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# DISCRIMINATION/ SEXUAL MISCONDUCT POLICY AND PROCEDURES

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## Newington Baptist Discrimination/Sexual Misconduct Policy and Procedures

**Article 5 - Board of Directors Section 3-4:** To establish governing principles, policies, and determining practices for the Church, including the creation and/or approval and maintenance of policies and procedure manuals, which will contain all controlling policies and procedures governing any and all aspects of the Church's affairs, including, but not limited to, committee task descriptions and policies regarding the handling of funds, use of facilities, and employment policies and practices;

**Article 10 Section 1 Church Operation Manual:** The Policies and Procedures Manual of Newington Baptist Church will provide more specific and detailed information on how NBC will operate beyond what is covered in the Constitution and Bylaws. The purpose of the Policies and Procedures Manual is to define orderly functional processes, and to protect the Church from financial, criminal, civil, and reputational risks. This Manual should include policies for all Ministries that require particular attention to detail in their processes to reduce risk or increase accountability. The manual will be maintained by the Church Administrative Assistant on the church website and other cloud storage.

Year:	B.O.D. Signature:	Date of Review:
2020	Gerald German	2/15/2020
2021	No Review due to COVID	
2022	Jennifer Young	2/19/2022
2023	Juli Semanski	3/7/2023
2024	Juli Semanski	2/7/2024
2025	Juli Semanski	6/17/2025
2026	Emily Matthews	3/17/2026

Policy and Procedures Established 2019  
NEWINGTON BAPTIST CHURCH  
6169 Main Street, Gloucester, Va. 23061

## Newington Baptist Church (NBC) Policy Statement on Discrimination/Sexual Misconduct

### Purpose Statement:

As a people who believe strongly in biblical mandates to follow God's will in all things, we affirm that Discrimination/Sexual Misconduct is morally and ethically wrong. It constitutes abuse of vulnerable people. It represents a misuse of the power and authority given to church members, leaders or staff. It sullies the church's representation of the character of Jesus Christ and is an abomination to the heart of God. [Cf. Isaiah 42:1-4; Ezekiel 34; Amos 5:21-24; I Timothy 3:1-7; 4:12; 5:1-2; II Timothy 2:24-26; I Peter 5:1-6.]

Southern Baptist Convention (SBC) and Baptist General Association of Virginia (BGAV) polity determine that every local church is an autonomous, self-governing entity. The Southern Baptist and Baptist General Association of Virginia are voluntary associations of autonomous churches, and have no ecclesiastical or legal authority over its member churches. Therefore, the denominational structures cannot dictate or determine the inner workings of the local church. However, in the light of both biblical mandates and legal and financial liabilities faced by all churches regarding this topic, the SBC and BGAV recommends to every local Southern Baptist church that a policy and procedure be put in place to deal with sexual harassment and misconduct.

### Definitions.

#### 1. Theological.

- a. Scripture clearly teaches that people in leadership of churches should set an example in faith, love, and purity. Any behavior or attitude that is potentially injurious to people under their care is to be avoided and is prohibited. Structures and policies for protection of potential victims are clearly mandated by our scriptural duty to care for each other, build each other up, and to avoid harming each other. In sum, Newington is committed and organized to be a safe place for everyone.
- b. From the standpoint of God's own attribute of justice, any damaging misconduct must be prevented, stopped, and dealt with all legal and moral integrity. The Body of Christ pledges to act on behalf of those who may suffer wrongdoing under its care.

#### 2. Discrimination/Sexual misconduct. All of the following are unacceptable behaviors in any setting by approved ministers, staff personnel, lay people, volunteers or leaders of Newington Baptist Church:

##### a. Harassment:

- (1) any act, behavior, language, jokes, or introduction of objects such as posters, pictures, or drawings, digital media and unwelcome physical contact that create for others a feeling of intimidation, manipulation, being threatened or controlled, so as to cause 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 promiser has power to give.
- b. sexual, emotional or physical abuse of a minor;

