



FINAL REPORT:

**FOR THE INVESTIGATORY REVIEW OF
SEXUAL ABUSE DISCLOSURES AND
INSTITUTIONAL RESPONSES AT
BOB JONES UNIVERSITY**

December 11, 2014



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INTRODUCTION

TO THE FINAL REPORT

In November 2012, Bob Jones University took a bold step forward. This bold step required the institution to focus on its past as it publicly committed to examining how it may have caused deep hurt in the lives of students who had suffered from the ravages of sexual assault. This bold step required the institution to release control and request an outside third party to administer this comprehensive examination. This bold step required the institution to seek truth humbly as it embarks upon a journey of understanding how to demonstrate love and compassion to those who have been hurt. This bold step forward has the potential to bring a new dawn of hope and healing for hurting souls, along with positive institutional changes for Bob Jones University.

The report that follows is about Bob Jones University and its response to sexual abuse disclosures. The report that follows details how many victims of abuse were hurt not only by their perpetrators but by the university from which they sought help. Their pain is more than physical and emotional; it is also spiritual.

If we are the body of Christ, surely the loss of faith of those entrusted to our care should shake us to the core. Jesus said that we could find him in the faces of “the least of these” who are suffering—and that he would one day hold us accountable for how we respond.¹

Because Bob Jones University is a Christian institution, because GRACE is a Christian organization, and because many of the victims we interviewed are or were professing Christians, it is appropriate to begin the report by being reminded of what God says about abuse.

Child Abuse, Sexual Assault, and the Church

If there is a persistent theme among biblical writers, it is the value God places on the bodies and souls of children, and the heavy responsibility our Lord places on his church to care for the youngest and frailest among us.

In responding to the first act of family violence, God said to Cain, “What have you done? The voice of your brother’s blood is crying to me from the ground.”² The prophet Jeremiah warned that altars used to kill children had provoked the anger of the Lord and that such cruelties

¹ Matt. 25:31-46 (ESV). We have quoted from the English Standard Version throughout the Final Report.

² Gen. 4:8-10.

were particularly offensive because they were cloaked in religious observance.³ In describing Amnon’s sexual abuse of his sister, scripture notes the significant deception and planning of the offender,⁴ the brute force of the rapist,⁵ and the devastating emotional impact on the victim.⁶ Countless psalms echo the lament of the suffering who “looked for pity, but there was none, and for comforters, but I found none.”⁷

In the New Testament, God instructed His people to “Take no part in the unfruitful works of darkness, but instead expose them.”⁸ The Apostle Paul passed judgment on a man committing incest and said to the congregation, “Ought you not rather to mourn? Let him who has done this be removed from among you.”⁹

It is not, though, Moses or Jeremiah or Paul who most clearly or strongly condemns the sin of child abuse—it is the words of Jesus Christ. In unequivocal language, our Savior expressed love for children¹⁰ and issued grave warnings to anyone who harms them. Jesus tells his disciples that the angels of children have direct access to his Father¹¹ and that being tossed into a sea with a millstone around their neck would be a better choice than to hurt a child.¹²

Jesus also communicated a deep love and care for adults who are exploited and abused. Although the religious leaders of His day often shunned the abused, the Son of God was frequently seen in the company of sexually exploited women as He promised not only His help, but the very kingdom of God.¹³ Indeed, scripture records that Jesus, our Lord and Savior, is a descendant of a sexually exploited woman.¹⁴

³ Jer. 32:31-32, 35.

⁴ 2 Sam. 13:1-12.

⁵ 2 Sam. 13:14.

⁶ The victim, Tamar “put ashes on her head and tore the long robe that she wore. And she laid her hand on her head and went away, crying aloud as she went.” 2 Samuel 13:19.

⁷ Ps. 69:20.

⁸ Eph. 5:11.

⁹ 1 Cor. 5:1-5.

¹⁰ According to the Gospel of Luke, “Now they were bringing even infants to him that he might touch them. And when the disciples saw it, they rebuked them. But Jesus called them to him, saying, ‘Let the children come to me, and do not hinder them, for to such belongs the kingdom of God. Truly, I say to you, whoever does not receive the kingdom of God like a child shall not enter it.’” Luke 18:15-17.

¹¹ Jesus said, “See that you do not despise one of these little ones. For I tell you that in heaven their angels always see the face of my Father who is in heaven.” Matt. 18:10.

¹² Jesus said, “But whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depth of the sea.” Matt. 18:6.

¹³ Jesus said, “Truly I say to you, the tax collectors and the prostitutes go into the kingdom of God before you. For John came to you in the way of righteousness, and you did not believe him, but the tax collectors and the prostitutes believed him.” Matt. 21:31.

¹⁴ Rahab was a sexually exploited woman from Jericho who hid the Israelite spies, was converted to Judaism and eventually became part of the genealogy of Jesus Christ. See Josh. 2; Josh. 6:22-25; Heb. 11:31; Matt. 1:5.

Jesus demonstrates His understanding of the abused's emotional, physical, and spiritual torment not only with His words but also with His life and death. As one who was called names and mocked with purple robes and twisted thorns, Jesus understands emotional abuse. As the recipient of blows to His face and whips to His back, Jesus understands physical abuse. As one nailed naked to a tree, publicly exposed to the jeers of soldiers, Jesus even understands the pain of victims who are uncovered before the evil eyes of perpetrators. Like so many victims of abuse, our Lord cried from His cross, "My God, my God, why have you forsaken me?"¹⁵

The very early church continued in Jesus's path, caring for the vulnerable as abuse was considered a heinous offense, worthy of excommunication.¹⁶ Despite the strong language and actions of the early church, much of the Christian community eventually lost its way in protecting children and adults from abuse and exposing those who harm them. In both Catholic and Protestant circles, we have often failed to report abuse to the authorities, have protected clergy and parishioners who inflict suffering,¹⁷ and have spiritually crushed the children and adults God placed in our care.¹⁸

Ironically, it is secular institutions that have often forced Christian communities to protect more of their children and adults. According to the Apostle Paul, governmental authorities "are not a terror to good conduct, but to bad."¹⁹ Through mandated reporting laws, and even lawsuits, the government has forced many churches and Christian institutions to develop abuse protection policies²⁰ and to cooperate with abuse investigators and prosecutors.²¹

This, of course, is not to suggest that secular institutions are doing much better in confronting and responding to issues related to sexual assault. The federal government recently released a report that listed various public higher educational institutions that are being

¹⁵ Matt. 27:46.

¹⁶ Jack F. Coyne MD, FAAP, *Clergy Sexual Abuse in the U.S. Roman Catholic Church: Exploring the Church's Response*, 23(3) APSAC ADVISOR 15 (2011).

¹⁷ See e.g. MICHAEL D'ANTONIO, *MORTAL SINS* (2013) (detailing sexual abuse in Catholic communities); WES STAFFORD, *TOO SMALL TO IGNORE* (2007) (detailing physical, sexual and emotional abuse in a Protestant community).

¹⁸ See e.g., Donald F. Walker, et al, *Changes in Personal Religion/Spirituality During and After Childhood Abuse: A Review and Synthesis*, 1 PSYCHOLOGICAL TRAUMA: THEORY, RESEARCH, PRACTICE & POLICY 130-145 (2009).

¹⁹ Rom. 13:3.

²⁰ As an overview of appropriate child protection and other policies for churches, see generally, Victor I. Vieth, et al, *Child Abuse & the Church: A Call for Prevention, Treatment, and Training*, 40(4) JOURNAL OF PSYCHOLOGY & THEOLOGY 323 (2012).

²¹ See e.g., Jack F. Coyne MD, FAAP, *Clergy Sexual Abuse in the U.S. Roman Catholic Church: Exploring the Church's Response*, 23(3) APSAC ADVISOR 15 (2011); TIMOTHY D. LYTTON, *HOLDING BISHOPS ACCOUNTABLE: HOW LAWSUITS HELPED THE CATHOLIC CHURCH CONFRONT CLERGY SEXUAL ABUSE* (HARVARD UNIVERSITY PRESS 2008).

investigated for possible violations of federal law over the handling of sexual violence complaints.²²

The poor response of secular authorities is not an excuse for the Christian community to act the same. Given the clear commands of our Lord, we should be leading the way, if only because the love of Christ compels us to speak for the oppressed. It is in this context the following report should be read, discussed, and implemented.

A Brief History of Bob Jones University

In 1927, evangelist Bob Jones, Sr. founded and served as the first president of Bob Jones University. From its inception, BJU has emphasized providing a Christian education that represents fundamental, biblical principles. According to the university's mission statement, "Bob Jones University exists to grow Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above."²³

Bob Jones University currently enrolls approximately 3,000 students from 50 states and 48 countries.²⁴ BJU offers a variety of undergraduate and graduate degree programs in four schools, a college, and a seminary.²⁵ Over 94,000 individuals have been enrolled at BJU since 1927.²⁶ The university campus and its affiliated ministries²⁷ are located in Greenville, South Carolina.

²² The Department of Justice named 55 higher educational institutions that are under investigation. See U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations. At <http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix> (last accessed on November 26, 2014).

²³ See <http://www.bju.edu/about/mission-statement.php>, retrieved 8/31/14. In addition, BJU's pledge states "Bob Jones University is determined that no school shall excel it in the thoroughness of its scholastic work and, God helping it, in the thoroughness of its Christian training." The pledge appears in various BJU publications such as undergraduate and graduate catalogs. For instance, see the 2013-2014 undergraduate catalog, 10.

²⁴ BJU's website indicates that 66 percent of students live on campus, 34 percent live off campus, and 40 percent were homeschooled. See <http://www.bju.edu/about/fast-facts.php>, retrieved on 9/1/14.

²⁵ According to university publications, the university's top ten academic programs include Accounting, Bible, Biblical Counseling, Business Administration, Criminal Justice, Elementary Education, Engineering, Graphic Design, Music Education, and Nursing. See <http://www.bju.edu/about/fast-facts.php>, retrieved on 9/1/14.

²⁶ Reference 11.

²⁷ BJU's additional ministries include the Bob Jones Academy (BJA provides early childhood, elementary, and secondary education); the BJU Press ("exists to encourage Christian character in students and promote academic excellence through the provision of K-12 educational materials and support services for homeschools and Christian schools. Additionally, it produces quality music, youth fiction, adult non-fiction, and DVDs to edify believers."); Shepherd's Care Assisted Living Center ("A Bob Jones University community outreach, Shepherd's Care Assisted Living Center seeks to provide a safe and comfortable environment for senior citizens. Proper medical care, meals and a full range of activities are provided for the residents."); the Museum & Gallery ("The Bob Jones University Museum & Gallery, recognized as one of America's finest collections of Italian paintings, is praised for its thorough presentation of the development of Western culture through paintings of the Old Masters."); and the Gospel Fellowship Association (GFA Missions sponsors missionary activity at home and abroad and promotes and

One of its affiliate ministries, the Bob Jones Academy, was also founded in 1927 and provided education for students in grades 7 through 12.²⁸ Over time, the Bob Jones Academy and “the precollege program continued to grow and eventually included students in all grade levels.”²⁹ The junior high was established in 1952, and “in the 1970’s an elementary school division was added.”³⁰ In 2011, “the child development center, elementary school, junior high (renamed the middle school) and high school were consolidated into one school using the name of Bob Jones Academy. Consequently, Bob Jones Academy became the largest Christian school in South Carolina.”³¹

Bob Jones, Sr. served as the university’s President between 1927 and 1947.³² Bob Jones, Jr. was appointed the university’s second President in 1947, but also functioned as the university’s Acting President during the absences of his father between 1932³³ and 1947. Bob Jones, Jr. served as the university’s second President from 1947 until 1971.³⁴ In 1971, upon the resignation of his father, Bob Jones, III was named the university’s third President. Also in 1971, Bob Jones, Jr. became the university’s Chancellor and served as the Chairman of BJU’s Board of Trustees until his death in 1997.

Bob Jones, III taught speech on the BJU faculty and held various positions in the administration such as Assistant Dean of Men, Assistant to the President, and Vice President before being named to the Presidency in 1971.³⁵ While serving as President, he also became the Chairman of the Board of Trustees in 1998, a position he retained until 2013. Bob Jones, III currently serves as the university’s Chancellor.

Bob Jones, III’s son Stephen Jones became BJU’s fourth President in 2005. Prior to serving as President, Stephen Jones studied and taught speech at BJU, worked as a Dorm Supervisor, and served as his father’s administrative assistant. In 2000, Stephen Jones was

encourages missionary vision and support on the part of individual Christians and churches.). See <http://www.bju.edu/about/additional-ministries.php>, retrieved on 9/1/14.

²⁸ See *Bob Jones Academy Handbook* (2013-2014), “History of Bob Jones Academy,” 3. “Bob Jones Academy opened in Lynn Haven, Fla. with 47 students in grades 7 through 12 and shared many resources with Bob Jones College which began the same year.” See also <http://www.bobjonesacademy.net/about/history/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Daniel Turner. *Standing Without Apology: The History of Bob Jones University* (Greenville, SC: BJU Press, 2001), 124.

³³ “[Bob Jones, Jr.] had actually assumed teaching duties at the College in 1931 when he was appointed to the faculty. In 1932, Bob Jones, Jr. assumed administrative duties also when he was appointed vice president of the College, with the title, ‘Acting President’ during the absences of his father.” See Daniel Turner, 125.

³⁴ Turner, 125 and 134.

³⁵ See <http://www.bju.edu/about/president/bob-jones.php>, retrieved 9/1/14.

appointed the Vice President for Administration. In 2010, Stephen Jones contracted a serious illness, and in December of 2013, Stephen Jones announced his resignation.

Steve Pettit became BJU's fifth President, taking office in May 2014.

The Hiring of GRACE

In December of 2011, Dr. Stephen Jones, then president of Bob Jones University, announced the "Board of Trustees approved the formation of a committee to review BJU's sexual abuse policy and its application."³⁶ According to the BJU website, "Dr. Jones request stemmed from national media reports of the mishandling of sexual abuse."³⁷

As part of its review, BJU announced the appointment of "an independent ombudsman to review past instances in which it is alleged that the University under-served a victim or did not comply with the law. The ombudsman will have strong integrity and will be selected from the Christian community at large."³⁸ BJU hired GRACE to serve in this role of "independent ombudsman."

The mission of GRACE is to empower the Christian community through education and training to recognize and respond to the sin of child abuse. The diverse GRACE team conducting this study has over 100 years of combined experience in addressing the various issues associated with sexual abuse. The GRACE team has included mental health professionals specializing in cases of child abuse, current or former child abuse prosecutors, and clergy experienced in addressing many of the spiritual questions posed by victims of sexual abuse.

At the time of his interview, Dr. Stephen Jones explained the hiring of GRACE this way:

The years are not going to stand out in my memory; I apologize. But I know you are aware of the situation with Chuck Phelps' church and Chuck Phelps was on the board. When that all came out in November [2011], that made us look at our policies. We put together a task board on the board to help look at our policies, talk to people, find out what the best practices are currently. Then, that committee came away suggesting that we find an ombudsman to look back in the past to see if we had underserved.

I know in talking with some of our counseling folks, when I was in seminary, we did talk a little bit about abuse and things like that in the early 90s, but I know our counseling people said we were behind the curve

³⁶ See <http://www.bju.edu/about/committee-findings.php> (last visited November 23, 2014).

³⁷ *Id.*

³⁸ Abuse Policy and Its Application, available at Bob Jones University website at: <http://www.bju.edu/about/committee-findings.php> (last visited November 23, 2014).

from like the 80's to the early 90's as things were mandatory reporting and just as best practices were kind of firming up as it came more widely publicized and people were talking about it. But we were behind the ball on that and so particularly we knew we had probably underserved a group of students in that period where our counselors wouldn't have known really how to help and support victims.

