

Handling Allegations of Sexual Misconduct Within the Church

A PBBA Discussion Guide

Introduction:

The terms “inappropriate” and “misconduct” are growing in their usage within the American culture, for individuals’ relationships and for organizations, both religious and secular. The changes in definitions of sexual norms and behaviors, the pursuit to identify group norms while possessing personal relative truth, and the expanded platforms for sharing concerns through social media are a few of the causes. Consequently, the sexual revolution and incessant vibrations of the moral pendulums have also affected the church. A healthy church cannot “put their head in the sand” and function as mere observers. To faithfully apply being “right in the ideas of God and man” (2 Cor 8:21) is growing in complexity and to do so in a fitting and orderly way (1 Cor. 14:40) even more so.

This document is designed to be a discussion guide for Pastors and churches to use for such a complex day of ministry. Because cultural moral norms of the day are generally individual and relative, not necessarily biblical, perception has become the loudest reality. As such, this tool is not intended to be exhaustive and comprehensive; rather, a coaching guide whereby the pastor and/or church can answer according to each unique circumstance and their own ministry context.

When matters of uncertainty arise, it is highly recommended that the pastor and/or church seek godly legal counsel early rather than delaying (even if using hypothetical examples in your sharing so to protect confidentiality). Last but not least, the handling of allegations of sexual misconduct must be handled in prayer and in a plurality of people. Decisions should be made within a group context for the protection of each individual decision maker, the reputation of the church, and the biblical urging for finding “wisdom in many advisors” (Prov. 11:14). All involved in responding to any allegation must continually seek God in prayer and through His word during the entire process.

Case Study:

It was 10am on Monday morning when Pastor Brown received the phone call. It was Jane Smith, an attender of one year at the church Pastor Brown had pastored for eight years. She called to let him know she was considering calling the police because of the behavior Mike Smith, the church’s director of music ministry, had repeatedly displayed to her.

She shared that Mike had been welcoming to her when she began attending the church but began to display signs of affection. It seemed that Mike always made a point to greet her with a lingering hug, frontal and not a side-hug. She was at first dismissive of his actions because Mike was married, and he seemed to just be a nice guy. But his forward actions did not stop there. During the last two fellowship meals Mike briefly groped her, once while helping her unload her car to take dishes into the Fellowship Hall and the second when he was showing her how to check-in people who had signed up to attend. Ms. Smith asked a female friend who had been a member of the church for several years if she was just being over-sensitive. Her friend replied the behavior was “Mike being a guy” and didn’t really mean any harm. But it disturbed Jane, it was repetitive and her actions to try and create some distance with Mike were not working.

She was hesitant about going to the authorities because Pastor Brown had recently finished teaching through the book of 1 Corinthians and wandered if her situation applied to the sermon he preached months ago from chapter 6 and suing other believers. Thus, Pastor Brown’s response would influence her next step. What should he do?

Guiding Questions | List Version:

1. Who in the church is appointed to handle (e.g. investigate, document, report) allegations of sexual or inappropriate misconduct?
 - a. It is advisable that the church appoint a Sexual Allegation Response Team (SART) to handle church allegations (the process to “appoint” can be handled by the entire church or by an administrative team of the church). Further, if the allegations involve someone who serves on the SART, a replacement team member should be appointed and the individual who is a party in the allegation should recuse himself/herself?
2. Has the SART met separately with all individuals involved, documenting their remarks as to the details of the allegation and praying with them?
 - a. It is encouraged that the individuals review and sign off on your written remarks/summary.
3. What resources (insurance case manager, legal counsel, document resources, etc.) are provided by my insurance company, the PBBA, and/or Convention, that can guide our church through this allegation?
4. Based off of the counsel from the church’s legal counsel and/or insurance case manager, does the allegation meet the criteria of misconduct and/or inappropriate behavior as defined by state/federal law?
 - a. If “no”, reply to the individuals involved that you have investigated the matter through outside counsel and will not pursue further legal action but will work to repair fellowship through policy, training, and internal staff/church discipline.
 - b. If “yes”, reply to the individuals involved that you will be turning this matter over to outside counsel (legal and risk management) to guide next steps in relation to the individual(s) (e.g. legal recourse) as well as meeting with SART and other church leaders to determine next steps in relation to the church (e.g. church discipline).
5. What statement (or statements) needs to be prepared? Who will be the spokesman?
 - a. ...when questions are asked privately by individuals not involved in allegation
 - b. ...when questions are asked in a public gathering (ex. church business meeting)
 - c. ...if requested by media
6. What ministry needs to be extended to the families affected by these allegations? Who needs to handle this ministry response?
7. What lessons have been learned from this situation that could inform potential changes to identified systemic issues within our church. (Note usage of “systemic” vs. “situational” as it is not always necessary to give a long-term solution to a short-term problem).
8. Who will be responsible for assembling the documents, correspondence, and files related to this situation, including outcomes decided by the church, and where will those files be secured?