- c. 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.
  - d. other immoral behavior defined scripturally, e.g., adultery, fornication, and other prohibited sex outside of marriage.
- 3. Perpetrator: this term is to be used only after proof of misconduct has been evaluated and decisions made about a reported event. Otherwise, use "the accused" in documentation.
- 4. Victim: this term is to be used only after proof of misconduct has been evaluated and decisions made about a reported event. Otherwise, use "the complainant."
- 5. Allegations. All are taken seriously. Both the complainant and the accused will be treated with appropriate dignity. Some levels of evidence are easily accepted as compelling; other levels are much more difficult to discern and will involve timely and careful investigation. Care will be taken to distinguish certainty in all reports.
- 6. 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. NBC will attempt to protect people who would be injured, harmed, or seriously jeopardized by publication of personal or event details. NBC is committed to a thorough investigation to make informed and just decisions.
- 7. Disclosure. Truth-telling in a grace-filled environment is healthy and health-preserving. Anyone is encouraged to report inappropriate behavior. "See it. Say it." In Virginia, it is mandatory for any person in an educational or pastoral role to report suspected child abuse to child protection services. It is not wise or unlawful in Virginia for the Pastors, Board of Director and NBC's leaders to take investigation of such allegations upon themselves, but commit to work cooperatively with trained child protection workers. To avoid serious legal repercussions or onerous financial costs, the Board of Directors will consult with its church insurance carrier (Brotherhood) and NBC's attorney concerning this issue.
- 8. Professional ethics. NBC's pastor or its staff personnel who gives counseling, care, or direction to others 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.
- 9. Prevention. Cases of abuse or misconduct can be prevented by the following actions: of NBC:
  - (a) Selection and screening: NBC will protect itself from lawsuits with all diligence from all negligent hiring, negligent retention, and negligent referral, but more importantly NBC is committed to protect its members and guests, especially children and minors.

- NBC will conduct a background check before putting staff and volunteers to work in sensitive areas, such as with preschoolers, children and youth. NBC's steps for background checks:
- Receive written permission from the worker granting authorization to conduct a background check. (See Attachment One)
- With permission, their email will be sent to Ministry Safe. Ministry Safe will email them and obtain all the correct permissions, required information and will perform the background check.

The Board of Directors, Personnel committee and search committees will perform background checks for all pastoral, staff positions and volunteers, including examination of numerous references, the person's history of financial, sexual, and criminal conduct. Volunteers will be carefully evaluated when they are working with minors; with background checks of new volunteer workers done before they can fill a position. The background check information provided will be treated with extreme confidentiality. Only those requesting the background check will be allowed to see the information.

- (b) Education: The Board of Directors will review its Discrimination/Sexual Misconduct Policy and Procedures yearly and update 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 NBC's Discrimination/Sexual Misconduct Policy and Procedures will be made available and accessible to all members. Knowing this policy exists will encourage people to trust Newington Baptist Church more.
- (c) Supervision: NBC's pastor, church staff or volunteers involved with counseling, will provide counseling only with accountability and prayer-partner structures in place. All difficult cases will be referred to licensed professional counselors.
- (d) Personal Awareness: NBC's pastor, church staff or volunteers involved need to be aware of one's own 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. They are encouraged to consult with a licensed professional counsel in these matters.
- (e) Precautions: Whenever there are minors involved, there should be male and female chaperones, or at least two persons, to protect both the workers and the children. Diapering infants should always be done in the presence of two adults.

### **Investigation of Complaints.**

Let it be known to all complainants well as persons involved in-the investigation of complaints that every complaint will be taken seriously. Every person involved in the investigatory process must prayerfully and carefully purpose to be as fair, unprejudiced, thorough, and objective as possible. In cases where the accused has more than one occasion of misconduct, the Board of Directors recommends that an expert consultant can be brought in to deal with the complaint.

1. The Board of Directors will appoint a Discrimination/Sexual Misconduct Issues Team, which is gender- balanced and small enough to function efficiently for the execution of urgent duties. The Chairman of the Board or another Board appointee will be designated as Chief Compliance Officer. This person would not do interviewing but

would be responsible to see that the whole process is carried out according to guidelines, due process, and fairness to all parties. The Board of Directors and the Discrimination/Sexual Misconduct Issue Team will need to cooperate and deal with complaints according to this policy and procedure. NBC will publicize and make available this Discrimination/Sexual Misconduct Policy and Procedures and the NBC leader to contact in case of a complaint and the procedure to follow.