So, that is when we started talking to people. We went to a few different attorneys, and they said, 'That is not the way you want to go and that is also not our specialty. We only know of one organization that has done this.' So that started the conversations. Then we went to Lynchburg and met Boz [Tchividjian, executive director of GRACE] personally and felt real comfort with him and that our goals were aligned.³⁹

BJU hired GRACE, and the investigative work began on January 10, 2013.⁴⁰ Bob Jones University terminated the agreement with GRACE on January 27, 2014. On February 25, 2014, BJU reinstated GRACE to complete the independent investigation under the terms of the original agreement.⁴¹

Stephen Jones and BJU should be heralded for taking the unprecedented and proactive step of voluntarily requesting this independent investigation.⁴² The decision to hire and then re-hire GRACE and the willingness to have this report be made public clearly demonstrates BJU's commitment to addressing the difficult issues covered in this report. By voluntarily engaging in this independent and transparent process, Bob Jones University has created commendable and historical precedent for Christendom and the watching world.

Although a great many people participated in this process, we are particularly grateful to the men and women who came forward to share about their deeply painful abuse experiences. Most of these participants expressed a hope that this investigation would bring healing to victims and a better experience for any victim who attends BJU in the future.

In this shared hope, GRACE offers the following report.

³⁹ Reference 5.

⁴⁰See Bob Jones University website at: <http://www.bju.edu/about/grace.php> (last visited November 23, 2014).

⁴¹ BJU Reengages GRACE to Complete Independent Review, available at: <http://blogs.bju.edu/pr/2014/02/25/bju-reengages-grace-to-complete-independent-review/> (last visited November 23, 2014).

⁴² The fact that this decision was voluntary and not in response to any outside threat or demand is unprecedented for both Christian and secular academic institutions. Investigation Findings Appendix 1-1 highlights several positive steps the university has made regarding the handling of abuse disclosures since 2011.

CHAPTER ONE

INVESTIGATION PROCESS AND PROCEDURES

The following details the investigative processes and methodology that GRACE used in this independent investigation. It is organized into three time periods: Pre-Investigation, Investigation, and Post-Investigation.

Pre-Investigation

During the summer of 2012, BJU contacted GRACE and informed its Executive Director of the university's decision to retain an "ombudsman"¹ to review the university's responses to sexual abuse disclosures. In the following weeks, BJU and GRACE dialogued about the possibility of GRACE serving as the appointed ombudsman. Much of the discussions focused upon issues such as scope, process, independence, and transparency. These discussions were conducted over the phone, email, and face-to-face. GRACE's Executive Director met personally with BJU's then Executive Vice President for Operations and the Special Assistant to the President. As the conversations progressed, GRACE's Executive Director also met with then President Dr. Stephen Jones.

GRACE communicated to BJU two primary conditions: that the process be authentically independent and that the entire final report be made public. In order to have the freedom to explore any matter within the scope of the investigation without interference from BJU or any other third party, it was critical that GRACE not be an agent of the university.² Such independence was also necessary in order for the process and final report to have credibility with all interested persons. The final report would consist of Investigation Findings,³ Analysis, and

¹ See <http://www.bju.edu/about/committee-findings.php>.

² GRACE conducted an independent investigation. Independent investigations differ from internal reviews in that independent investigations operate with complete autonomy from the organization that is being investigated. GRACE remained free during the entirety of the investigation to make its own decisions without any input from BJU officials about any and all matters relating to the investigation. Such decisions included the content of the confidential survey, the investigative announcement, any public updates, any public communications, requests for interviews, requests for documents, requests for any other information, questions asked during interviews, all investigative processes and policies, and all content contained within the Final Report.

³ The Investigation Findings also includes the Investigation Findings Appendixes associated with each chapter. Case examples located within an appendix typically address a given theme or issue, and the case example is not meant to be interpreted as an exhaustive testimonial or case study. This approach also aids in providing additional measures of confidentiality. Furthermore, the case examples provided in the appendix relate specifically to a matter addressed within the corresponding chapter. The

Recommendations. GRACE would make it public to add much needed integrity to this process. Publishing the final report also demonstrates the university's public commitment to the scope of this project.

In November, 2012, BJU and GRACE finalized the Engagement Agreement that would launch this historic process.

Investigation

1. Initial Team Meetings

The GRACE investigation team⁴ included a lead investigator,⁵ a mental health professional,⁶ a seminary professor,⁷ a project coordinator,⁸ and a project director.⁹ After BJU and GRACE signed the Engagement Agreement, the GRACE team had its first meeting in December of 2012. During this first meeting, the GRACE team outlined the investigation process, assigned team member responsibilities, identified issues that were within the scope of the investigation, and created a confidential investigation survey.¹⁰

In February 2013, the GRACE team visited the BJU campus for the purpose of meeting with several BJU administrators, touring the campus and museum gallery, and attending a campus chapel service. The GRACE team had a brief opportunity to speak with a group of BJU students as they escorted the team from the administration building to the chapel service.¹¹

appendixes are not meant to provide the reader with an exhaustive list of all case examples and reports made to GRACE. The appendix merely provide case examples for the reader to consider in evaluating a particular theme or issue that arises within the context of that chapter.

⁴ GRACE used a collaborative, multi-disciplinary team approach to ensure that the needs of witnesses were met throughout the course of the investigation. The lead investigator was necessary to lead the team in the expertise required for investigations and legal matters. The mental health professional was needed to offer expertise in the field of psychology and counseling, as the investigation involved communications with many individuals who had been traumatized by abuse. The seminary professor and pastor was needed to offer biblical expertise and because so many of the issues in this investigation had a spiritual dynamic.

⁵ The lead investigator is a former prosecutor with over 14 years of legal experience with a primary emphasis in handling sex crimes and family violence cases.

⁶ The mental health professional has over 30 years of experience in the field of psychology and sexual abuse, including forensic and clinical assessment and treatment.

⁷ The seminary professor and pastor has over 20 years of experience, has practical knowledge of the issues of sexual abuse in the church, and brought wisdom regarding biblical texts and the spiritual dynamics of abuse.

⁸ The project coordinator oversaw scheduling, communicated with witnesses, and prepared witness notes for review.

⁹ The project director is GRACE's Executive Director.

¹⁰ The survey is contained in the Appendix for Chapter Two. In determining the questions asked in the GRACE Confidential Survey, we created questions that would help field responses in a manner that would clearly identify those survey respondents who fall within the scope of this investigation. In addition, GRACE asked questions to determine the survey taker's affiliation with Bob Jones, as well as those who were victims, and those who were not. Responses to survey questions helped GRACE identify complaints that fell within the scope of the investigation. Survey responses also aided GRACE in making decisions about from whom to request interviews during this process. Last, GRACE permitted any individual (including non-abused persons) to complete the survey so that GRACE could gather all relevant information pertaining to the scope of the investigation including information related to environment and culture.

¹¹ Prior to the arrival on campus, GRACE had obtained permission from BJU authorities to distribute GRACE brochures to the current student body immediately after the chapel service for the purpose of helping students become better acquainted with the

During that same visit, GRACE had the opportunity to have lunch on campus with some BJU administrative officials. Later that day, the team had introductory meetings with Dr. Jim Berg¹² and Dr. Stephen Jones.¹³

During the course of this 22 month investigation,¹⁴ the GRACE team engaged in a variety of ongoing investigative tasks including, but not limited to, responding to emails¹⁵ and phone calls from witnesses, reviewing surveys, scheduling witness interviews, reviewing and finalizing witness notes, reviewing witness statements, requesting and reviewing follow-up information, reporting cases to law enforcement, and posting periodic updates.¹⁶ Throughout this process, the GRACE team also engaged in ongoing and regular communications with each other through phone conferences and emails.

2. Investigation Announcement and Updates

In the early stages of the investigation, GRACE also developed a public “GRACE Independent Investigation Announcement”¹⁷ that served several purposes. The announcement publicized the existence of the investigation, identified the scope and purpose of the investigation, and directed individuals to the confidential survey link. The survey provided the means and opportunity for anyone with any information related to the scope of this investigation to communicate relevant information to GRACE. The survey questions and results would also assist GRACE in making requests for in-person interviews.

On January 10, 2013, GRACE formally commenced the independent investigation by publicly posting the GRACE Independent Investigation Announcement and the online survey on the GRACE website.¹⁸ Obtaining the most amount of relevant information from the greatest number of individuals was a critical component to this investigation.

organization that would be conducting the independent investigation. The day before the chapel service, the GRACE team was informed that BJU had withdrawn permission to distribute the brochures.

¹² BJU’s Dean of Students from 1981-2010.

¹³ BJU’s President in February 2013.

¹⁴ This time period excludes the one month period of termination.

¹⁵ At peak times during the investigation, GRACE received and responded to as many as 50-75 emails per day regarding investigative matters.

¹⁶ Each update was posted on our website. See <http://netgrace.org/investigation/bob-jones-university/>. BJU also created a link on its homepage regarding the investigation that directed individuals to GRACE’s posted updates. See <http://www.bju.edu/about/grace.php>.

¹⁷ See <http://netgrace.org/wp-content/uploads/bju-investigation-announcement.pdf>. A copy of the “GRACE Independent Investigation Announcement” may also be found in Appendix 1.

¹⁸ See <http://netgrace.org/investigation/bob-jones-university/>.

GRACE utilized various methods in attempting to inform any prospective participants about the investigation and encouraging them to take the online survey. GRACE focused its efforts on notifying current and former students, current and former employees, and friends and family members of individuals associated with the university. To that end, GRACE posted the investigation announcement on the GRACE website, Facebook page, and Twitter account. GRACE also requested various BJU related community groups to post the investigation announcement on various social media pages.

BJU created its own announcement regarding the investigation.¹⁹ BJU also maintained information about the independent investigation on its website throughout the duration of the investigation and provided a link to the GRACE website which contained the survey information. In addition, BJU announced the investigation in chapel to current employees and students and sent them a link to the survey. GRACE requested that BJU notify all of its constituents for whom it had an email address or a U.S. mailing address. Instead, BJU placed information concerning the investigation in the Winter/Spring 2013 issue of the BJU Magazine and assured GRACE that a notice of the investigation was sent via email or U.S. mail to constituents who do not receive the BJU Magazine.²⁰

It is impossible to determine how many individuals received actual knowledge of the investigation.²¹ Because no party to this investigation had subpoena power, the information and data collected was based upon the voluntary cooperation, assistance, and sacrifice of many different individuals.²²

¹⁹ See <http://www.bju.edu/about/grace.php>.

²⁰ BJU's website states, "In addition to posting the link on the BJU website, BJU included an article about GRACE in the Winter/Spring 2013 issue of *BJU Magazine* with a circulation of over 90,000. The article announced GRACE as our ombudsman and pointed readers to the website for specific information. In addition, to former students, faculty, staff and alumni who did not receive the magazine and for whom BJU had contact information, BJU sent emails and/or letters informing them of the survey. BJU announced the GRACE survey in chapel to current students, faculty and staff and the same day sent each of them an email link to the survey." See <http://www.bju.edu/about/answering-questions.php>.

²¹ Several participants in the investigation expressed frustration that they received no announcement from BJU about the investigation and heard about it only through online posts on social media.

²² This investigation was initiated by BJU and was not in response to any known pending legal complaint or action. Because the investigation was and has been at all times voluntary, no party in the investigation has had the power to compel by subpoena or court order the production of witness testimony, documents, or other information. The process has not been supervised by court officials and is not akin to a legal proceeding. The existence or absence of information in the Final Report is at all times dependent upon the production of available evidence, information, and testimony offered by voluntary, cooperative individuals. In some cases, information presented herein is also publicly available through venues such as libraries, websites, and bookstores. Individuals who elected not to participate in the process are not subject to liability for their decision not to participate in this voluntary process.

3. Survey Development, Response, and Review²³

The confidential online survey was publicly available from January 10 through May 1, 2013.²⁴ During that time, GRACE continued to publicize notice of the survey and the survey's closing date.²⁵ Survey responses were submitted to a protected website accessible only to GRACE team members. Shortly after the survey became available and responses began to be submitted, the GRACE team immediately began to review, record, and categorize the incoming data. Furthermore, following the review of each completed survey, the team assessed whether to invite the survey taker to participate further in the investigation.

In the months that followed the survey's close in May of 2013, approximately 20 new individuals notified GRACE that they had only recently learned of the GRACE investigation and asked if they could participate despite the survey's closing.²⁶ In those circumstances, GRACE sent any interested party a link to the survey so that they could offer their desired input. During the course of the investigation, the survey was accessed a total of 933²⁷ times, and GRACE received an approximate total of 342 completed surveys.

One of the survey questions asked, "Would you consider communicating with GRACE regarding the issues addressed in this survey?" Of the 342 completed surveys, 127 indicated that they did not wish to communicate with GRACE further, and 215 said they wished to communicate with GRACE again. In instances in which survey takers indicated a desire not to communicate further, GRACE acknowledged the survey taker's participation and affirmed their desire not to participate further in the investigation by email.²⁸ Other survey takers expressed a

²³ Chapter Two of this report highlights further data and analysis regarding the survey results.

²⁴ While GRACE realizes that with the limited availability of the GRACE Confidential Survey, it is possible that some potential participants, who very likely fell within the scope of this investigation, did not hear about the investigation and were thus unable to participate. However, it was important that GRACE have a start and ending date for this survey in order to ensure that we would be able to complete the in-person interviews and begin the report-writing process within a reasonable period of time.

²⁵ As stated previously, BJU maintained a link to the investigation on its homepage entitled "GRACE Independent Review."

²⁶ As will be noted in an upcoming section, BJU terminated the Engagement Agreement in January 2014. Some of these individuals who learned of the investigation after the survey closed told GRACE they learned of the investigation only after it had been terminated.

²⁷ Of the 933 instances in which the survey was accessed, a total of 924 acknowledged the scope of the investigation and agreed to proceed.

²⁸ GRACE's emailed response to survey takers who wished not to be contacted further stated, "Thank you for submitting a survey regarding GRACE's independent investigation of Bob Jones University. Your input is invaluable, and we greatly appreciate the time and attention you have given to this important matter. The GRACE team has received your response and acknowledges that you do not wish to be contacted in the future. GRACE respects your wishes and will not communicate with you any further. Should you change your mind at a point in the future, we would be happy to hear from you. You may contact us at anytime at grace.bobjones@netgrace.org. Your identity will not be voluntarily released to any third party and will remain confidential."

desire to participate further in the investigation, and GRACE offered most of these individuals an opportunity to prepare a written statement, or to participate in a phone or in-person interview.

In determining who received a request for an in-person interview, GRACE considered factors such as the willingness of the survey participant to meet with the team in person, whether the participant indicated he or she was a victim²⁹ of a sexual offense, and the degree to which the participant provided first-hand information related to the scope of the investigation.³⁰ Though GRACE sometimes received information from various third parties regarding victims of sexual abuse who had attended BJU but had not completed a survey, the team did not communicate with victims of sexual abuse³¹ unless or until they initiated contact with GRACE out of respect for their privacy.

Based on the responses and the above-referenced factors, GRACE extended in-person interview requests to approximately 73 survey participants. Fifty-four accepted GRACE's request for an interview.³² Approximately 50 participants self-identified as victims of abuse, 43 of whom met with GRACE in person.³³ GRACE also received a total of 22 written statements.

Also, if you wish to follow the progress of this investigation, current updates may be found at <http://netgrace.org/investigation/bob-jones-university/>. Again, we thank you for your survey response and wish you the best in the future.”

²⁹ We have elected to use the word “victim” here in the body of this report when referring to those who have been traumatized by sexual offenses. At the beginning of the investigation, we used the term “survivor” as noted in the survey. We want to convey to all those who have been hurt by sexual offenses that the terms “victim” or “survivor” are never intended to be disrespectful or hurtful. We recognize that these terms can never adequately or fully encapsulate all that it means to have endured the tragedy of these crimes. We also respect that each person has a different view of these terms. Apart from the survey chapter and for purposes of this report, however, we have elected to use the term “victim” for clarity and context to aid all individuals who are a part of the broader community reading this report.

³⁰ We note that every victim of sexual abuse or assault who indicated a willingness to meet with GRACE in person received an invitation to do so, without any regard whatsoever for how they answered any of the questions in the survey.

