

Sexual Misconduct Policy and Procedures for First Baptist Church Tarrytown NY

Purpose: To establish preventative measures to protect individuals against sexual misconduct and specify courses of action to address allegations or actual incidents of sexual misconduct.

Policy Statement:

1. It is the policy of the First Baptist Church in Tarrytown (FBCT) that all church members, employees, volunteers of the congregation and entities of the church are to maintain the integrity of their ministerial, duties, and professional relationships. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture. It is never permissible or acceptable for a church member, employee, or volunteer to engage in sexual misconduct.
2. All church members, employees, volunteers of the congregation, and entities of FBCT are expected to comply with the established policy on Sexual Misconduct. Any actions contrary to the Church policy will be dealt with swiftly. This may include disciplinary measures up to and including termination, as well as legal - ramifications.

Sexual Misconduct Scope

The scope of Sexual Misconduct shall include, but not be limited to the following:

1. Harassment:
 - (1) any unwelcome physical contact or any action, behavior, language, joke, image (including virtual) that creates for others such discomfort that they cannot function without distress or great discomfort.
 - (2) any communication that explicitly or implicitly offers or invites the exchange of sexual favors for a promise of some advantage the promisor has the power to give.
2. Sexual molestation – any improper sexual advance
3. Display of pornographic or sexually explicit material in any manner or storage of such material on any electronic device.
4. Sexual violence, where there is actual or attempted rape or sexual contact by force, threat, or intimidation; criminal sexual behavior of other kinds as defined by state law.
5. Other immoral behavior defined scripturally, e.g., adultery, and other prohibited sex outside of marriage.
6. Grooming -the predatory act of maneuvering another individual into a position that makes them more vulnerable to abusive behavior.

Terminology

1. **Perpetrator**: this term is to be used only after proof of misconduct has been evaluated and decisions rendered. Otherwise, use "the accused" in the documentation.
2. **Victim**: this term is to be used only after proof of misconduct has been evaluated and decisions rendered. Otherwise, use "the complainant."
3. **Allegations**. All accusations should be taken seriously. Some levels of evidence are easily accepted as compelling; other levels are much more difficult to label and will involve judgment calls. Care should be taken to honestly distinguish the level of certainty in all reports.
4. **Confidentiality**. Since some misconduct immediately becomes a matter of criminal law, confidentiality cannot be absolutely guaranteed because records of investigations can be subpoenaed by court systems. Nevertheless, we must attempt to protect people who would be injured, harmed, or seriously jeopardized by the publication of information. Once investigations are complete, people in leadership positions need to know enough of the case to make decisions.
5. **Disclosure**. Truth-telling in a grace-filled environment is healthy and health-preserving. However, unnecessary injury by dissemination of some details should be avoided wherever possible. E.g., we can tell a church that a youth worker has become inappropriately involved with youth, but not give details. Of course, if the "involvement" is criminal behavior, it will become a matter of public record in the criminal process.

Prevention

Many cases of abuse or cases of misconduct could be prevented by the following actions on the church's part:

1. **Selection and screening**: all search committees will perform thorough background checks and conduct interviews of candidates for all pastoral and staff positions, including examination of references, the person's history of financial, sexual, and criminal conduct. Volunteers should also be carefully evaluated when they are working with minors or adults with special needs; background checks of newer volunteer workers are helpful and recommended.
2. **Education**: regular review and updating with all church staff and volunteers of ethical codes, church policies, legal definitions of misconduct, and training concerning sexual harassment; regular education to raise awareness of issues involved should be put on every church leadership calendar. This

policy statement in its final form should be made available and accessible to all. Knowing this policy exists will encourage people to trust the church more.

3. Personal Awareness: a constant effort to be aware of one's own inner feelings and needs, with prayerful and honest processing in order to head off problems, as well as concerted efforts at self-care and spiritual vitality.
4. Precautions: whenever there are minors involved, there should be dual-gender chaperones, or at least two persons, so as to protect both the workers and the children; diapering infants should always be done in the presence of two adults.
5. Professional ethics: Any pastor or church staff person who gives counseling, care, or direction to others must recognize that the person who comes for help or guidance is in a dependent position, both by nature of their need and by nature of the professional's role. Ethical guidelines mandate that the responsibility for safeguarding the dependent person's personal boundaries lies with the professional. Thus, in such situations, there is no such thing as "mutual consent" in terms of physical or sexual contact. No matter how the dependent person behaves, the professional stands liable for the safety of that person.

Investigating Complaints.