2. The Board will avoid appointing people who still have live issues with their own sexual traumas, or have prejudices that might interfere with fairness and the ability to hear both sides of an issue. In the case of conflict of interest the leader will recuse themselves.
3. Newington will have available Discrimination/Sexual Misconduct forms (See Attachment Two) for complainants to fill out. All complaints will be made in writing if the complainant can do so; if not, a victim's advocate could help the person fill out the complaint form, with no undue influence over the testimony of the complainant being exercised. If the complaint comes from a minor, Gloucester County Child Protection Services will be immediately contacted through the Gloucester County Sheriff's Office, and given full cooperation with follow-through for the pastoral care of all persons involved.
4. As soon as the complaint is received, the Board of Directors will seek consultation with legal counsel from its insurance carrier (Brotherhood). If desired, guidance from BGAV can be obtained. The following elements are important:
  - (a) The Discrimination/Sexual Misconduct Issue Team will meet with the complainant in private.
  - (b) The Discrimination/Sexual Misconduct Issue Team will recommend that a well-informed and prepared person to serve as a supportive advocate for the complainant 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) The Discrimination/Sexual Misconduct Issue Team will: [1] give the person a copy of NBC's policy on sexual harassment and misconduct. [2] make certain the interviewee knows NBC is taking their complaint seriously and will give them a fair hearing.
  - (d) The Discrimination/Sexual Misconduct Issue Team will proceed gently and sympathetically to interview the complainant, 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 done as a result of the complaint.*
  - (e) Once this testimony is received, the Discrimination/Sexual Misconduct Issue Team will ask whether there are any other witnesses, their names and locations to be contacted.
  - (f) Once the interview is completed, the Discrimination/Sexual Misconduct Issue Team will prepare a written report stating the facts as objectively as possible and without insertion of the interviewers' personal opinions. The complainant will be asked to review it and correct, sign and date the report.

- (g) This will be done within seven days of being notified of the existence of a complaint.
5. Pursuant to the above, the Accused Person should be notified, and interviewed by the Discrimination/Sexual Misconduct Issue Team as soon as possible by a team that includes a male and female, covering the same circumstances and issues as with the complainant.
    - (a) The possibility of a supportive advocate for follow-up support is a good next step at this point, a person with the same qualifications as for the complainant's advocate.
    - (b) Any accused person who is a paid employee will be put on a leave of absence with pay until further investigation is made. Accused volunteers will be suspended from their posts of service.
    - (c) This testimony will be recorded, verified and signed by both investigators and the accused person after the write-up is finished in an expeditious way.
  6. 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.
  7. 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.
  8. The two written reports will then be prepared by the Discrimination/Sexual Misconduct Issue Team and a recommendation will be presented to the Board of Directors.
    - (a) The Discrimination/Sexual Misconduct Issues Team will be present their reports to the Board of Directors.
    - (b) NBC's church insurance carrier (Brotherhood) legal counsel should be present.
    - (c) The reports should be distributed to the Board of Directors, and their contents kept confidential, and the papers preserved in a locked cabinet and password-protected computer software.
    - (d) Strategic care should be taken in order to prevent any reprisals or revictimization.
    - (e) Some persons accused of such misconduct will strongly demand that they be able to face their accuser(s). This should be permitted only after both sides are carefully prepared so further emotional harm is not done.
  9. Since cases vary greatly in nature and implications, the Board of Directors will need to weigh options with care at this point concerning the level, nature, and seriousness of the accusations. All efforts should aim at credible due process for both sides, and fair adjudication.
  10. The outcome options available to the Newington body depends upon the seriousness of the case, including any or several of the following:
    - (a) exoneration;
    - (b) short-term disciplinary measures, measures taken to reconcile parties involved if no emotional or physical damage to complainant can be assured; care must be

taken to prepare people well for this encounter since emotions are often high, even volatile;

- (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) handing the person over to the criminal justice system.

Any of the above decision elements will be communicated in writing both to the complainant and the accused. Whatever the result of the process, the Board of Directors, church membership, NBC's insurance company and BGAV will be advised of the outcome.