³¹ Child sexual abuse and adult sexual assault were defined in the survey as follows: “Child sexual abuse is any sexual activity—verbal, visual or physical—upon a minor (a person 17 years of age or younger). The minor is considered unable to consent due to developmental immaturity and an inability to understand sexual behavior. These may be performed on the minor, or the minor may be forced to perform any or all of the above. Adult sexual assault is any type of sexual contact of an adult (a person 18 years or age or older) where consent is not freely given or obtained, and it is accomplished through force, intimidation, violence, coercion, manipulation, threat, deception, or abuse of authority. An adult who is mentally or physically incapacitated is not capable of giving consent.” Traditionally, the term sexual abuse has been used in the academic and research literature to refer primarily to child victims. Over time the term has evolved to encompass a broader range of sexual crimes and misconduct regardless of the age of the victim. The American Psychological Association (APA) and others in the field have adopted the broader definition of sexual abuse that subsumes adult sexual assault as a subcategory of sexual abuse: “Sexual abuse is unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims not able to give consent. Most victims and perpetrators know each other. Immediate reactions to sexual abuse include shock, fear or disbelief. Long-term symptoms include anxiety, fear or post-traumatic stress disorder.” See <http://apa.org/topics/sexual-abuse/index.aspx>. See also http://www.loveisrespect.org/pdf/What_Is_Sexual_Abuse.pdf as an illustration of an organization that similarly uses the terms sexual abuse and sexual assault interchangeably. Unless otherwise specified, GRACE has adopted the broader definition of sexual abuse that subsumes child sexual abuse and adult sexual assault.

³² Of the survey participants who arranged to interview with GRACE in person, approximately four individuals were not able to appear for the interview and did not reschedule.

³³ GRACE conducted phone interviews with the other seven individuals who self-identified as abuse victims.

4. Investigation Documents

During the course of the investigation, GRACE requested various pieces of information from individuals possessing relevant information. Witnesses voluntarily provided a number of materials including, among other things, court documents, police reports, email communications, and class materials such as books or class notes.

GRACE submitted formal requests for information to the university on three occasions during the course of the investigation. Subject to FERPA³⁴ and other laws related to the privacy of records, some information requested required that a witness sign a release, and some information requests did not.³⁵ GRACE requested, received, and reviewed a wide variety of information pieces, including university policies, public safety incident reports, counseling records, file reports, syllabi, class handouts, classroom lecture recordings, sermon recordings, and counseling training videos.

GRACE also independently collected and reviewed a variety of other relevant items including books, articles, sermon recordings or other public records through publicly available sources such as websites, libraries, and bookstores.

5. Interview Phase

Interviews were conducted either in person or on the phone.³⁶ Except for the Project Director, the entire GRACE team was present for all but approximately seven in-person interviews. The lead investigator facilitated the vast majority of the interviews, and a Ph.D. level, clinically-licensed psychologist and a pastor (GRACE team members) were present as well. The GRACE project coordinator organized the interview scheduling and took extensive notes during each interview.³⁷

³⁴ The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. BJU and GRACE worked together in requesting and providing information subject to FERPA.

³⁵ GRACE submitted releases to the university from witnesses who agreed to sign a release giving GRACE permission to request records or other information from the university. Any and all records or other information obtained by GRACE during the course of this investigation have remained and will remain in GRACE's sole possession and will not be voluntarily released to any individual or other third party. While we did have several requests to share requested documents with witnesses, GRACE's protocol was that these documents remained with GRACE. Witnesses were directed to university personnel to seek their own records should they desire to do so.

³⁶ At least two members of the GRACE team were present for every telephone interview.

³⁷ The interview notes were intended to serve as a summary, however, they were formatted like a transcript. A court reporter was not used by the GRACE team for the following reasons: 1) cost of court reporters 2) the comfort of the victims during the interview. GRACE found that victims are more comfortable speaking to them without an outsider present. However, each witness was allowed to review their notes upon completion of the interview, make suggested changes, and approve them in their final form.

The interview style with each witness followed the same basic format, with little variation. Each member of the GRACE interview team introduced themselves individually, and then the interviewee had an opportunity to introduce themselves.

The interviewer asked open-ended questions for all witness interviews and permitted all witnesses to provide any additional comments and feedback believed to be pertinent to the investigation or to ask team members any questions. Most in-person interviews lasted between 90 minutes and two hours, although some interviews were completed in one hour and some lasted as long as three hours. One interview with a BJU employee took place in several daily sessions that lasted approximately four to five hours per day over a two-week period.

GRACE conducted and completed a total of 116 interviews.³⁸ Of these, approximately 50 interviewees self-identified as victims of sexual offenses. The remaining 66 individuals included interviews with current and former BJU employees, former students, pastors, counselors, family members, or other individuals having relevant knowledge of an issue arising out of the scope of this investigation.

As GRACE collected and reviewed information provided from surveys, written statements, and interviews with survey takers, the team then contacted and requested interviews with prospective witnesses who had not completed a survey but whose names had been provided as someone who might have relevant information for this investigation.

6. Witness Interview Locations

During the investigation, GRACE established a protocol for interviewing witnesses in person and by phone. All in-person interviews with current or former students who were victims of sexual trauma occurred at a neutral³⁹ location off campus in either Greenville, South Carolina, Charlotte, North Carolina, or in Hendersonville, North Carolina. The majority of interviews conducted with current or former BJU employees occurred on campus, but some occasionally occurred off campus.⁴⁰

³⁸ This number includes both in-person interviews and phone interviews.

³⁹ GRACE selected locations to meet victims that were not affiliated with Bob Jones University or with any religious institution. GRACE expresses its appreciation to the Julie Valentine Center (<http://www.julievalentinecenter.org>), located in Greenville, South Carolina, and to The Healing Place (<http://www.thehealingplace.info>), located in Hendersonville, North Carolina, for permitting GRACE to use meeting space. These two locations are non-profits that provide counseling and other support services for victims of sexual crime. GRACE also met with some witnesses in a hotel conference room in Charlotte, North Carolina.

⁴⁰ Some in-person interviews with BJU personnel took place on the Bob Jones University campus. Others took place in various locations such as at the Julie Valentine Center in Greenville, South Carolina, The Healing Place in Hendersonville, NC, or in hotel conference rooms.

7. Communication Acknowledgement Forms

During the interview with witnesses who had completed a confidential survey, GRACE reviewed a “GRACE Communication Acknowledgement” form,⁴¹ acknowledging that the witness’s name would not be released to any third party, but that the information provided could be used in the Final Report. Other acknowledgements were also provided to all victims, including the reporting of sexual offenses to law enforcement where the identity of the alleged perpetrator was disclosed.⁴² In addition, all individuals who completed the confidential survey and were interviewed were informed that they could record the interview if desired.⁴³ All of these witnesses agreed to these terms in writing.

During interviews with individuals whom GRACE contacted for an interview and who did not self-identify as victims of abuse (such as current or former BJU employees or other individuals whom GRACE contacted for an interview), GRACE reviewed a “GRACE Communication Acknowledgement” form.⁴⁴ GRACE discussed the form before the interview began. Witnesses acknowledged that GRACE could use the information provided in the interview in the Final Report. However, GRACE gave no assurances to these witnesses in advance about whether or not the person’s name would or would not appear in the Final Report. GRACE discussed these terms with witnesses, and they agreed to these terms in writing. GRACE recorded all in person interviews with individuals whom GRACE contacted for an

⁴¹ This Communication Acknowledgement Form was used for in-person interviews and phone interviews. In addition, this form was presented to individuals who submitted a written statement.

⁴² GRACE contacted law enforcement regarding any and all child and adult sexual offenses where the identity of the perpetrator was disclosed. A number of victims indicated that they did not wish to identify their perpetrator.

⁴³ In some very limited circumstances and always with the permission of the victim, GRACE audio recorded a victim’s interview. However, GRACE did not record most of the interviews with victims. Non-recording of victim statements is standard operating procedure for any independent investigation, especially as to alleged victims and key witnesses. Many adult victims of child abuse suffer from numerous medical and mental health conditions. Recording can inhibit a full and complete disclosure of information necessary to an investigation. When not recording an interview, the NDAA manual on child abuse investigations recommends detailed note taking with the notes taken by someone other than the interviewer. (AMERICAN PROSECUTORS RESEARCH INSTITUTE, INVESTIGATION AND PROSECUTION OF CHILD ABUSE THIRD EDITION 42-43 (2004)). This is the procedure GRACE used for nearly all of the interviews with sexual abuse victims. To reduce the risk that some important information may not have been documented, GRACE provided each witness who spoke with the GRACE team a copy of these notes with a request that they be carefully reviewed for accuracy. All witnesses were provided with an opportunity to add, change, or delete anything from the interview notes that they believed made them more accurate. Therefore, if any witness believed we had not included something in their notes they believed to be relevant, they were able to make sure we had this information before completing our report.

⁴⁴ This Communication Acknowledgement Form was used for in-person interviews and phone interviews. In addition, this form was presented to individuals who submitted a written statement.

interview, except for two BJU employees.⁴⁵ In addition, all witnesses were permitted to record their interview if they desired to do so.

8. Support Person

GRACE interviewed all witnesses separately; however, GRACE permitted any witness to bring one support person to the in person interview if desired. The support person was not permitted to be involved with the investigation and was not permitted to answer questions. The support person was simply permitted to be a supporting presence. Only four interviews occurred in the presence of a support person.⁴⁶

9. Interview Notes

After each in-person or phone interview, GRACE sent the witness a copy of his or her interview notes for review. Each witness could review the interview notes for accuracy to ensure that the notes fairly, accurately, and completely reflected the interview session. Furthermore, each witness was also encouraged to provide any additional comments or information to the interview notes so that GRACE had a fair, accurate, and complete version of a witness's interview notes to use in the report writing process. Upon the witness's final review of their interview notes, GRACE requested each witness to sign an attestation form approving the interview notes.⁴⁷

10. The Termination and Subsequent Reinstatement

On January 27, 2014, Bob Jones University delivered a certified "Notice of Termination" to GRACE, which immediately and abruptly terminated the independent investigation. A few

⁴⁵ Because interviews with BJU employees were not nearly as painful, sensitive, and private as were interviews with victims of sexual trauma, GRACE audio recorded all but two interviews with two lower level BJU employees. In these two instances, GRACE did not have recording equipment at the time of the interview. However, GRACE took extensive notes as in all other interviews and provided them with the same opportunity to review their notes and make any suggested changes as desired. In addition, all recordings took place with the full knowledge of each witness before the interview began.

⁴⁶ Two sexual abuse victims brought a person of support (a licensed counselor) to their interviews. In another situation, the parents of a minor abuse victim who attended BJU spoke to GRACE as a supportive unit for the victim who was a minor at the time of the alleged offense. In the other situation, a BJU employee requested that he be permitted to bring a support person to the interview. GRACE permitted the BJU employee to have a support person present, but only in the beginning of the interview during a discussion of general topics. For confidentiality reasons, the support person was not permitted to stay in the interview room when GRACE asked questions relating to case specific information. In another situation, a victim brought a support person to the interview who did not meet the interview protocol for being a support person. As a result, the support person was permitted to wait outside the interview room to be available if needed during interview breaks but was not permitted in the interview room.

⁴⁷ GRACE request each witness to review and return their notes with signed attestations. Some witnesses did not return signed attestations. In very few instances have we used some information from interviews in which the witness did not return a signed attestation. However, in these limited instances, GRACE made repeated efforts to request the witness to review and sign their witness notes- some to no avail.

weeks later, BJU representatives met with GRACE representatives in Lynchburg, Virginia for the purpose of addressing the termination.⁴⁸ After two days of candid and productive discussions, BJU retracted the termination and reinstated the contract with no changes to the original engagement agreement.⁴⁹ During the period of termination, GRACE also received new complaints. After the reinstatement, GRACE conducted additional interviews with recent survey takers and completed all remaining interviews with BJU personnel. The investigation phase officially ended June 15, 2014.⁵⁰

Post Investigation

1. Report Content, Standards, and Drafting

The culmination of this historic process is the publication of this Final Report that chronicles the investigation findings and provides analysis of these findings in light of the scope articulated in the Engagement Agreement.⁵¹ Report writing has been a collaborative process that takes many months to complete.

⁴⁸ These meetings took place on February 18-19, 2014.

⁴⁹ The terms of the agreement have clearly stated from the beginning that the investigation would be independent and would not be controlled in any respect by any entity other than GRACE and its representatives. What began as an independent investigation has at all times remained an independent investigation, and the terms of the original agreement were in no way amended at any time. After Dr. Stephen Jones' resignation as president in December 2013, BJU elected Steve Pettit as its new president in the spring of 2014. Since the reinstatement of the original contract, President Pettit and other BJU representatives have continued to assure GRACE of its continued support for this independent investigation.

⁵⁰ The findings and analysis provided in the Final Report are based upon information provided by voluntary witnesses between the approximate time frame of January 10, 2013 and June 15, 2014. Consequently information provided by witnesses that does not fall within this time frame has not been included in the Final Report. Furthermore, GRACE became aware through online postings of a few changes made by BJU after the investigation was completed and during the report-writing phase (e.g., BJU's online posting of the university's updated "Abuse and Neglect Policy and Procedures" or the *Student Handbook* [2014-15]). GRACE has attempted to notate some of these known changes. However, most changes that occurred after the close of the investigation are likely not reflected in the Final Report because either a) the change did not occur during the investigation phase or b) the change was not communicated to GRACE during the investigation phase. In like manner, GRACE received a few requests from victims or other witnesses to offer new information or testimony after the close of the investigation, and this information is not reflected in the Final Report.

⁵¹ Part I of the Engagement Agreement entitled "Scope of Project" states "A) GRACE shall investigate and review the responses of Bob Jones University to instances of sexual abuse disclosed or otherwise known to the institution or employees or other agents of the institution. Although this investigation is focused on sexual abuse, GRACE recognizes that many sexual abuse victims are also physically abused or neglected. Accordingly, GRACE will receive evidence as to all forms of maltreatment inflicted upon sexual abuse victims. GRACE shall also consider and evaluate how the environment and culture of BJU contributed to its response of the above referenced abuse disclosures. B) GRACE shall provide analysis and feedback regarding how the above-referenced matters were addressed by BJU. GRACE shall make specific Non-Final Recommendations with regard to, a) holding individuals accountable for their actions and/or inactions, and b) how BJU can demonstrate authentic repentance to those harmed as a result of the actions or inactions of BJU or any of its agents or representatives, and c) handling similar such matters in the future." Engagement Agreement, I.

The report is not bound by courtroom standards of evidence⁵² or burdens of proof, as this project has been a voluntary investigation initiated by Bob Jones University. The investigation is not, nor has it ever been, an attempt to bring about any legal action.⁵³

In order to determine what information would be included in the report, GRACE considered a number of factors including, but not limited to, the relevance of the information to the scope of the investigation, the extent to which the information could be verified and corroborated, and the usefulness of the information in explaining or providing feedback upon a specific matter related to the scope of the investigation.⁵⁴

2. Document Blinding

After the report was written, the GRACE team blinded the document with a confidential key to protect the identities of those who communicated with GRACE and are not named in this report. GRACE has utilized a system to mask the identities of those individuals who are not named in this report. Each individual does not retain the same number throughout the report. The same witness might have some of the same numbers in a different chapter of the report, or the numbers might be completely different. Randomness of witness identification has been built into the reading of each and every division of this report. Therefore, no assumptions should be made about the identity of a witness based upon the numerical identification listed. Some documents were also blinded to preserve confidentiality.

3. Names Appearing in the Final Report

The investigation found two primary types of sexual abuse disclosures made to the university. The first were disclosures made by students having been sexually victimized as a child. The second were disclosures made by students having been sexually victimized while a

⁵² The Engagement Agreement specifically states: Both parties understand and acknowledge that GRACE is not being retained to provide any form of legal advice, representation, or counsel. Furthermore, the Final Report of GRACE (Factual Findings, Analysis, and Non-Final Recommendations of GRACE) are exclusively those of GRACE and are not intended to be legal conclusions and do not necessarily represent those of BJU or its management..

⁵³ The scope of this investigation has at all times remained limited to Bob Jones University's handling of abuse disclosures. On a couple of occasions during the investigation, individuals made personal inquiries for legal assistance, which GRACE denied. In addition, one interviewee reportedly misunderstood questions about church-state issues as a request for involvement in legal action. This investigation has at all times remained focused upon the task at hand and at no time has GRACE ever requested or suggested legal action, nor has it provided information or assistance to individuals making inquiries for legal assistance.

