. If I am guilty of such misbehavior, I will confess and resign. If there is credible evidence of misconduct, I will resign. I will permit full disclosure of information to be made to the deacons or a comparable authoritative body which could include the congregation. Further, I will accept that factual information will be revealed to inquiring churches considering me as their minister.

Signed: _____

Dated: _____

Sexual Harassment

Definition: Unwelcome sexual advances, requests for sexual favors, and other verbal or 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

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- 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.^{1,}

Purpose

The purpose of this document is to define the policy of the Sample Baptist Church, that all employees have the right to a work environment free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment.

Policy

The church's position is that sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee - either male or female - shall be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale and that, therefore, interferes with work effectiveness. Such behavior may result in disciplinary action up to and including termination.

Policy implementation

It is the responsibility of the pastor, ministers and ministry associates to make sure the organizational component for which each is responsible is in full compliance with this policy. Employees who have complaints should report such conduct to their supervisors. If this is not appropriate, employees are urged to report to and ask the assistance of the pastor. It is the responsibility of the pastor to provide guidance, investigate charges of impropriety and recommend appropriate action. All claims must be thoroughly investigated.

Complaints procedure

- 1) Employee
Complaints of sexual harassment should be brought to the attention of the supervisor unless the alleged harasser is the employee's supervisor. In such cases, the employee should feel free to bypass the supervisor and take the complaint directly to the pastor or either the personnel committee, deacons or other governing body.
- 2) Supervisor
After notification of any employee's complaint, the supervisor will immediately contact the pastor unless the alleged harasser is the pastor. In such cases, the supervisor should feel free to bypass the pastor and take the complaint directly to the personnel committee, deacons or other governing body.
- 3) Pastor
After notification of any employee's complaint, the pastor will immediately contact the personnel committee, deacons or other governing body.
- 4) Process
 - a) After notification of the employee's complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint. The pastor will initiate and the personnel committee, deacons or other governing body will have the primary responsibility for the investigation.

¹ (EEOC 29 Code of Federal Regulations 1604.11)

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- b) After the investigation has been completed, a determination will be made regarding the resolution of the case by the personnel committee. If warranted, disciplinary action, up to and including termination, will be taken.
- c) If no action is warranted, then both parties will be informed that the facts did not substantiate the allegations. In this situation, steps must be taken to facilitate both parties continuing to work with each other.

Non-retaliation

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

Non-employees

In addition to the above, any complaints of sexual harassment by a member against an employee or by an employee against vendors or any other non-employees who do business with the church should be reported and investigated in the same manner as employees.

Sample Baptist Church Computer Network and Internet Access Sexual Misconduct Policy

Disclaimer

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk, and Sample Baptist Church is not responsible for material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at Sample Baptist Church is governed by the following policy:

*Samples available at www.alsbom.org/safe or 800-264-1225, ext. 263.

Permitted use of Internet and church computer network

The computer network is the property of Sample Baptist Church ("Church") and may only be used for legitimate business and ministry purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain employees ("Users") may also be provided with access to the Internet through the computer network. All Users have a responsibility to use Church's computer resources and the Internet in a professional, lawful and ethical manner. Abuse of the computer network or the Internet may result in disciplinary action, including possible termination, and civil and/or criminal liability.

Computer network use limitations

Prohibited uses

Church's computer network may not be used to disseminate, view or store pornographic text or images, or any other unauthorized materials. Employees may not use Church's Internet connection to download games or other entertainment software (including screen savers) or to play games over the Internet. Additionally, you may not use the computer network to display, store or send (by e-mail or any other form of electronic communication such as bulletin boards, chat rooms, Usenet groups, etc.) material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise inappropriate or unlawful. Furthermore, anyone receiving such materials should notify their supervisor immediately.

Illegal copying

Users may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of church.

Communication of confidential and/or personal member information

Unless expressly authorized to do so, User is prohibited from sending, transmitting or otherwise distributing confidential and/or personal member information, data or other confidential information belonging to Church. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal laws.

Duty not to waste computer resources

Accessing the Internet

To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to Church's network must do so through an approved Internet firewall or other security device. Bypassing Church's computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to Church's network.

Frivolous use

Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the User must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending unauthorized mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, uploading or downloading large files, accessing unauthorized streaming

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audio and/or video files or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

Virus detection

Files obtained from sources outside Church, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses which may damage the Church's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders or use disks from non-Church sources without first scanning the material with Church-approved virus checking software. If you suspect that a virus has been introduced into Church's network, notify Church immediately.

No expectation of privacy

Employees are given computers and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using Church's computer equipment. The computer network is the property of Church and may be used only for Church purposes.

Waiver of privacy rights

User expressly waives any right of privacy in anything he creates stores, sends or receives using Church's computer equipment or Internet access. User consents to allow any Church personnel access to and review of all materials created, stored, sent or received by User through any Church network or Church Internet connection.

Monitoring of computer and Internet usage

Church has the right to monitor and log any and all aspects of its computer system including, but not limited to, monitoring Internet sites visited by Users, monitoring chat and newsgroups, and monitoring file downloads and all communications sent and received by Users.

Blocking sites with inappropriate content

Church has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

Acknowledgement of understanding

I have read and agree to comply with the terms of this policy governing the use of Sample Baptist Church's computer network. I understand that violation of this policy may result in disciplinary action, including possible termination and civil and criminal penalties.

*Samples available at www.alsbom.org/safe or 800-264-1225, ext. 263.

Signature

Date

Printed name

***Samples available at www.alsbom.org/safe or 800-264-1225, ext. 263.**

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