11. It is important to make sure that all parties, accused and complainant, and their families, receive the necessary follow-up pastoral care as well as offers of counseling, paid for by Newington in cases where the perpetrator cannot afford to pay for the victim's counseling. Brotherhood Insurance policy may have provisions for this item.
12. In the case that the accused rejects the conclusions of the Board of Directors, and wants to appeal the case, this can be done by involving the BGAV and a hearing board formed to re-investigate and hear out all parties. (Is there precedence?) Again, care needs to be taken at this level to make sure no conflict of interest is present in personnel involved, and that no revictimization be allowed.
13. If the perpetrator desires restoration to ministry, and Newington Board of Directors agrees to the initiation of a restoration process, the BGAV should appoint a restoration committee, which body would follow guidelines along the following lines: (Is there precedence?) If there is evidence of the following, then there is a possibility restore this person to ministry (though this is debated):
  - (a) there is not an on-going (e.g., two or more events) pattern of misconduct and there is no evidence of this person being a habitual sexual predator or a sexually addicted/compulsive person;
  - (b) repentance for the wrongdoing that motivates the person to change in approach to relationships and sexual issues;
  - (c) revelation in interviews of genuine spiritual sensitivity to the pain and damage caused to others;
  - (d) an evaluation by a Christian therapist experienced in sexual wrongdoing that the person has a high level of insight into the psychosocial-developmental, spiritual and relational needs/pressures/problems of life that contributed to the misconduct, how and why they did the wrong, and spiritually and emotionally appropriate motivation for never doing it again;
  - (e) cooperative and positive attitude toward entering an accountability relationship for a period varying from six months to two years in order to demonstrate and maintain personal well-being, relational and marital health, and to maintain clear boundaries with all persons with whom they are relating or to whom they are ministering.

In addition:

1. NBC's pastors, staff personnel and volunteers that have counseling responsibilities or other opportunities to be alone with and near dependent persons, the work they do must be supervised by a counseling supervisor, and accountability given for the best management of feelings and responses to people to whom they are possibly attracted.
2. The Board of Directors can recommend a thorough-going evaluation by an expert in the field of Discrimination/Sexual Misconduct by an experienced professional. This evaluation is a separate function from the counseling itself, and to be done by a different person than the counselor/therapist. The results of the evaluation should be passed on to the therapist and the restoration committee. At the end of the two years of probation, a return visit to the evaluator would clarify whether there was transformation of contributing causes and a better management of etiologic (causal) factors. At such time that all signs are positive, re-issuance of credentials can proceed, with the possible need of a public ceremony dedicated to that end. Appropriate announcements should be made through denominational organs concerning people being returned to ministry.

Other related issues:

1. One person should be designated by the Board of Directors to deal with possible media issues and requests.
2. An intervention by a BGAV representative with the whole congregation in order to heal their wounds should be considered by the Board of Directors.
3. Because the legal and insurance scenes are in constant flux, it is imperative that the Board of Directors keep up-to-date and actively seek to maintain their policies and procedures in accordance with the best legal and ecclesiastical guidance. Insurance coverage will be reviewed by the Board of Directors with Brotherhood yearly on a revised basis.

**Attachment One**

**Discrimination/Sexual Misconduct Complaint Form:**

**Complainant Full Name:**

**Address:**

**Phone Numbers:**

Home Phone Number:

Mobile Phone Number:

**Email Address:**

**Place of Discrimination/sexual misconduct:**

Have you brought this matter to the attention of any staff personnel at Newington Baptist Church previously? If so, please list the names below:

**Type of Complaint:**

- Bullying
- Cyber Bullying
- Gender Discrimination
- Gender Inequity
- Sexual Harassment
- Sexual Assault
- Discrimination/sexual misconduct
- Stalking
- Rape
- Retaliating
- Relationship Violence

**Complaint:** Describe your complaint. Please summarize below and attach additional pages describing your complaint if necessary.

**Names of Person (s):** Please name the person or persons you believe committed the offense against you and how you have contact with them, e.g. staff, co-worker, volunteer or other.

**Actions:** Describe the corrective actions you are seeking. Attach additional pages if necessary.

**Retaliation:** For retaliation complaints, please explain why you believe someone retaliated against you.

Names of Witnesses	Addresses of Witnesses	Telephone Numbers of Witnesses
1.		
2.		
3.		
4.		

**I certify the aforementioned is true and correct.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date:

**Attachment Two**

**Discrimination/Sexual Misconduct Issue Team**

Interviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Interviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Interviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Important: Any testimony recorded by the interviewers needs to be checked by the complainant and all corrections made before this document is used in the next steps. Also, important: the interviewers should not insert their own opinion in the document. This is simply a report of the person's testimony, not a document of prejudice.