⁵⁴ GRACE made every effort to collect, verify, and corroborate all information that was provided and included in the Final Report. Some information collected from witnesses was incomplete or unable to be corroborated. Some information collected was cumulative. No witness should automatically conclude that the exclusion of a particular account or piece of information from the Final Report is a determination by GRACE that the witness's account was not credible or was not believed. GRACE carefully reviewed all the evidence it obtained and made judgments based on the totality of the available evidence.

BJU student. Though the abuse disclosed in each case was abhorrent and unlawful, the scope of this investigation was to focus upon the university's response to these disclosures.

Therefore, this report has limited the specific naming of any individuals to a limited number of BJU employees who had the greatest impact on the handling of abuse disclosures. Because they fall outside of the investigation's scope, known offenders of alleged sexual crimes have not been named in this report, but GRACE reported them to the appropriate law enforcement jurisdiction. It is GRACE's prayer that all victims and perpetrators of sexual abuse receive the justice that they each so desperately deserve.

The Final Report identifies a small number of Bob Jones University employees by name. Other individuals have been identified by title. These individuals have been identified either by name or by title for several reasons. In some cases, the individual's title was directly relevant to how the disclosure of abuse was handled. Providing a person's title also benefits readers by providing needed context and clarity.

GRACE considered a number of factors in determining whether or not the person would be identified by name:

- the person's role or position at the university;
- the person's decision-making authority;
- the person's opportunity to impact cultural attitudes or beliefs about sexual victimization;
- the length of time the person has spent at the university;
- the person's teachings, writing, preaching, and/or counseling relative to a matter bearing upon the scope of the investigation;
- the reported impact of the person's teaching, writing, preaching, and/or counseling upon victims of sexual abuse.

GRACE also considered the need for transparency and clarity in identifying individuals by name. GRACE does not base its standard of naming individuals in this report upon standards of legal culpability or upon "wrongdoing." The identity of a particular person's title or name is not by itself an explicit or implicit suggestion that the individual has acted wrongfully. Readers must make their own individual judgments about the actions or inactions of any individual based upon a reading of the totality of the report and any other factor the individual reader believes is relevant to consider.

4. Report Organization

The Final Report is organized into chapters that addresses specific themes:⁵⁵

Introduction

Chapter 1: Investigation: Process and Procedures

Chapter 2: The Survey

Chapter 3: Institutional Responses to Victims of Sexual Violence

Chapter 4: Trauma and Vulnerability

Chapter 5: Safe Disclosures

Chapter 6: The Reporting of Sexual Offenses

Chapter 7: Spiritual Impact

Conclusion

Final Recommendations

Investigation Findings Appendixes

In addition, the Final Report includes specific recommendations that will assist BJU with how it can 1) demonstrate repentance to individuals who may have been harmed by the university's failure to understand and respond to issues related to sexual abuse, and 2) better understand the dynamics of sexual abuse, and better respond to sexual abuse disclosures in the future.

5. The Final Review and Recommendations Process

The Engagement Agreement provides that after the completion of the report, GRACE would submit the report to a small group of BJU officials for review for a short period of time. The university, thus, had the opportunity to identify any alleged factual errors contained within the report, making the report more accurate. GRACE maintained the right to accept or reject any suggested changes regarding alleged factual errors.

The Engagement Agreement also stipulates that GRACE initially draft Non-Final Recommendations to be submitted to a recommendations task force committee for review.⁵⁶ Upon the report's completion, GRACE submitted the report to the task force for purposes of

⁵⁵ We should acknowledge that there were other available formats for report writing, but we found that writing the report in terms of themes allowed us to synthesize the massive amount of information collected in an organized manner that we believe would be the most helpful for the reader.

⁵⁶ The Abuse Response Task Force (ARTF) was selected and/or approved by GRACE and comprised of one member of GRACE, two victims of sexual abuse who participated in the investigation and two representatives of BJU.

reviewing GRACE's Non-Final Recommendations. The Engagement Agreement's terms charge the task force with reviewing the Final Report along with GRACE's Non-Final Recommendations. The committee could accept, reject, and/or amend any of the Non-Final Recommendations. The task force convened during the first week of December and adopted the Final Recommendations as set forth in the Final Report.

The Final Report, as seen here, includes the Investigation Findings,⁵⁷ Analysis, and Final Recommendations.

⁵⁷ The Investigation Findings also includes the Investigation Findings Appendixes associated with each chapter. Case examples located within an appendix typically address a given theme or issue, and the case example is not meant to be interpreted as an exhaustive testimonial or case study. This approach also aids in providing additional measures of confidentiality. Furthermore, the case examples provided in the appendix relate specifically to a matter addressed within the corresponding chapter. The appendixes are not meant to provide the reader with an exhaustive list of all case examples and reports made to GRACE. The appendix merely provide case examples for the reader to consider in evaluating a particular theme or issue that arises within the context of that chapter.

CHAPTER TWO

SURVEY

The GRACE online survey was developed to identify current and former members of the BJU community who had personal or direct knowledge relevant to the investigation. GRACE and BJU publicized the survey through social media, GRACE's website, BJU's website, a BJU chapel announcement and follow-up email, and BJU's magazine. In addition, individuals for whom the university had contact information who do not receive the BJU magazine were either sent a letter by U.S. mail or an email about the investigation. All results are limited to those who knew about the survey and voluntarily took it.

The survey sought members of the BJU community who met at least one of three criteria. The survey sought participants who

1. Personally experienced child or adult sexual abuse prior to or during their involvement at Bob Jones Academy or Bob Jones University; and/or
2. Have a personal relationship with someone who experienced child or adult sexual abuse prior to or during their involvement at the academy or university; and/or
3. Have first-hand information related to the university's or academy's teachings or practices about sexual abuse from any time in the university's history.

The survey included a small set of screening questions to identify participants who met these criteria and called them the Investigative Sample. The main body of the survey was comprised of seven multiple choice and yes/no questions relating to BJU's awareness of and response to the specific sexual abuse case(s) known to the Investigative Sample participants. Finally, the survey asked the Investigative Sample to provide a generalized rating of their view of BJU's response toward victims of sexual abuse. Participants were also given an opportunity to submit written comments after some questions.

This chapter provides a brief description of the survey and summarizes the survey findings.

Investigative Sample Selection

A total of 924 survey takers accessed the survey and agreed to participate in the investigation by completing the survey. Of these 924 survey takers, 601 met the BJU affiliation criteria.¹ As shown in Table 1, the survey defined BJU affiliation broadly to include a direct connection such as a student, faculty member, administrator, et cetera, as well as an indirect connection such as a family member or friend of someone affiliated with BJU. Ninety percent of the respondents in the BJU sample of 601 reported direct affiliation with the university or academy.

Of the 601 respondents with BJU affiliation, 381 or 63.4 percent also identified themselves as either a survivor of child and/or adult sexual abuse, a person who knows a sexual abuse survivor affiliated with BJU, and/or someone who has first-hand knowledge of BJU's teaching and practices about sexual abuse (Refer to Table 2). The survey defined sexual abuse to include both child sexual abuse and adult sexual assault.² These 381 survey takers were selected as the Investigative Sample.

1. Abuse Survivor Subgroup

Of the 381 survey takers identified in the above referenced Investigative Sample, a subset of 166 reported personal histories of child or adult sexual abuse. This subset was called the Abuse Survivor Subgroup. Current or former university or academy students composed 90 percent of this subgroup. Table 3 presents descriptive characteristics for both the complete Investigative Sample and the Abuse Survivor Subgroup. The survey analyses that follow focus

¹ It is possible that some survey takers may have either started, or taken, the survey more than one time. As a result, the 924 survey takers who accessed the survey and agreed to participate may not represent 924 unique individuals.

² Child sexual abuse and adult sexual assault were defined in the survey as follows: "Child sexual abuse is any sexual activity—verbal, visual or physical—upon a minor (a person 17 years of age or younger). The minor is considered unable to consent due to developmental immaturity and an inability to understand sexual behavior. These may be performed on the minor, or the minor may be forced to perform any or all of the above. Adult sexual assault is any type of sexual contact of an adult (a person 18 years or age or older) where consent is not freely given or obtained, and it is accomplished through force, intimidation, violence, coercion, manipulation, threat, deception, or abuse of authority. An adult who is mentally or physically incapacitated is not capable of giving consent." Traditionally, the term sexual abuse has been used in the academic and research literature to refer primarily to child victims. Over time the term has evolved to encompass a broader range of sexual crimes and misconduct regardless of the age of the victim. The American Psychological Association (APA) and others in the field have adopted the broader definition of sexual abuse that subsumes adult sexual assault as a subcategory of sexual abuse: "Sexual abuse is unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims not able to give consent. Most victims and perpetrators know each other. Immediate reactions to sexual abuse include shock, fear or disbelief. Long-term symptoms include anxiety, fear or post-traumatic stress disorder." See <http://apa.org/topics/sexual-abuse/index.aspx>. See also http://www.loveisrespect.org/pdf/What_Is_Sexual_Abuse.pdf as an illustration of an organization that similarly uses the terms sexual abuse and sexual assault interchangeably. 32. Unless otherwise specified, GRACE has adopted the broader definition of sexual abuse that subsumes child sexual abuse and adult sexual assault.

on the Investigative Sample of 381, the Abuse Survivor Subgroup of 166, and on various subsets of these two groups.

2. Survey Limitations

It is important to make two acknowledgements about the survey results. First, the findings are based on the experiences of survey respondents occurring over more than a 30 year time period. The findings, therefore, may not adequately reflect the impact of changes in BJU's policies and practices in the last several years or the university's reply to the issues raised. Moreover, the findings of the survey are limited to those people who knew about the survey and voluntarily participated.

Second, the survey was confidential but not anonymous. GRACE requested names and contact information in the survey in order to identify a subset of respondents for comprehensive case reviews including in-depth, in-person interviews. Although 924 survey takers accessed the survey and agreed to participate, only 601 indicated an affiliation with BJU in the first survey question. Thus, 323 survey takers either had no affiliation or skipped the question and opted out of the survey at that time. The requested identifying and contact information may have been a contributing factor to some who decided not to continue with the survey. If so, individuals who were reluctant to risk identification may be underrepresented in the survey sample.

The survey findings are, therefore, data about the survey takers, not data directly about BJU actions or attitudes per se. These findings are important in their own right, as they show the attitudes of some towards the institution and its handling of child sexual abuse disclosures and related matters. The internal consistency of the responses to the survey can be evaluated. However, the survey findings are only an element of the overall Investigation Findings. Therefore, though limited in such ways, the survey is an important aspect of the overall GRACE investigation of how sexual abuse was handled at BJU.

Summary of Findings

The survey first examined the time frame in which the sexual abuse known or experienced by survey respondents occurred. Table 4 presents this summary for the complete Investigative Sample and for the Abuse Survivor Subgroup. The abuse was equally likely to have occurred before the victim was associated with the university or academy as during the time of

the victim's tenure at BJU. For the Abuse Survivor Subgroup, for example, in 54.2 percent of cases, the abuse occurred prior to BJU association and 52.3 percent of cases occurred during the time of BJU association. It is notable that the alleged perpetrator in just over one third of the cases for the Investigative Sample was affiliated with BJU in some way during the time the abuse was reportedly committed.

Next, the Investigative Sample was asked whether they were aware if anyone associated with BJU (excluding the alleged perpetrator) knew about the abuse. If a BJU representative did not know about the abuse, the survey inquired whether BJU teachings about sexual abuse played a role in the victim's decision not to disclose. Among abuse victims who had not disclosed their abuse to BJU, 55.8 percent reported that BJU teachings and practices toward sexual abuse were a factor in their decision not to disclose. The answers to these two inquiries about disclosures are shown in Table 5 for the Investigative Sample and the Abuse Survivor Subgroup.

In more than 65 percent of cases for both the Investigative Sample and the Abuse Survivor Subgroup, someone at BJU was aware of the abuse having occurred. Table 6 presents a breakdown of who at BJU knew of the reported abuse. Only in rare cases was a fellow student the sole person at BJU aware of the abuse. Most cases of known abuse reportedly had come to the attention of an administrator, faculty member, or counselor.

The heart of the investigation centered on BJU's response to known cases of alleged sexual abuse. Thus, the survey focused on two components of such a response. The first component was a global description of BJU's response to the victim on a scale ranging from "Very Supportive" to "Very Hurtful." This finding is summarized in Table 7. Among survey takers in the Investigative Sample, 26 percent characterized BJU's response to the abuse victim as "Very Supportive" or "Somewhat Supportive" while 47.5 percent used the descriptions "Very Hurtful" or "Somewhat Hurtful." Among survey respondents in the Abuse Survivor Subgroup, the global descriptions of BJU's responses were slightly more positive and more negative. Of abuse victims, 30.5 percent perceived BJU's response to their abuse disclosure to be "Very Supportive" or "Somewhat Supportive" while 52.7 percent considered BJU's response as "Very Hurtful" or "Somewhat Hurtful."

The second component of BJU's response to abuse disclosures focused upon if and how BJU representatives advised victims to report the abuse to the authorities. Table 8 summarizes the findings from the survey question that addressed this issue. Among the 115 survey takers

from the Investigative Sample who answered this question, only 9 respondents (7.8%) indicated that BJU encouraged or assisted the victim in making a police report. Twenty-four survey takers (20.9%) described BJU personnel as discouraging the police report, and another 31 (27.0%) stated that BJU personnel directed them not to make a police report.

Among the 66 respondents from the Abuse Survivor Subgroup who answered this survey question, the percentage of responses were very similar to those from the Investigative Sample (See Table 8). Approximately 7.6 percent of abuse victims described BJU personnel as encouraging a police report, while 25.8 percent reported that BJU directed them not to make a police report. Another 21.2 percent said BJU discouraged them from reporting their abuse to the police. Thus, nearly 47.0 percent or 31 survey takers described BJU personnel as either directing them not to make a police report or discouraging them from doing so.

The survey also asked respondents whether the abuse that was known to BJU representatives was ever actually reported to law enforcement. Approximately 17.3 percent of survey takers from the Investigative Sample (28 of 162) indicated that a police report was made, with another 14.8 percent (or 24) saying they did not know. Among Abuse Survivors, 21.1 percent (20 of 95) stated that they were aware that a police report was filed, with another 5.6 percent indicating no knowledge about whether such a report had been made. In cases in which a police report was filed, the survey did not obtain the identity of the reporter.

Finally, the survey takers were asked to characterize the general attitude toward victims of sexual abuse communicated by administrators, faculty members, and others representing BJU (See Table 9). Twenty-seven and a half percent of the Investigative Sample respondents and 20.6 percent of the Abuse Survivor Subgroup described the university's general attitude to be "Loving and Compassionate." This contrasted with the 55.9 percent of the Investigative Sample and 61.7 percent of Abuse Survivor Subgroup who characterized the attitudes of BJU representative towards victims of sexual abuse to be "Blaming and Disparaging." When asked to provide the source of their information about BJU's general attitudes, 75.2 percent of the Investigative Sample (230 of 306) and 85.1 percent of the Abuse Survivor Subgroup (120 of 141) cited personal experience or observation.

Observations

The survey results offer many important observations regarding BJU's response to sexual abuse disclosures and its treatment of sexual abuse victims. Four such observations are noted below, along with examples of relevant written comments provided by survey takers.

1. The survey findings support a possible conclusion that complaints and concerns about BJU's response to sexual abuse may extend beyond a small cohort of known critics.

Six hundred and one survey takers met the affiliation criteria, and these members of the BJU community felt enough concern about the topic to complete GRACE's online survey. Among 162 survey takers reporting personal or direct knowledge of BJU's response to sexual abuse disclosures, 36.4 percent described BJU's treatment of victims as "very hurtful," with another 11.1 percent describing the treatment as "somewhat hurtful." Only 13 percent described BJU's treatment of victims as "very supportive," and another 13 percent described BJU's treatment of victims as "somewhat supportive."