Guiding Questions | Defined

1. Who in the church is appointed to handle (e.g. investigate, document, report) allegations of sexual or inappropriate misconduct?

- a. It is advisable that the church appoint a Sexual Allegation Response Team (SART) to handle church allegations (the process to “appoint” can be handled by the entire church or by an administrative team of the church). Further, if the allegations involve someone who serves on the SART, a replacement team member should be appointed and the individual who is a party in the allegation should recuse himself/herself?**

“It will never happen here.” Those words, while hopefully true, can be unwise. We are in a morally broke and sinful world. Toward that end, Satan will use all means to get a foothold into your church. And while you do not currently foresee someone in your church bringing an allegation, it only takes one person (new or current) to change that assumption. The framework our culture, though unsound, is “perception is reality” and “guilty until proven innocent”. Consequently, your church needs to be prepared if an allegation does visit your door.

It is recommended for your church to identify who will handle any allegations that come to the church. While your church might not proceed to formally appoint a standing team, it is recommended to identify what leadership roles will be represented on the team should the need arise (ex. Pastor, Deacon Chair, Personnel Team Chair) or what team or committee will have the responsibility to appoint a team (ex. Deacons, Church Council).

This team (Sexual Allegation Response Team - S.A.R.T. or whatever you choose to call it) should be comprised of spiritually mature individuals who are able to maintain sensitive information in confidentiality. If these qualities are not in place, a small allegation can develop unnecessary damage and ramifications because they were not handled wisely and maturely by trusted individuals. It is imperative that all members handling an allegation are able and willing to follow biblical principles and legal requirements to the glory of God and to avoid sweeping items under the rug to protect the reputation of an individual or group. Further, those tasked with forming the team should know the process for appointing a replacement member should an allegation involve someone predetermined to be on the team.

2. Has the SART met separately with all individuals involved, documenting their remarks as to the details of the allegation and praying with them?

- a. It is encouraged that the individuals review and sign off on your written remarks/summary.**

Hearing both sides of the allegation is imperative before you rush to judgment, make follow-up actions or formulate a responsive decision. Proverbs 18:17 says, “The first to plead his case seems right, until another comes and examines him.” Because of the seriousness of allegations, great care must be taken to ensure the best of communication. As such, receiving and responding to allegations via text or social media must be avoided. The best method is a face to face meeting (with a witness in the room), and the second would be by way of telephone (again with a witness in the room with you).

The SART member(s) listening to the allegation must do so in a manner that conveys concern while avoiding a rush to take a particular side and draw a conclusion. During the initial interview, care should be taken to gain all the details of the allegation. Thus, not just “get the gist”; rather, get the details. Throughout this initial meeting, routinely respond, “what I hear you saying is...” and then repeat back what was heard and take a moment write it down. At the end of this initial meeting, have the individual read and sign the “allegation summary statement” that has been written and have both the team member and person bringing the allegation sign it so that there is agreement.

If the individual asks, “what are you going to do about this?”, the team member should reply that they will gain a response from the person(s) involved and bring the matter to the church’s SART. That team will decide next steps and inform the individual within the next ___ days (it is recommended that a response be given within no more than five days.).

The next interview should be with the person(s) the allegation is made against. Following the same steps as in the interview with the alleging individual, have him/her respond to the allegations, in general and in detail, document their remarks, and then ask them to sign your summary statement.