Grievance will be taken seriously. An investigation may be needed and civil authorities will be notified if there is evidence of illegal behavior. Every person involved in the investigatory process must prayerfully and carefully purpose to be as fair, unprejudiced, thorough, and objective as possible. Since cases vary widely in nature and difficulty, it is often necessary to adapt policy to the particular situation. In cases where the accused has more than one occasion of misconduct, it is advisable that expert consultants can be brought in to deal with them.

1. Misconduct Issues shall be investigated by a gender balanced committee, appointed by the Elders. The chair of the committee would be designated as the chief compliance officer to see that the whole process is carried out according to guidelines, due process, and fairness to all parties.
2. Avoid appointing people who have prejudices that might interfere with fairness and the ability to hear both sides of an issue. Conflict of interest should be judiciously avoided.
3. Complaints should be made in writing if the complainant is capable of doing so. The accused party should be given opportunity to respond to any allegations.
4. As soon as the complaint is received, the church leaders should give consideration to seeking consultation with legal counsel from their insurance carrier.

5. The following elements are important to keep in mind when investigating an allegation
 - (a) A dual-gender investigative team should meet with the complainant in private.
 - (b) A well-informed and prepared person to serve as a supportive advocate for the complainant could also be present to hear the process and follow up with the complainant in supportive ways, but not interfere in the process unless he/she feels certain that the process is unfair to the complainant (this advocate should not be a close friend or relative).
 - (c) Give the person a copy of the church policy on sexual harassment and misconduct. Make certain the interviewee knows you are taking their complaint seriously and will give them a fair hearing.
 - (d) Proceed to interview the complainant gently and sympathetically, to ascertain and record data concerning the following data: *dates, times, places, events, actions, relevant communications made and responses to them, and a summary of the subsequent impact upon the well-being of the complainant. The complainant should express what he/she wants to be done because of the complaint.*
 - (e) Once this testimony is received, ask whether there are any other witnesses, their names, and locations to be contacted.
 - (f) Once the interview is completed, it should be placed in writing stating the facts as objectively as possible and without the insertion of the interviewers' personal opinions. The complainant should be asked to review and correct any errors; then sign and date it.
 - (g) This process should be completed within 30 days of being notified of the existence of a complaint.
6. Pursuant to the above, the accused person should be notified, and offered to be interviewed as soon as possible by the dual-gender team, with the same attitudes and list of issues as with the complainant.
 - (a) The possibility of a supportive advocate for follow-up support is also a good idea at this point, with the same qualifications as for the complainant's advocate.
 - (b) It is best that any accused person who is a paid employee be put on a leave of absence with pay at this time until further investigation is made. Accused volunteers should be suspended from their posts of service.
 - (c) This testimony should also be recorded, verified, and signed by both investigators and the complainant after the write-up is finished in an expeditious way.
7. The complainant should be kept informed of the progress and timing of the interviewing with the accused, as well as the steps to be taken by the church leadership thereafter.
8. Depending upon the severity of the accusation, the accused may want to seek legal counsel. Once attorneys are involved, a new character is injected into the process--usually more adversarial. All efforts should be made to keep the present guidelines in effect unless there is dependable, reasonably unbiased legal counsel to suspend them.
9. The investigating committee should evaluate the two written reports, and a recommendation should be made to the elders of the church.
10. The outcome options available to the church body depend upon the seriousness of the case, including any or several of the following:

- (a) Exoneration;
 - (b) Short-term disciplinary measures along with efforts to reconcile the parties involved if no emotional or physical damage to the complainant has been rendered;
 - (c) Permanent termination, with or without severance pay;
 - (d) Removal of credentials with notification of denominational authorities of this removal;
 - (e) Long-term discipline, with or without suspension, restoration either to fellowship, or to ministry, or both;
 - (f) Referral to the criminal justice system.
11. The Elders should consider offering all parties, accused and accuser, and their families, follow-up pastoral care as well as offers of counseling, There may be insurance-carrier provisions for this item.
 12. If the accused rejects the conclusions of the board of the church, the board may have to seek legal consul
 13. If the perpetrator desires restoration to ministry, and the local church leadership agrees to the initiation of a restoration process, the regional association should be contacted for direction

Other related issues:

1. One person should be designated by the Board of the Church to deal with possible media issues and requests.
2. An intervention by a professional with the whole congregation in order to heal their wounds may be quite helpful.
3. Consider the use of standardized forms to document findings when investigating a matter
4. Any digital or paper documents used in the process must be kept confidential and stored in a secure place or manner.

I have read this policy and understand the content, intent, and expectations therein. I agree to abide by the guidelines described and understand that if I have any questions I will ask the Elders for further guidance.

Name:(print)_____

Signature:_____

Date:_____