The following is a sampling of respondent comments expressing concern about BJU's response to sexual abuse:

I love BJU. My dad went there. My grandfather went there. Please, please, please don't go easy on them. Attitudes on sexual abuse MUST change.³

Please know that these people are extremely scary. You will be dealing with a lot of people who are fearful to speak. Even I am fearful to fill out this survey, but I want my friend to get the justice that she deserves. I cannot bring justice. I can only seek it. Your involvement gives so many peace and hope.⁴

Suggestions that victims are partially to blame because of their attire or behavior. [sic] Suggestions that victims should have "done something about it" and were complicit in the abuse by allowing it to continue [sic] without taking action. Also, as an RA I was never taught how to help/ behave if someone reported sexual abuse, though as an RA this was not an uncommon thing to find out from

³ Reference 137.

⁴ Reference 138.

someone. We were expected to assist/counsel those who had been abused, with little to no training and no understanding of the legal repercussions.⁵

I felt swept under the carpet. I felt that I had no right to my feelings, that I should just get over it instead of facing it, that I had to respect the person who abused me because they were my father [sic] and I felt like I was being scolded, that I had to hide my feelings and shut up about it. I felt like I did not matter as a person much less a victim of any abuse and that anything I was feeling or experiencing was chalked up to me being sinful.⁶

It took me many months to recover from this experience, but moreso to sort out my feelings toward leaders I respected. I have forgiven them for their lack of compassion and for what felt like a guilt trip. Haven't thought of this situation in years. Nice to be able to think of it now without anger or hurt...just sadness that this blind spot continues to damage others who are already hurting.⁷

In contrast, a number of other survey takers were vocal in support of BJU. These are examples:

I believe the overarching mission of BJU to be pure, Christ-honoring and well-meaning for all of its students and faculty, and though I may not agree with some of the nuances of how this is accomplished, I still believe the mission is one that is sincerely and honestly driven.⁸

I never knew anyone who did not have an attitude of sorrow and/or compassion for someone who was a victim of abuse. I never had a conversation with representatives, administrators or faculty about this subject.⁹

I don't remember it ever being discussed. However, all of my personal experiences with administration were dealt with lovingly and compassionately.¹⁰

During my time at BJU the staff was fair/kind/loving and I know if I felt comfortable enough to share my story they would have assisted me with biblical comfort and counsel.¹¹

⁵ Reference 139.

⁶ Reference 140.

⁷ Reference 60.

⁸ Reference 36.

⁹ Reference 117.

¹⁰ Reference 81.

¹¹ Reference 94.

2. The survey findings support a possible conclusion that many students with histories of childhood sexual abuse or who were sexually assaulted during their student years may not consider BJU a safe place to disclose abuse or to seek help as a result of the abuse.

Over 60 percent of survey takers who self identified as abuse victims describe the general attitude at BJU toward victims as one of blame and disparagement. Over a third of abuse victims stated they did not report their abuse to anyone at BJU. Over one half who declined to disclose cited BJU's teachings about sexual abuse as a reason for not seeking help.

The following are viewpoints from individual survey takers and their comments related to BJU teachings and practices that inhibit abuse victims from disclosing their abuse:

That a woman who was raped or sexually abused somehow brought it on herself. That it is not acceptable to talk about sexual abuse. The cause of Christ will somehow suffer if news of abuse gets out to "the world."¹²

Abuse victims are considered "Second-rate Christians."¹³

Women and girls are taught they must "confess" the part of sexual abuse they enjoyed, that they probably enticed the abuser.¹⁴

I was abused from the ages of 6-14 by my grandfather. When I went for counseling I was told, "Did you repent for your part of the abuse? Did your body respond favorably? If it did, then you need to repent. You're bitter and care more about your pain than the salvation of your family. You should have never gone to the police because it tore your family apart and that's your fault. You love yourself more than you love God and that's why you're struggling." And, on and on it goes.¹⁵

I would like to add that the vast majority of those who reported sexual abuse of any kind were immediately disbelieved until it was proven, and many times even then, they were viewed as having suspicious motives for seeking justice.¹⁶

¹² Reference 31.

¹³ Reference 141.

¹⁴ Reference 41.

¹⁵ Reference 136.

¹⁶ Reference 61.

3. The survey findings support a possible conclusion that BJU representatives may have sometimes discouraged the reporting of sexual crimes to the proper authorities.

Specifically, 47 percent of survey takers who self-identified as abuse victims stated that BJU personnel either directed them not to make a police report or discouraged them from doing so. These survey comments relate to the issue of abuse victims being discouraged from making police reports:

Victims heard, consistently, from chapel speakers and faculty/staff, that abusers should be forgiven, that they bore the sin of bitterness, and that they should not report abusers.¹⁷

[D]eal with your own “sin;” keep knowledge within the church.¹⁸

Its [sic] best not to make a big deal out of this for the good of the school.¹⁹

A person in administration who knew that I was assaulted by one of their preacher boys stated that I would destroy this godly man’s education and future if I reported his crime.²⁰

I received a slip in my P.O. [Box] to report to the stage following a specific chapel service. At that time, Drs. Bob, Jr. and III told me that they were sorry such a thing happened but that I now had the choice to honor God by my response and not be selfish in sharing the experience with others and gaining inappropriate attention for the school.²¹

4. Approximately one third of both the Investigative Sample and the Abuse Survivor Subgroup declined to have further communication with GRACE concerning the issues addressed in the survey. This included over 30 percent of survey takers in the Abuse Survivor Subgroup who described BJU's response to abuse victims as blaming and disparaging.

¹⁷ Reference 82.

¹⁸ Reference 118.

¹⁹ Reference 142.

²⁰ Reference 34.

²¹ Reference 93.

TABLE 1

Bob Jones University Affiliation of Initial Sample

Total Respondents: 601

	UNIVERSITY		ACADEMY	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Current or former student	83	(500)	17.6	(106)
Current or former staff/employee	24.8	(149)	1.0	(6)
Current or former faculty/ administrator	5.0	(30)	1.0	(6)
Current or former board member	<1.0	(1)	<1.0	(3)
Friend or family member of current or former student	46.7	(281)	14.1	(85)
Friend or family member of current or former staff/employee	23.5	(141)	6.2	(37)
Friend or family member of current or former faculty/administrator	5.7	(34)	<1	(2)

TABLE 2

Summary of Sexual Abuse Backgrounds of Investigative Sample

Total Respondents: 381

	<u>%</u>	<u>(N)</u>
I am a survivor of child sexual abuse.	33.3	(127)
I am a survivor of adult sexual abuse.	16.8	(64)
I know someone who is a survivor of sexual abuse who has/had a connection with Bob Jones University or Academy.	44.9	(171)
I have first-hand information relating to the teachings and/or practices of Bob Jones University or Academy about sexual abuse.	48.8	(186)

TABLE 3

Descriptive Characteristics of Investigative Survey Sample
and Abuse Survivor Subgroup

	Investigative Sample Total Respondents: 381		Abuse Survivor Subset Total Respondents: 166	
	%	(N)	%	(N)
Child sexual abuse survivor	33.3	(127)	76.5	(127)
Adult sexual abuse survivor	16.8	(64)	38.5	(64)
Survivor of both child & adult sexual abuse	6.6	(25)	15.0	(25)
Current or former BJU university student	83.2	(317)	85.5	(142)
Current or former BJU academy student	18.6	(71)	22.2	(37)
Current or former staff/employee	26.5	(101)	23.5	(39)
Current or former faculty/administrator	6.6	(25)	6.0	(10)

TABLE 4
Time Frame of Occurrence of Sexual Abuse

	Investigative Sample Respondents: 263 Skipped: 118		Abuse Survivors Respondents: 153 Skipped: 13	
<u>Answer Choices</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Before the survivor of sexual abuse became associated with Bob Jones University/Academy	52.9	(139)	54.2	(83)
During the time the survivor of sexual abuse was associated with Bob Jones University/Academy	51.7	(136)	52.3	(80)
During the time the perpetrator of sexual abuse was associated with Bob Jones University/Academy	38.0	(100)	37.3	(57)
Other	7.2	(19)	5.9	(9)

TABLE 5

Knowledge of Sexual Abuse by BJU Representatives

	Investigative Sample		Abuse Survivors	
	Respondents: 263		Respondents: 153	
	Skipped: 118		Skipped: 13	
<u>Abuse Known to BJU</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Yes	67.3	(177)	66.0	(101)
No	32.7	(86)	34.0	(52)

**If not, were BJU teachings
a reason for not reporting
abuse to BJU?**

Yes	47.7	(42 of 88)	55.8	(29 of 52)
No	52.3	(46 of 88)	44.2	(23 of 52)

TABLE 6

Individuals associated with Bob Jones University/Academy with knowledge of the sexual abuse.

	Investigative Sample		Abuse Survivors	
	Respondents: 162 Skipped: 15		Respondents: 95 Skipped: 6	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
University or school counselor	46.3	(75)	47.4	(45)
Faculty member, teacher, coach, or other staff member	61.1	(99)	59.0	(56)
Administrator/board member of Bob Jones University/Academy	48.1	(78)	48.4	(46)
Bob Jones University medical staff (Barge Memorial Hospital)	5.6	(9)	5.3	(5)
Public Safety	5.6	(9)	3.2	(3)
Resident Assistant (RA)	24.1	(39)	20.0	(19)
Fellow student	44.4	(72)	47.4	(45)
Fellow student only	3.1	(5)	4.2	(4)
Other	15.4	(25)	17.9	(17)

TABLE 7

Global Description of BJU's Response to Victim

	Investigative Sample		Abuse Survivors	
	Respondents: 162 Skipped: 15		Respondents: 95 Skipped: 6	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>N</u>
Very supportive	13.0	(21)	14.7	(14)
Somewhat supportive	13.0	(21)	15.8	(15)
Neutral, no response	12.3	(20)	12.6	(12)
Somewhat hurtful	11.1	(18)	13.7	(13)
Very hurtful	36.4	(59)	39.0	(37)

TABLE 8

BJU's Stance Toward the Victim Making a Police Report

	Investigative Sample Respondents: 115		Abuse Survivors Respondents: 66	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>N</u>
Encouraged and/or assisted victim to report	7.8	(9)	7.6	(5)
Discouraged victim from making a report to the legal authorities	20.9	(24)	21.2	(14)
Directed victim not to make a report to the legal authorities	27.0	(31)	25.8	(17)
Unknown	13.9	(16)	6.1	(4)
Other	30.4	(35)	39.4	(26)

TABLE 9

General attitude toward victims of sexual abuse communicated by representatives of Bob Jones University/Academy.

	Investigative Sample Respondents: 306 Skipped: 75		Abuse Survivors Respondents: 141 Skipped: 25	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Loving and compassionate	27.5	(84)	20.6	(20)
Indifferent	27.1	(83)	25.5	(36)
Blaming and disparaging	55.9	(171)	61.7	(87)
Other/never discussed	24.2	(74)	29.1	(41)

CHAPTER THREE
INSTITUTIONAL RESPONSES
TO VICTIMS OF SEXUAL VIOLENCE

Throughout the investigation, top BJU authorities consistently and repeatedly stated that victims of sexual crime are not responsible for the abuse they suffered.¹ However, some current and former students and faculty reported that they heard various BJU representatives communicate messages that place blame upon victims for the sexual crime they suffered. The following chapter examines this line of tension in the reports GRACE heard during this investigation and is divided into two parts.

Part One explores various reported messages that communicated at least some responsibility to victims for being sexually assaulted. Part Two explores counseling teachings and methodologies that victims reportedly experienced as blame.

¹ Reference 24. Reference 31. BJU's current policies also state, "BJU believes that a victim of abuse is not to blame for the abuse experienced." See Bob Jones University Abuse and Neglect Policy and Procedures, <http://www.bju.edu/life-faith/abuse-neglect-policy.pdf>, retrieved 9/2/14.

Part One: Investigation Findings

Introduction

A number of individuals indicated that various BJU representatives such as counselors, teachers, and chapel speakers blamed victims for the occurrence of abuse they suffered. Some of these complaints included:

Victims seemed to be treated in such a way that implicitly blamed them for the perpetrator's actions.²

BJU admin definitely held the view that a victim was always at least partially responsible, even if just a tiny part, and had the greatest obligation to deal with that tiny responsible part, as well as repenting of hatred for the perpetrator.³

In this environment, it is very common to blame the victim and take the side of the perpetrator.⁴

They were always made to feel like they were at fault.⁵

The kind of culture that is there is that you hide it, we protect our own, and there had to have been a reason why a boy/man did this to you.⁶

I do not think the abuse-enabling environment at Bob Jones is intentional. It is, however, incredibly harmful. The strict power hierarchy and victim-blaming narratives make it attractive and easy for abusers to operate undetected, never being held accountable. Victims are blamed.⁷

Victim-blaming is ubiquitous.... Bob Jones University holds to the belief that both parties (abuser and victim) are to blame to some extent.⁸

If a girl is raped she must have done something to provoke it. It was ALWAYS made to be the woman's fault. We were "stumbling blocks" to the men.⁹

² Reference 113.

³ Reference 111.

⁴ Reference 99.

⁵ Reference 92.

⁶ Reference 88.

⁷ Reference 107.

⁸ Reference 85.

⁹ Reference 75. Emphasis in the original.

In addition, some participants reported hearing some of the following comments from BJU representatives:

Language and/or teaching that suggested that the victim of sexual abuse was to blame for the actions inflicted upon them by the sexual predator.¹⁰

That a woman who was raped or sexually abused somehow brought it on herself.¹¹

They referred to the sexual abuse as “a period of bad decisions.”¹²

“What did you do to bring this about? Describe in detail what happened to you.” When I refused to give details, I was then told I was lying about everything.¹³

Deal with your own “sin.”¹⁴

I have heard comments made in a classroom situation that accused victims of sexual abuse take responsibility for their sin and just get over it and on with their lives. In my time at BJU, I heard remarks in chapel and dorm meetings that were accusatory or degrading to victims of abuse.¹⁵

One of the more intriguing findings in this investigation is the degree to which recollections about BJU teachings on the topic of sexual abuse differ among former students. Students who apparently heard the same sermons and lectures seemed to come away with vastly discrepant perspectives on what was communicated. Some former students reported, for example, that comments on sexual abuse were rare, if they occurred at all:

I don’t remember it ever being discussed. However, all my personal experiences with administration were dealt with lovingly and compassionately.¹⁶

I do not recall this being a subject of conversation.¹⁷

I was not aware of this issue coming up when I was at BJU.¹⁸

¹⁰ Reference 333.

¹¹ Reference 106.

¹² Reference 256.

¹³ Reference 211.

¹⁴ Reference 19.

¹⁵ Reference 334.

¹⁶ Reference 258.

¹⁷ Reference 335.

¹⁸ Reference 212.

It was not discussed in six years at the University and Grad School.¹⁹

In my time at BJU, sexual abuse was never a specific issue either discussed or addressed.²⁰

I never heard them address it.²¹

I never heard the issue of sexual abuse discussed in any way. I did hear many sermons, comments, etc. about sexual impropriety and sex outside of marriage.²²

Introductory Analysis

Clearly, different people can respond differently to the same messages and environment. One way to understand the differences in perceptions is to keep in mind that many victims of sexual abuse suffer from guilt and self-blame as common effects of sexual victimization. This is often due to the deliberate blame shifting strategies that perpetrators employ to ensure the victim's silence. Having already internalized poisonous beliefs about their culpability and unworthiness, abuse victims are often particularly sensitive to sermon and classroom teachings that reinforce the condemnation and despondency they struggle with daily. As a result, many abuse victims are sensitized to perceive and remember victim blaming/perpetrator exonerating attitudes and teachings that individuals without such life experiences fail to note consciously.

In more concrete terms, abuse victims may be able to detect toxic victim blaming/perpetrator exonerating attitudes in highly diluted concentrations that non-abused individuals may lack the sensitivity to detect. A canary illustrates this concept well. When miners go to work down in the depths of their mine, they often bring a canary with them. The canary detects and begins choking on toxic fumes before the fumes reach sufficient concentration to be detected by the miners. Like the canary, victims of sexual abuse detect toxic messages of blame before others who have not experienced abuse detect these messages.