It is this combined summary statement from both the person making the allegation and the person who the allegation is made against that will be used as a guide when seeking outside counsel (e.g. insurance, legal, etc.)

3. *What resources (insurance case manager, legal counsel, document resources, etc.) are provided by my insurance company, the PBBA, and/or Convention, that can guide our church through this allegation?*

Should an allegation arise, you don't need to walk through it alone. Scripture is clear of the wisdom found in many advisors (Prov. 11:14, 15:22). Your appointed team (SART) may or may not be competent in federal, state and local law or be skilled to handle the potential publicity an allegation may bring. Fortunately, you as a Southern Baptist Church have several resources at your disposal.

- a. Prayer – do not underestimate the most powerful resource at your disposal, prayer. This allegation, while physical in reality, has a spiritual component at its foundation. As such it is imperative that those involved in the situation deal on a spiritual level as well – through prayer. The weapons used to fight a spiritual war must be spiritual in nature; thus. Pray. Let the peace of God stand guard in front of your heart and mind and guide you into all truth.
- b. Insurance case manager – A church's insurance company will have a risk manager that is able to "hold the hand" of a church walking through an allegation. This person is able to guide the team (SART) step by step, ensuring that the allegation is handled in a manner that is right both in the eyes of God and the state. After all, the insurance company is the one responsible for managing a church's risk exposure and would be required to pay, at least in part, should the church be found liable. On a connected note, it is imperative that your church have a "sexual misconduct" clause within their overall church insurance policy, covering both staff and volunteers. Please review your current policy and contact your insurance company if this needs to be added.
- c. Legal counsel – legal counsel will be an essential resource in dealing with an allegation. Should your church have a lawyer in the congregation (particularly a lawyer within the field pertaining to the allegation), that individual could be brought on to the team as an advisor. The allegation could then be shared with the lawyer, shared either from a hypothetical position or disclosing the real facts yet insisting on confidentiality. Additionally, your local Baptist Association and state convention have legal counsel that can give guidance.
- d. Document Resources – Pre-developed policies can be most helpful when walking through an allegation. Emotions usually run high after an allegation is made and thinking can become cloudy. Pre-developed policies will be a map that the team can follow to ensure all facets of the allegation are addressed in a fitting and orderly way. Additionally, should an allegation proceed to a formal legal response, investigators will look to see if the church followed their own policies and did their due diligence. If your church has such a policy, be sure those on your team have quick access. If your church does not have such a policy, contact your local Association or your church's insurance provider for a template.

It is recommended that the person receiving the allegation and/or SART not delay in seeking counsel. Delaying, hoping the resolution will come without further any action can turn a "crack" in your ministry context to a "sink hole." Wise counsel can help you repair your ministry "crack" and move those involved and your church toward healing.

4. *Based off of the counsel from the church's legal counsel and/or insurance case manager, does the allegation meet the criteria of misconduct and/or inappropriate behavior as defined by state/federal law and/or church guidelines?*

- a. *If “no”, reply to the individuals involved that you have investigated the matter through outside counsel and will not pursue further legal action but will work to repair fellowship through policy, training, and internal staff/church discipline.*
- b. *If “yes”, reply to the individuals involved that you will be turning this matter over to outside counsel (legal and risk management) to guide next steps in relation to the individual(s) (e.g. legal recourse) as well as meeting with SART and other church leaders to determine next steps in relation to the church (e.g. church discipline).*

By this point you have interviewed all involved in the allegation, written “allegation summary” statements for each participant, of which they have respectively signed, shared your statements with outside counsel and have received recommended next steps.