Although victim blaming/perpetrator exonerating teachings are toxic to the entire community, sometimes only abuse victims are in a position, like the canary, to sound the alarm. Such teachings not only harm those who experienced sexual victimization, but they also harm the broader community.

¹⁹ Reference 259.

²⁰ Reference 336.

²¹ Reference 260.

²² Reference 400.

No one should discount the investigation participants who shared positive experiences at BJU (most of whom did not identify themselves as victims of sexual abuse). Without question, many alumni, students, faculty, and staff had wonderful experiences there. Likewise, no one should discount the investigation participants who shared about pain and suffering they experienced at BJU and how those experiences negatively impacted them.

As will be discussed in the following sections, investigation participants reported hearing messages that misplace blame upon the victim instead of upon the perpetrator of the crime.

Investigation Findings:

Messages of Blame or Shame

Some investigation participants identified hearing the following themes in institutional venues²³ such as the chapel, classrooms, and counseling sessions: blaming a woman for triggering sexual abuse or sexual assault with her dress and labeling victims as “damaged goods.” For some investigation participants, hearing these hurtful messages of blame or shame caused them not to seek help at BJU.

1. Triggering Abuse

A number of individuals, including some current and former faculty and students, expressed concern that BJU administrators and faculty have placed the onus of responsibility for men’s lust upon women.²⁴ These investigation participants reported that these messages shift the responsibility for abuse from a perpetrator to a victim,²⁵ and some investigation participants reported hearing messages about how a woman somehow triggered her abuse.²⁶

²³ As one victim of sexual trauma noted, “It is hard to identify the specific means through which these messages were communicated, as it is just part of the world there. They are commonly held beliefs that are just part of the fabric of life there. Sometimes it is spoken of clearly in a chapel message, in a psychology class or Bible class. Other times, it is just kind of in the background, just part of basic Christian beliefs there. I don’t remember it ever really being questioned.” Reference 108.

²⁴ A former student stated, “Women always did something if they were raped or assaulted somehow: it was how they dressed, they were flirting-it was never the man’s fault...But it is always the woman’s fault if she is harassed or molested somehow-she did something wrong- flirted, wearing inappropriate clothing, said something suggestive-it always came back on the woman.” Reference 80. A former student stated, “I was explicitly taught that men’s thoughts about me and my body were my responsibility, and that I could prevent lust by dressing a certain way.” Reference 127. A former student and faculty member who grew up on the BJU campus stated, “As a 13 year old I couldn’t wear pants because of guys and their thoughts and I didn’t even know what that meant.” Reference 340. Another student stated, “I heard a lot about modesty. The responsibility is on the female to keep the male chaste in my opinion.” Reference 82.

Many other participants in the investigation reported hearing similar messages such as “[s]uggestions that victims are partially to blame because of their attire or behavior.” Reference 201. Another investigative participant reported that females “attire” or “attitude” were blamed for “men’s inappropriate sexual advances towards them.” Reference 318. A former student stated, “Any time a man sinned, it was a woman’s fault. It was something you wore, a look you gave or something other. It was probably your fault.” Reference 122.

Others noted hearing comments while attending BJU like, “Look how she dressed. She got what she deserved.” Reference 251. A former student noted, “As a woman, I quite often felt discriminated against unfairly based on teachings and counselings and sermons. I often heard that because I was a woman, I was responsible for how men behaved toward me...” Reference 319.

²⁵ Another participant stated, “Another, more conspicuous aspect of victim blaming is the dress code. The dress code and the stated philosophy behind it puts the onus of unwanted sexual attention on the victim—the woman. The problem with a woman wearing revealing clothing, in this view, is that she causes men to lust and maybe even to make sexual advances on her.” Reference 123.

A former student explained that she took a class in BJU’s criminal justice department in the mid-2000s and one of the articles the class read was written by a female professor who had traveled to France and “had been severely raped and almost killed...the consensus of the male students in the class was that the woman must have done something to deserve it. Not one student stated otherwise. I tried several times to enter the discussion after this point was made, but was put off from being able to speak several times until the bell finally rang. If it had just been a few of the students, I might not have given it a second thought, but for [no] one to speak (or be permitted to speak) in defense of a woman in this situation was frightening to me both regarding

Venues in which BJU officials reportedly shifted blame for a man's lustful disposition to a woman based on her dress surfaced in a variety of arenas including sermons,²⁷ classroom teachings,²⁸ dormitory meetings,²⁹ orientations,³⁰ and school-related trips.³¹

what was being implied by the silence, as well as the fact that several of these students are or will be police officers in the near future." Reference 202.

²⁶ As one participant noted, her roommate stated to her that a certain female student "...probably wasn't abused she was probably just a slut." See Reference 124.

Another participant noted, "My roommate went on to cast doubt on the victim's story, since the rape reportedly took place at a school dance that the girl was chaperoning (something she wasn't supposed to be doing due to BJU's rules about music, dancing, etc.) and because, well, 'you never really know the truth about these stories.'" Reference 252.

²⁷ A victim of sexual abuse explained, "In chapel and BJU church, the issue of modesty frequently came up, with pastors saying that women who dressed inappropriately were willingly putting themselves into situations where they could be raped." Reference 128. Another individual similarly reported that she heard "[c]omments made from chapel platform or other such forums eluding to sexual advances being made because of dress or actions of the victim." Reference 320. Another former student more broadly reported hearing sermons, noting, "Over all it was a sence [sic] that many of the victums [sic] of sexual assault are lieing [sic] about it, and even if it is true they share the blame, I am thinking of several sermons here and there, but I heard it slipped into many [sermons] over the years." Reference 65.

²⁸ An early 1990s graduate explained that a professor told the female students that women bear the responsibility of a man's lust toward her by what she wears and should be cautious not to cause a man to "stumble." Reference 91. A 2000s graduate who took a counseling class at BJU similarly explained that the professor read some emails to the class from male faculty members who had complained that some female students were dressing "too provocatively." The former student reported that the professor "seemed to be disappointed with us and said that we must be so careful so as not to cause men to lust." She explained that the professor said "it was the woman's job to make sure the man didn't lust" and stated, "[w]e were made to feel it was our fault if our knees showed because this may cause a man to stumble." Reference 110.

To this, the professor responded, "I know that I have never said that it was the woman's job to make sure that the man didn't lust. A woman could never do that, and I have never thought that. She can only be responsible for herself and do her part by dressing appropriately so that she doesn't unnecessarily tempt a guy to struggle. It is true that I did read a letter from a male faculty member who said that he has to turn his eyes away from a girl sometimes on campus. The point that I was making when I read the letter was that this is not a problem of just wicked, ungodly men. This was written by a godly faculty member. Every man is attracted by the appearance of a beautiful woman. God made men that way. And the loving thing for us to do for our brothers in Christ and for the husbands of other women is to be responsible in our dress. I would not say that I was necessarily disappointed with the girls in the class. I was warning them to be careful." Reference 36.

²⁹ A victim of sexual abuse explained that as a residence hall student, the dormitories had monthly dorm meetings and hall meetings "which required attendance (on pain of disciplinary action if we failed to attend.)" She explained that during the meetings, "students were told that wearing pants, especially jeans, off campus made us an object of lust, and that's why we were no longer allowed to wear them." Reference 325. Reference 114.

³⁰ A former student stated, "At this meeting, we were told that female employees had asked their husbands what clothing features they found-to put it delicately-'problematic,' and then taken notes for the benefit of us students. Some of the features they mentioned were already forbidden by the rules. Others, they told us, we should eliminate from our wardrobe out of extra conscientiousness. 'We need to keep our brothers in Christ from stumbling. We know you don't want to be a temptation to these godly men we have here on campus. But here are some ways that you might be inadvertently arousing them.' So we listened intently to find out how we were inflaming these *godly men* with lust. We found out that a skirt can be long and loose, but if it has even a low slit on both sides, it draws men's attention to the legs and up the thighs. Girls who wear knee-highs instead of hose (which offer some control at the top), tend to have a distracting wiggle in the back when they walk. A v-neck, even if the neck is very high, points downward and therefore directs a man's attention to the breasts. Purses or bags carried crosswise call attention to the space between the breasts....A glimpse of bare leg skin is almost too much for a man to bear. I came away from that meeting with a slimy film of shame clinging to me." Reference 44. Emphasis in the original. Another former student described orientation, stating, "If we didn't dress the right way or if we didn't have the right amount of meekness we would be sinful. It was an aggressive environment and a graphic speech given by men to women.... It was always presented that if you were not dressing appropriately that you were not a Godly woman and that you were thoughtless, [sic] careless woman and you needed to be more Godly." Reference 116. A former student who attended BJU in the early to mid-2000s explained that during orientation, a female BJU representative leading the women's orientation explained, "If you couldn't pinch three inches on either side of your bust then your clothes weren't loose enough and that was a trap for a man." Reference 125. She explained, "The peasant blouses were popular and were v-necked and the messenger bags went across our bodies. [The female BJU official who led the orientation] said that although they were allowed they were 'eye traps' and that if they caused men to stumble, that would be on our conscience....Any time a woman does something that causes a man to stumble, that is their fault." *Id.* at p. 4. Another described her experience, noting, "There is an orientation thing that Berg taught that we had to go to and even in that the inequality is so clearly preached. That translates to if we wear something and the guy sins, it is our fault. That is preached heavily

BJU administrators deny charges that the university places blame upon a woman for man's lust toward her.³² However, from the time of the university's founding, focus upon a women's dress has been a point of significant concern.³³ In addition, the university dress code's stated objective is to "teach students to consider the impact of their choices on others, thus living out Jesus' instruction about loving others as ourselves."³⁴ These reported messages have communicated to some individuals—particularly to female victims of sexual abuse—an underlying sense of responsibility for the man's lust, which may evoke shame³⁵ and blame³⁶ for the occurrence of sexual offenses.

there. We have to control what we wear because guys cannot control themselves and lust. We get that all the time there." Reference 6.

³¹ A former student reported that, while on a BJU mission trip overseas in the 2000s, a BJU mission trip leader, a male BJU professor, "told us that we were inviting rape and other sexual immorality if we dressed in form-fitting clothing (according to university standards)." Reference 321. She stated that while she and the BJU mission team were overseas, some of the teenage boys from that country saw one of the female BJU students in their group at a subway station and approached her. She explained that the female student was very beautiful but not dressed at all immodestly. She stated, "They kissed her hand and said she was so pretty. They were teenage boys and it doesn't matter what country you are in, teenage boys are teenage boys. The next day, [the university professor who was the mission team leader] called us all together, his wife, the girls and all the boys that were on the trip. In front of the guys, our mission team leader starts lecturing us on modesty. At one point, he said the only reason the teenage boy came up to [the female student] was that she was immodestly dressed and enough to attract the attention of the boys. He accused us of leading the men. The boy in the group is like nodding his head. It was so inappropriate....Here is another man perpetuating another myth that I am responsible for a man's thoughts." Reference 203.

³² Dr. Berg reported, "No one ever dealt with modesty here without putting the blame for lust in the heart of the one lusting." Reference 8. In addition, the Dean of Men stated, "What I am constantly focused on is bringing guys back to, this is your responsibility." Reference 37. When asked if he had heard messages or lectures for women, emphasizing that women have a special responsibility to protect their Christian brothers from their lust, he stated, "Sure there would be plenty of scriptural evidence that we would draw from and say that ladies, you should protect your brothers in Christ, just like men, your primary obligation in life is to protect a woman. This kind of thing is going to come out in a chapel message or a ladies meeting or a men's meeting where we talk about different things." Reference 33.

³³ As noted by BJU historian Dr. Daniel Turner, Dr. Bob Jones, Sr., preached special sermons to women in the early 1900s. See Daniel Turner, *Standing Without Apology* (Greenville, SC: BJU Press 2001), 9-10. See also endnote 66, 328. In a special sermon to women delivered in the early 1900s at various locations across the country, Dr. Jones, Sr. preached a sermon for women known as "The Modern Woman." In this sermon, the university's founder addresses the issue of women's modesty, stating, "Listen to me, ladies! The sin of America today is the sin of impurity. The fight that confronts the American manhood is the fight for personal purity, but hear me—I have ceased to hope for men to live pure until women dress modestly. You women need not expect men to be clean unless you dress decently; you need not expect it. One hears a good deal of talk about the street masher in the city and the town. I will tell you how to stop the street masher: let the women put on more clothes. You will stop it; you will break up the mashers—the hotel mashers who sit in the windows and look at the immodestly dressed women as they pass down the street. If you are going to keep up your indecent dressing you need not expect anything else, and God will hold you women accountable for the downfall of thousands of men."

³⁴ See *Student Handbook* (2014-2015), 38.

³⁵ See Reference 50. A recent graduate who is a victim of sexual abuse explained, "I just remember coming away from that [orientation] meeting feeling very ashamed for being female. I think there was a lot of blame put on us and a lot of responsibility put on us to keep people around us pure, and if we didn't change who we were we were sinful." Reference 117. A victim of childhood sexual abuse related that while she had been a student at BJU in the 1990s, her physical education teacher explained, "we don't exercise to be sexy but to be healthy." Reference 105. The victim stated, "I didn't even know what sexy meant at the time she said it." Reference 118. The former student acknowledged, "What is the definition of sexy if sexy is a sin? I wanted to be pretty. I wanted to be attractive.... I loved running but soon ran all the time to be skinny and not look like a woman. I stopped eating breakfast in the morning and lunch at school...." Ultimately she concluded "[m]y body was shameful" and she said that this BJU-taught view left her with many questions and doubts. Reference 316. She remarked, "I still want to know if looking sexy, or to be pretty is a sin. To be a woman is a sin." Reference 250.

³⁶ A current faculty member stated, "My colleagues and I talk about it. I know growing up there it was not a happy thing to have your dress assessed... I think it makes you kind of feel shamed and a little bit guilty." Reference 53.

A current faculty member noted that BJU's focus on a woman's responsibility "may create an environment that would be an environment of blaming the victim where you might say the person was asking for it."³⁷ The employee reported hearing messages from the chapel pulpit that women are responsible for men's lustful thoughts as a result of how they dress,³⁸ and does not believe that BJU colleagues have intended to be hurtful. However, these messages, fears the faculty member, "point to an underlying culture of sexism and a pervasive and perhaps unconscious devaluation of women by viewing them as bodies to be used solely for male purposes."³⁹ Others have similarly noted a correlation between BJU views on dress and the potential for revictimization.⁴⁰

2. Blaming or Shaming As "Damaged Goods"

A number of individuals reported that BJU representatives communicated that victims of sexual abuse are "damaged goods."⁴¹ The investigation participants who heard this message reported hearing messages that viewed all sexual sin as equal.⁴² As one individual noted, "most

³⁷ Reference 61.

³⁸ The faculty member stated, "Hearing messages from the chapel pulpit that as women we are responsible for men's thoughts about us by the way we dress. I don't agree with that. I know there are a lot of people at BJ that disagree with me that we are supposed to not make the men sin by the way we dress and in that modesty applies only to women." Reference 49.

³⁹ Reference 42.

⁴⁰ A former student described a "ladies only meeting" during her time as a student at BJU in the 1990s. She stated, "That shame stuck to me all over, and was reinforced in chapel sermons and elsewhere. I was a woman. I had a layer of evil grime that I couldn't wash off. I felt it every morning when I chose my outfit. I felt it every time I had a conversation with a man. I felt it when was home during the summer and wore my non-BJU clothes to Walmart. It never went away. Not until I left fundamentalism completely. And I know, without the slightest doubt, that if I had been abused or raped during that time, I would have blamed myself. I was a girl. I was in my very nature a tool of Satan for tearing down God's men." Reference 39. Another individual who was a former student in the 1980s and an employee in the 2000s likewise described this issue by noting, "I would like to see them do something proactively to help women, to encourage women to help them see themselves as creatures that God created-no better, no worse than men-in the status they enjoy. Teach the men respect for women's bodies and feelings and understand that they are uniquely cherished and created by God. I didn't hear that message from BJU." See Reference 121.

⁴¹ A number of individuals expressed feelings of shame upon hearing the "damaged goods" message. A former student explained, "I also think that there is a real emphasis on virginity. They have it on the guy's side too, but not on the women's side. You are really damaged goods if you have had sex before marriage-even if it is a rape situation-you are damaged." Reference 324.

⁴² A victim of sexual abuse stated, "There was no understanding or discussion about [abuse] and sex outside of marriage simply meant that you were choosing sin.... I think it was generally, that when sex was talked about there was never any differentiation that this is appropriate and this is not. The only differentiation was the marriage line. It was not until years later that I think I had any type of framework for anything other than that. I know that sounds weird that a high school student wouldn't know what a rape is or what anything inappropriate is." Reference 59.

A victim of childhood sexual trauma likewise stated, "All sexuality was shameful. Even sexuality in marriage was shameful. My mother would say that it was beautiful and then say it was shameful. We were taught to be ashamed of our bodies." Reference 109.

A former student stated, "It has been 25 years since my time at BJU, but I recall frequent messages about 'strange women' and 'Jezebels' regarding any woman who was sexually active outside of marriage-consensually or non-consensually." Reference 126.

One witness who spent a lot of her life at BJU, said she did not have a clear understanding of sexual abuse while at BJU. She said she believed that sexual abuse was "...maybe a violent rape that happened on the street. There was no teaching of the whole concept of a perpetrator, or victim, or aggressor." Consequently, she reported, "I felt as guilty as if I were a perpetrator." Reference 83.

in the fundy⁴³ world view all ‘sexual sin’ as being equally bad, with almost no distinction between consensual ‘fornication’ and rape.”⁴⁴ The lack of distinction between sexual abuse and consensual sexual sin has caused some victims of sexual offenses to feel impure and shamed even though they did not choose the sexual act perpetrated upon them.

A student who attended BJU in the 1960s and was a victim of sexual abuse observed, “[T]hey didn’t mention sexual abuse. Sexual sin, yes. I remember they could have discussions about reasons to divorce. They said there were two reasons: adultery and fornication. Fornication was sex before marriage. In my thinking, because of the abuse, I had had sex before marriage, and my husband had reason to divorce me.... Sexual abuse was sexual sin. In my thinking, it had to be because no distinction was made between sexual sin and sexual abuse and sexual sin was the epitome of sin.”⁴⁵ She reported that these messages at BJU were everywhere and consequently she felt “dirty and unworthy.”⁴⁶

Other individuals noted that messages about purity contributed to the “damaged goods” label.⁴⁷ As one sexual abuse victim who attended BJU in the 2000s explained, “Virginity was the ultimate ideal. It was praised. It was talked about. And if you had lost it, then you would never be good enough. It was encouraged to the guys that you only marry a girl that is a virgin and chapel talked about purity, constantly.”⁴⁸

She explained that she agreed with the university’s position on saving sex for a marriage relationship, but because she had been sexually abused, she said she felt she was different from her classmates.⁴⁹ She said, “They had something that I would never have. The confusion about sex was so frustrating. I was so angry. Here I was being judged/blamed/torn to shreds for my horrible ‘sin.’ And, I had never even had consensual sex.”⁵⁰ She said that two different young

⁴³ The term “fundy” is jargon for the word fundamentalist.

⁴⁴ Reference 204.

⁴⁵ Reference 337.

⁴⁶ She said, “And the God at BJU was high and mighty, He was way ‘up there.’ He was punitive. He was high and mighty, standing there with his baseball bat ready to punish me. Especially for sexual sin. Apart from murder, it was the worst sin. It shamed. It separated from God. It made you dirty and unworthy. Those were the thoughts I carried.” Reference 101.

⁴⁷ A victim of sexual abuse who attended BJU in the 1990s explained “virginity is the ultimate thing.” When asked where she heard these messages, she noted, “It is like air. You just breathe it in. It is hard to say this person said this and this person said that because it is just air.” She stated that the “damaged goods” message was so much a part of her experience at BJU that she eventually asked her husband, a BJU graduate, if he also viewed her as “damaged goods.” She explained that she later regretted asking him, because “he said that he would not have married me if he would have known I was abused prior to our marriage.” Reference 63.

⁴⁸ Reference 115.

⁴⁹ “I don’t have a problem with purity but it was the way it was talked about.” Reference 74.

⁵⁰ Reference 29.

men that she dated while at BJU ended their relationship with her after learning of her abuse.⁵¹ She lamented, “Even if I had lost my virginity by choice, there was no grace in Fundamentalism. It was as if this was the one thing Christ’s blood wasn’t sufficient to cover.”⁵²

Messages about marriage may also have contributed to the “damaged goods” label. Several individuals explained that Dr. Fremont taught that people from good environments should only marry other individuals from good environments.⁵³ Though his counseling text suggests that a sexual abuse victim can be married,⁵⁴ his classroom teaching impacted some victims of sexual abuse, in particular, because some have understood his teachings about marriage to mean that individuals should not marry victims of sexual abuse.

As one victim of sexual abuse noted, Dr. Fremont “taught that people who suffered these things as children would be more likely to commit them as adults, and so it was better not to marry such a person.”⁵⁵ She offered an example of a boy who was abused by a male and noted, “many people would assume that he was also going to be homosexual,” and explained that “Walter Fremont’s teachings contributed to this outlook: the idea that whatever was done to you as a young person became a part of your inclinations to do to others.”⁵⁶

A victim of childhood sexual abuse also mentioned that Dr. Fremont “was very brutal on guys who had more effeminate behaviors, as well as abuse survivors and divorced parent’s kids.”⁵⁷ As a victim of sexual abuse, she lamented how difficult Dr. Fremont’s class had been for

⁵¹ Reference 73.

⁵² Reference 47.

⁵³ An investigative participant noted, “Dr. Walter Fremont (deceased) said that people from good environments (meaning no divorce, no abuse) should only marry people from good environments. People from bad environments should only marry people from good environments, and pray that the other person never took his classes.” Reference 93. A current BJU employee who was a student in Dr. Fremont’s classes lamented, “I didn’t like some of the things [Dr. Fremont] said... You should only date/marry people with similar backgrounds with you. All research shows if you come from a divorced family you are going to get divorced. I was thinking if I come from an ungodly family I should marry an ungodly man. I questioned him. But it is that attitude. I mean we are God’s children and have his grace. His attitude was that our problems were sin. It was painful to be honest.” Reference 55. Another former student stated, “At that point, he did not recommend that anyone who was from a situation where there were not divorced parents marrying someone who came from divorced parents. I didn’t agree with him on that issue, but I never thought it was belittling.” Reference 79. Another former student recalled Dr. Fremont’s class instruction, noting, “[I]f you were dating a person from a divorced family [he said] not to marry this person because you are more likely to be divorced.” Reference 119.

⁵⁴ Dr. Fremont offers a case example of a victim of incest who, after being counseled “that what was done to her body need not affect her soul or spirit if she chose not to let it” went on to find her “ideal man and married him, becoming a pastor’s wife in a very effective ministry.” Walter Fremont and T. Fremont, *Becoming an Effective Christian Counselor: A Practical Guide for Helping People* (Greenville, SC: Bob Jones University Press, 1996), 153-155.

⁵⁵ Reference 317.

⁵⁶ Reference 120.

⁵⁷ Reference 52.

her and said “I didn’t have a chance in this man’s class.”⁵⁸ Consequently, she said she learned not to speak up in class.⁵⁹

Another victim of sexual abuse who attended BJU in the late 1980s and early 1990s reported hearing the message that a person should not marry someone who has been sexually abused, because it could bring “a stain on a future marriage and a stain on the possibility of future ministry for the husband.”⁶⁰ She explained how these teachings impacted her:

I also learned how useless and shameful I was because of the things that had happened to me in my past. Dr. Fremont taught about the impurity that was mine forever because of things that had happened to me that I had not chosen. No good man should marry a girl like me who “isn’t pure” who had been through sexual abuse, especially if he had aspirations of being in the ministry. My parents had expectations that I should marry only a pastor or missionary, yet the school taught that I wasn’t worthy of that. I was used and couldn’t be fixed.⁶¹

Analysis:

Messages of Blame and Shame

Victims of sexual abuse should never be blamed or shamed for the abuse they suffered. Nothing ever justifies the sin and crime of sexual abuse, and BJU officials have affirmed this truth. Victims, nonetheless, reported hearing messages at the university that have the effect of blaming and stigmatizing victims. Blaming or stigmatizing victims, even subtly or unintentionally, for abuse inflicts a fresh wound, and the damage is incalculable.

1. Triggering Abuse

God made humans in His image and declared His creation very good.⁶² Thus, human bodies are inherently good and worthy of respect and dignity. There is no inherent problem with

⁵⁸ Reference 68.

⁵⁹ She noted, “I would leave that class every day, and I couldn’t deal with it. I was never so happy to finish a class so much in my life.” Reference 30. She further explained, “The rest of the time at the university I kept my mouth shut. I was dealing with distress related illnesses and taking really high loads, 18-19 hours. I was really trying to keep my head above water and not get on any radar at that point and telling anyone else after [professor] what happened and hearing the viciousness in Fremont’s class, I decided to shut up and get out. And I did thank God. If you graduate from BJU you have to be pretty strong.” Reference 67.

⁶⁰ Reference 103.

⁶¹ Reference 340.

⁶² Gen. 1:27.

having rules about dress that honor people and their bodies.⁶³ University officials affirmed these truths and expressed their intentions for their dress code: that men are responsible for their lust.⁶⁴

Several victims and participants in the investigation, nonetheless, described that as they experienced the university's communications about BJU's dress code, they felt blame and responsibility for the man's lust. As one witness noted, "The dress code and the stated philosophy behind it puts the onus of unwanted sexual attention on the victim—the woman. The problem with a woman wearing revealing clothing, in this view, is that she causes men to lust and maybe even to make sexual advances on her."⁶⁵ These messages communicate blame to women, particularly victims of sexual abuse, by emphasizing that women's bodies are the source of a man's sexual sin, even sexual assault.⁶⁶ Communicating that women are the source of lust also contributes to an environment where women are objectified. Because such thinking impacts how women are treated, abuse may occur easily in this environment. Abuse begins with the lie that women are disposable commodities to be used—objects, instead of people.

Regardless of the university's intention, many women reported hearing this harmful message from multiple sources within the BJU community.⁶⁷ This emphasis underplays and even reverses the biblical affirmation that God originally created human bodies and sexuality with inherent goodness.⁶⁸ God honors women, and made them in His image. The God of glory crowns women with glory and honor.⁶⁹ Denigrating women's inherent dignity denigrates the God in whose image all people are made.⁷⁰

⁶³ 1 Tim. 2:9-10.

⁶⁴ Dr. Berg reported, "No one ever dealt with modesty here without putting the blame for lust in the heart of the one lusting." Reference 38. In addition, the Dean of Men stated, "What I am constantly focused on is bringing guys back to, this is your responsibility." When asked if he had heard messages or lectures for women, emphasizing that women have a special responsibility to protect their Christian brothers from their lust, he stated, "Sure there would be plenty of scriptural evidence that we would draw from and say that ladies, you should protect your brothers in Christ, just like men, your primary obligation in life is to protect a woman. This kind of thing is going to come out in a chapel message or a ladies meeting or a men's meeting where we talk about different things." Reference 41.

⁶⁵ Reference 261.

⁶⁶ Unquestionably, boys and men are also victims of sexual abuse, but this section narrowly focuses on the dress code for women at BJU and its impact on the issue of blaming women for their victimization in abuse.

⁶⁷ "As a woman, I quite often felt discriminated against unfairly based on teachings and counselings and sermons. I often heard that because I was a woman, I was responsible for how men behaved toward me, and once, while on a missions trip with the university, our team leader told us that we were inviting rape and other sexual immorality if we dressed in form-fitting clothing (according to university standards)." Reference 129. "In chapel and BJU church, the issue of modesty frequently came up, with pastors saying that women who dressed inappropriately were willingly putting themselves into situations where they could be raped. In the women's dorms, we had monthly dorm meetings and hall meetings which required attendance (on pain of disciplinary action if we failed to attend), where the students were told that wearing pants, especially jeans, off campus made us an object of lust, and that's why we were no longer allowed to wear them." Reference 205.

⁶⁸ Gen. 1:31; Gen. 2:24-25; 1 Tim. 4:1-6.

⁶⁹ Gen. 1:26-28; Ps. 8.

⁷⁰ Prov. 14:31; Prov. 17:5.

How communities speak about women and women's bodies also matters, because sexual abuse or assault causes victims to feel vulnerable. Victims desperately seek something stable to help them make sense of the trauma they have experienced. Victims desperately search for a compassionate anchor who will affirm that they are not at fault. Victims need someone to help them combat their abuser's message—you deserved what you got; you are worthless; you are disposable.⁷¹ Shifting blame to victims, even unintentionally, further harms them by reinforcing the perpetrator's lies. God calls anyone responding to abuse victims to fight these dark lies with the light of truth—assault is never a victim's fault.

Sadly, blaming a victim for a perpetrator's sin is one of the first and most common responses to sexual assault. This all too common problem was identified as an issue at BJU in survivor interviews during this investigation.⁷² Victims need consistently to hear the truth that nothing ever justifies any lust or any sexual assault. Jesus clearly places the responsibility for controlling lust upon the possessor of a sinful heart:

But I say to you that everyone who looks at a woman with lustful intent has already committed adultery with her in his heart. If your right eye causes you to sin, tear it out and throw it away. For it is better that you lose one of your members than that your whole body be thrown into hell. And if your right hand causes you to sin, cut it off and throw it away. For it is better that you lose one of your members than that your whole body go into hell.⁷³

If a dress code encourages men to see women for their bodies—whether they dress modestly or not—then women become objects, and often, mere objects of lust. In effect, the messages about women that are expressed around BJU's dress code place much of the responsibility of a man's lust and a victim's abuse upon the woman and what she was wearing. Any institutional messages that communicate that a victim has some responsibility for sexual abuse not only exonerate perpetrators for their actions, but these messages also fail to demonstrate love and compassion to those who needed Christ more than ever.

Unquestionably, there is a place for dignifying humanity with respectable and appropriate clothing. But those rules should never fixate upon dress as the solution to lust. Doing so tragically contributes to the problem.

⁷¹ Reference 326. Reference 206.

⁷² Gen. 3:12.

⁷³ Matt. 5:28-30.

2. Damaged Goods

When an environment emphasizes sexual purity without a proportional discussion of sexual abuse, many victims may experience deep hurt, even feel stigmatized. When the primary category for sexual sin is culpable, consensual sexual sin, many victims will feel blamed for the sexual abuse that was perpetrated against them. If there is no distinction between sexual sin committed by a person and sexual sin perpetrated against a person, then victims will reasonably process their experience as sin for which they are culpable. Such an environment actively prevents them from understanding that they are actually victims of a serious crime.

Victims testified that they never heard these helpful distinctions at BJU, nor did they hear condemnation for the crime of abuse. Instead, many victims in the investigation said that the message they received from BJU was that their abuse tainted them, making them feel like damaged goods.

The Bible does not search for any cause of abuse beyond an abuser's sinful heart. In an act of abuse, a perpetrator takes without asking permission. He terrorizes and traumatizes the victim. The perpetrator sins—not the victim. The Bible recognizes that such horrific acts take place and does not hold victims responsible. Because the perpetrator is responsible for the abuse, the perpetrator should also be responsible for the abuse's effects. Any stigma associated with abuse falls on the perpetrator, not the victim.

A group of almost any size will have victims of sexual abuse.⁷⁴ When sexual sin is addressed, victims desperately need to hear someone make these distinctions with compassion. All BJU employees must clearly articulate with one voice the important distinction between the sinner and the sinned against. Victims need to hear that the Bible recognizes abuse as a terrible sin and that God will hold perpetrators of the abuse accountable. They need to hear that they—as the victim—are not responsible. They need to hear that they are victims of a serious crime. Without this message, an emphasis on sexual purity can be a message of condemnation to abuse victims.

Some witnesses reported that they never heard any discussion of the Bible's perspective on sexual abuse⁷⁵ and that there was very little distinction made between the sin of consensual sexual impurity/fornication and the sin of sexual abuse committed against them. Victims need to

⁷⁴ 1 in 4 females and 1 in 6 males will be sexually assaulted by the age of 18. See: National Center on Domestic and Sexual Violence, available at <http://www.ncdsv.org/images/sexualassaultstatistics.pdf>.