- a. If the outside counsel responded that the allegation *does not* warrant further action, their response should be noted. Further, the individuals involved in the allegation should be immediately notified. Next, a statement/response should be prepared should this allegation be brought up in a “business meeting” or other gathering of the church. (Sample response: “This allegation was brought to our attention. A team interviewed those involved, documented their statements and sought outside counsel. It was determined that no further action was warranted; however, we are taking internal steps to review changes we might need to make as a church as well as repair any broken fellowship that may have occurred.”)
- b. If the outside counsel responded that the allegation *does* warrant further action, their response should be noted. If the outside counsel who recommended further action is warranted was made by an insurance case manager, it is recommended that legal counsel be sought as well to ensure analysis agreement.
- c. If outside counsel is warranted, their recommended steps should be followed. Actions steps could be, but are not limited to:
 - a. Instructing the person making the allegation to contact the police or other reporting agency to file a formal complaint. (At this point the church will graciously work with the legal authorities for proper compliance.)
 - b. Notify parties involved of current steps that are being taken.
 - c. Informing church staff members, team or committee overseeing personnel, if allegation involves a member of the church staff, or informing the appropriate ministry director, if the allegation involves a volunteer, to determine if the individual who the allegation has been made against will need to be removed from their position, albeit temporarily, while the process of responding to the allegation is occurring.
 - d. Informing the church insurance company that formal action has been taken regarding an allegation made concerning the church.

5. *What statement (or statements) needs to be prepared? Who will be the spokesman?*

- a. *...when questions are asked privately by individuals not involved in allegation*
- b. *...when questions are asked in a public gathering (ex. church business meeting)*
- c. *...if requested by media*

Though your church desires for the matter concerning the allegation to be handled privately, the matter often finds its way to the public stage. The church must be ready. The church must remain focused in order to declare the glory of God even through the darkness of the present circumstance. The team (SART) should determine who will be the spokesman for the team and then determine if this same individual will also be the spokesman for the church, unless legal counsel encourages otherwise. For example, the appointed spokesman might speak for the team to the pastor, and the pastor might speak for the church to the congregation and media. Conversely, the spokesman could be asked to speak for the team as well as to the congregation and to media. This is most often the case if the spokesman is also the pastor, but not necessarily.

Whoever speaks, it is wise to have a pre-written statement that is agreed upon by the team (SART). The spokesman must not speculate or guess; rather, only state facts that are pertinent for the matter at hand and not determined to remain confidential.

6. What ministry needs to be extended to the families affected by these allegations? Who needs to handle this ministry response?

Allegations emerge from brokenness and can incite further brokenness. It is imperative that the church not only handle the circumstances surrounding the allegation but also the emotional and relational damage, directly and indirectly, by participants and observers, that can occur. Toward that end, individual counseling should be offered to those participants. Further, a plan for prayer needs to be a motif through this situation so that peace, guidance, and healing that only the Holy Spirit can provide can emerge. Lastly, the church at large needs to be addressed. The pastor, or other appropriate designee, should select the best setting where the matter can be properly discussed in a solemn setting (regularly scheduled gathering or specially scheduled gathering for church members). Church leadership needs to meet ahead of time to plan the gathering. Recommended elements: the scope of the subject matter, the format for receiving and responding to questions, a time for prayer, and a word of biblical encouragement.

7. What lessons have been learned from this situation that could inform potential changes to identified systemic issues within our church. (Note usage of “systemic” vs. “situational” as it is not always necessary to give a long-term solution to a short-term problem).

Mistakes happen. Sin occurs. But we must also learn from them so that we do not repeat them. As the situation is drawing to a close, the team (SART) should evaluate what lessons have been learned. By reviewing the notes made during the process, action steps should be written that can be recommended to the church for their consideration. Those action steps should then be forwarded to the pastor, appropriate team/committee, or presented in the time church considers new business.

Great care must be taken in this process so that any response is proportional and appropriate. For instance, if one adult was found to be at fault while on a youth function, that is not a cause to cease having a youth ministry (that would not be a disproportional response). Further, an appropriate response would evaluate if an existing policy was not followed and needs to be reviewed, or if a needed policy is absent and needs to be written. There are times when the church has prepared itself organizationally, administratively, spiritually and handled itself in a fitting, orderly, and holy manner. And though an offense has occurred, the church can have peace knowing that they did all they should and could.

8. Who will be responsible for assembling the documents, correspondence, and files related to this situation, including outcomes decided by the church, and where will those files be secured?

When the entire situation is concluded, the team (SART) should assemble all material connected to this situation – including any action steps suggested for church consideration. Those documents need to be filed in a secure location or scanned and held digitally on an encrypted/password protection platform. Depending on the nature of the situation, the length of time that material will need to be kept could vary; thus, seek legal counsel for the proper retention period.