⁷⁵ Reference 213.

hear that certain people are vulnerable to others with more power. The Bible recognizes that there is such a thing as oppression, where the powerful sin against the weak and the weak can do nothing to stop it.⁷⁶

The victim in such cases shares no responsibility for such a shameful sin. The Bible records many cases where the less powerful are taken advantage of by those who are more powerful.⁷⁷ In such cases, God in no way blames the victim for the criminal offense of the oppressor. Rather, God declares that He takes the side of the oppressed. He holds the oppressor accountable, and He hears the cry of the oppressed.⁷⁸

Moreover, when an environment exalts virginity as the ideal, the failure to address sexual abuse is a damaging omission for victims. Talk that only exalts purity reminds victims that they are relegated to the status of a second-class citizen by definition. In such an environment, there is no hope for a victim, because the damage is done.⁷⁹

Tragically, the damaged goods message only reinforces the message of an abuser. Perpetrators often communicate lies to their victims that they are worthless items to be used and disposed. When the discussion of sexual sin excludes abuse, some victims hear that they are impure and tainted. This incredible burden of shame is the opposite message God would have Christians communicate to abuse victims.

The love of God in the gospel counteracts the shame of abuse. The gospel says victims are worth being loved, protected, and rescued. Christ taught that He came to rescue people, not only from their own sin but also from being sinned against by those who oppress the vulnerable.⁸⁰ God himself identifies with the oppressed.⁸¹ Jesus was abused. He was stripped naked, mocked, and tortured. God joins victims in their shame, that He might remove it forever and wipe away every tear.⁸²

⁷⁶ Ex. 22:21-22; Eccl. 4:1.

⁷⁷ Gen. 34:1-2; Judges 19; 2 Sam. 13.

⁷⁸ Ex. 22:21-24; Ps. 9:9; Ps. 10.

⁷⁹ Reference 207.

⁸⁰ Luke 4:18-19 cf. Ps. 72:4.

⁸¹ Ps. 9:9.

⁸² Rev. 21:4.

Section Two: Investigation Findings

Counseling Sessions and the Issue of Blame

Though some individuals reported positive experiences with BJU counselors,⁸³ the majority of participants expressed concern about BJU's counseling relating to issues of sexual abuse that led to feelings of revictimization. The following are some of the concerns victims raised:

Just summarizing what [the counselor's] counseling did, it took your greatest fears about what your perpetrator did and your feelings related to it and it confirms all of those greatest fears. And it is horrifying...I feel like I was raped by her in a way. I would say that what I struggle with most in the counseling now is not the actual details of the abuse, but the ramifications of the counseling I had from [my counselor] and what they (BJU) think of the abuse.⁸⁴

The sexual assault was bad and horrifying, but I got counseling [elsewhere] for that. But going to people who are supposed to love you and point you in the right direction is more damaging. When you are in more of a vulnerable state, that is more damaging than the actual assault. That is why I wanted to share because if I prevent one family from sending their kid there, that would mean so much. It hurts so much and you are only vulnerable.⁸⁵

I know there are people who went to school there that are okay and have healthy lives. But I don't think anyone that went through their counseling for anything significant are okay and fine or have healthy lives.⁸⁶

I had nightmares for years. What happened to me was terrible. What the people at Bob Jones did to me was worse. I asked for counseling. It was one of the worst mistakes I ever made.⁸⁷

...I do not think that is the environment I would want to receive counseling with.⁸⁸

⁸³ Three individuals who were victims of sexual abuse who met with GRACE reported positive counseling experiences with BJU counselors. Reference 327. Two other interviewees indicated that they had both somewhat positive and negative experiences with their BJU counselors. Reference 253. It is noteworthy that the three individuals who reported only positive experiences had counseling relationships with their counselors that lasted a year or more.

⁸⁴ Reference 86.

⁸⁵ Reference 16.

⁸⁶ Reference 89.

⁸⁷ Reference 130.

⁸⁸ Reference 328.

I had very frequent interactions with student and faculty patients who had been sexually assaulted or abused, because [in my profession] I had permission to ask nosy questions about sexual behavior. I was appalled at the number of women I was coming across who had suffered from these crimes, and I had very few resources to offer them.... I initially recommended they get counseling at the school, but I learned quickly that was a mistake.⁸⁹

Several victims raised the concern that BJU counseling sessions blamed them for the occurrence of the abuse. The following section outlines some of the university's counseling philosophies and methodologies. It then outlines concerns that investigation participants raised about their counseling experience at BJU, specifically with regard to the issue of blame.

1. BJU's Influential Counselors

During the course of the investigation, four names repeatedly surfaced as having a particularly significant and far-reaching influence upon the philosophy and practice of counseling at Bob Jones University: Dr. Walter Fremont, Dr. Bob Wood, Dr. Jim Berg, and Dr. Gregory Mazak.⁹⁰ Their teaching, preaching, writing, and/or counseling has undoubtedly reached thousands of counselees, counselors, students, pastors, teachers, missionaries, and innumerable others, not only at BJU, but in other schools, churches, mission fields, retreats, and/or camps across the globe who have been in contact with their work. Many in the BJU community look to these counselors as experts in counseling abuse victims. Not only have these counselors impacted the culture of BJU's counseling practices, but their counseling approaches have impacted sexual abuse victims who attended BJU.

GRACE repeatedly heard about how some counseling principles impacted the progress of abuse victims' healing. The following section explores some general principles and methodologies taught and employed about counseling.

2. General Counseling Principles

BJU teaches that, according to biblical principles, man is a sinful being. In a counseling book published by BJU Press, Dr. Fremont explained,

Man was created perfect and was conformed to God's will in the Garden of Eden. Adam was in a perfect relationship with God, his environment

⁸⁹ Reference 70.

⁹⁰ See Investigation Findings Appendix 3 for a brief report of each professor's training and experience.

was perfect, and his relationship with his wife was perfect. There was no problem with his feelings about himself. When Adam and Eve failed the test that God allowed and chose to rebel against God, they became hostile to God, others, self, and the environment. Ever since that original sin, mankind has had problems that, if not derived from medical causes (which include chemical causes) or organic causes, such as brain tumors, are a result of wrong relationships to God and one's neighbor. People experience maladjustment in this way because they deliberately sin against a holy God and reap the resulting guilt or fear.⁹¹

Counselors at BJU generally appear to place a high degree of emphasis upon determining the root cause of problems.⁹² Determining a problem's root cause is an important focus, because, as BJU publications affirm, their counseling is focused upon spiritual transformation that makes a person more like Christ.⁹³

In this view, "the personal problems of man" may be influenced by a highly variable number of factors, some of which may include one's background, environment, genetics, heredity, and sin.⁹⁴ Broadly speaking, many who teach counseling and psychology at BJU appear to hold the view that these problems generally fall into the categories of physical, spiritual, or a

⁹¹ Fremont and Fremont, 17.

⁹² In an interview with Dr. Wood about counseling, he explained, "Over a period of time, we got into people trying to determine where problems came from, the origin of problems and how to fix those things." Reference 27. Dr. Wood also wrote, "counseling is to deliberate over a problem and determine its cause, then give a plan for the solution of that problem and an escape from its consequences." See the forward to Fremont and Fremont, 11. The term "problem" in this context has been used by BJU authorities to mean inter-relational problems between human beings, problems between man and God, or generally speaking, problems in living. The term "problem" in this context does not refer to problems such as a mechanical "problem" with one's car. A number of counseling authorities at BJU have published and spoken extensively on the root cause of problems. One such BJU publication is Dr. Fremont's counseling text, *Becoming an Effective Christian Counselor*.

⁹³ A BJU publication, "The Ministry of Biblical Counseling" states that the purpose of biblical counseling is conformity to Christ. The publication states, "While we all too readily focus on getting rid of the unpleasant circumstances that sometimes surround us, God focuses on using these same circumstances to work within us (cf. II Cor. 12:7-10). His goal is to make us more faithful to Him (cf. Ps. 119:67, 71, 75). God is concerned with making us like Christ. God's goal is that His children come to 'the unity of the faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the stature of the fullness of Christ: That we henceforth be no more children.... But speaking the truth in love may grow up into him in all things, which is the head, even Christ (Eph. 4:13-15).' God wills that each of His children become 'perfect' (τέλειος), complete, or spiritually mature. The word 'perfect' refers to having reached an intended end, which for every believer, is 'to be conformed to the image of his Son' (Rom. 8:29). Realizing this basic truth, the goal of counseling is not primarily to help one raise his grades, lose weight, get out of debt, or get married. The primary goal of all biblical ministry-including both preaching and counseling-is to 'present every man perfect (τέλειος) in Christ Jesus' (Col. 1:28). This is the focus of BJU's seminary program-to train men to minister God's Word in a way that will transform others into the likeness of Christ." See Greg Mazak, "The Ministry of Biblical Counseling" *Biblical Viewpoint* Vol 34. No 2. (November 2000), 28-29. Emphasis in the original. Dr. Fremont similarly states, "The Christian counselor is not interested in merely changing a person's sinful behavior resulting from wrong decisions. A person's behavior is just the tip of the iceberg. (See Table VII.) Underneath the surface are attitudes, based on beliefs and motives, which affect decisions on how the person is going to behave and conduct his life." Fremont and Fremont, 46. A recent graduate of the counseling program shares the view that changing behavior is insufficient. She stated, "I am not interested in teaching people how to change behavior. I want to deal with people's hearts and that is where true change comes from. That is not something the person over behavioral psychology is open to." Reference 60.

⁹⁴ This phrase is taken from *Becoming an Effective Christian Counselor* by Walter and T. Fremont on page 46, wherein the authors chart the factors, root causes, and solutions for the personal problems of man.

combination of both.⁹⁵ Physical maladies generally require medical treatment. However, this view holds that emotional and behavioral problems are primarily related to spiritual weaknesses that are best addressed by the application of biblical principles.⁹⁶ A number of participants in the investigation reported hearing teachings at BJU such as, “Man’s mental and behavioral problems

⁹⁵ Dr. Berg noted, “When there is something that is a genuine physical problem, then we ought to have a genuine physical remedy for it. There is no amount of counseling that is going to help a diabetic. That is a genuine physical problem—he needs insulin.” Reference 43. A BJU counseling publication likewise affirms this same idea, noting that physical causes for some problems may include a brain tumor, a blow to the head, allergies, neurotransmitter and hormone disturbances, drugs, anemia, vitamin deficiencies, fatigue and blood sugar levels. See also Fremont and Fremont, 59-60, 73, ff.

Dr. Berg addresses the issue of depression in similar terms noting that there may be both organic and inorganic causes of depression. See Jim Berg, “Depression Issues,” *Biblical Counseling* (1992), 28-30. The handout discusses and gives examples of nonorganic causes of depression: “When nonorganic causes are the root, the depression is often caused by a reaction to or preoccupation with a loss of some kind.” *Id.* at 30. There are three categories of losses Dr. Berg outlines when discussing nonorganic causes of depression: “(1) Loss of a tangible object: loss of a loved one through divorce, death, or rejection of some kind, loss of a job or important opportunity, loss of health, loss of money or other valuable ‘thing,’ loss of friends and support because of relocation, etc.; 2) Loss of an intangible object: loss of fellowship with God and/or others (guilt), loss of respect in someone else’s eyes (because of own failures or because another person has rejected or abandoned him in some way), loss of the ‘ideal image’ of himself through a failure (wounded pride), loss of ‘control’ of his life through various misfortunes, loss of security through a tangible loss (financial setback, layoff, divorce); and 3) Expectation of a future loss (worry, anxiety), [which is defined as] a preoccupation with the expected, possible loss of a tangible or intangible loss. Note here that anxiety can be a cause of depression.” See Jim Berg, “Depression Issues,” *Biblical Counseling* (1992), 30.

Emotional and psychological issues that fall outside of the physical category are generally deemed to be spiritual problems. Dr. Mazak explained, “all problems are spiritual,” and stated, “I think it all goes back to presuppositions, if we are all struggling with problems, all problems are spiritual. When I say all problems are spiritual, I am quoting PhD’s, psychologists and [Ed] Welch from Westminster Theological Seminary. There is no problem that does not have a spiritual aspect.” He explained, “Yes, all problems are spiritual. Jesus Christ is not a small part of my life. He is my Savior and he should be my Lord in a very practical way. Everything involves him....I realize that is radical and that could be considered overly narrow and I understand that.” Reference 40.

This same idea is presented in *Becoming an Effective Christian Counselor* on pages 56-62, wherein the authors trace the root causes of all of man’s problems to physical causes and/or to spiritual causes. In this view, the root causes of all problems are either physical causes or derive from spiritual issues such as bitterness, fornication, materialism, rejection fantasizing, doubt, lying, or a combination thereof. The publication explains that solutions therefore are physical and/or spiritual.

⁹⁶ A number of BJU authorities and publications discuss the importance of the sufficiency of the scriptures for solving spiritual problems. Dr. Berg explained, “Where the scriptures have said that they are sufficient for the maturing and effecting for a man of God, then we would say that if something really is essential for the development of a person’s soul for God for his healing, then it is already found in Scripture in a much purer form than it is going to be out here in observation. So we would say the scriptures tell us everything that is essential.” Reference 28.

By way of illustration, Dr. Berg offered the example of a counselee who is diagnosed by a secular psychiatrist with Obsessive Compulsive Disorder (OCD) and explained, “I know what they mean and I know what behaviors and responses they are looking for in that. The way I am going to approach it is basically not think of it in terms as a psychiatric disorder. I am going to look at behaviors. ‘Here is excessive worry, here is a control factor, here are habitual rituals they are doing to calm themselves.’ So I am going to deal with these components in a way that applying the Scriptures will help them with these components and what we see is the improvement and the change in the person. So I am not going to treat it as, ‘You have this disorder so I have to do it this way.’ I am going to say, ‘If you have been labeled with those disorders, then I am going to be looking for these kinds of things and we are going to take those individually and we are going to see what the Scripture says about those.’ So secular psychology is helpful in maybe identifying what is the constellation of things inside this, but I am going to take every one of these is covered in the scriptures in a profound way.” Reference 112.

A BJU publication similarly states, “Contrary to much of current evangelical thought, the Bible really does have everything we need to equip us for living for Christ. If there is a deficiency, it is within us rather than in God’s Word. As one author [Jay Adams] has so succinctly stated, ‘Our problem is not that we do not have what we need in the Bible, but that we do not have enough of the Bible in us.’” See Greg Mazak, “The Ministry of Biblical Counseling,” *Biblical Viewpoint* Vol 34. No 2. (November 2000), 30.

are spiritual and must be solved spiritually.”⁹⁷ Problems having both physical and spiritual roots require both physical and spiritual solutions.

According to the counseling principles espoused by BJU’s counselors, the occurrence of sexual abuse or sexual assault brings “a trial”⁹⁸ upon a victim, to which the victim may choose to respond righteously or sinfully.⁹⁹ A righteous response to a trial is one that is most like Christ. An unrighteous response requires a victim to confess sin and conform his or her “mindset and choices to accurately mirror his position and identity in Christ.”¹⁰⁰

⁹⁷ Fremont and Fremont, 3. In a psychology class lecture provided to GRACE by BJU, Dr. Mazak and his class discussed whether some difficulties commonly associated with rape are spiritual issues. Dr. Mazak stated that the effects of rape (the students in the class volunteered examples of effects of rape not related to physical injury such as nightmares, guilt, anger, hate, fear, depression, issues with forgiveness, attempted suicide, and more) are spiritual issues. He noted, “Every one of those points is a point that the bible directly addresses.” *Adolescent Psychology* (Video) Session 7, at 21:45. “You know, here’s an example that you use, rape. Now when I say it’s a spiritual problem, I don’t mean the girl had a problem in her life and thus she was the victim of rape. That’s ridiculous, that’s not what I’m saying. But dealing with it is a spiritual issue. It is. And every aspect is answered, is dealt with by God in the scripture. Every single one.” *Adolescent Psychology* (Video), Session 7, at 25:35-26:00.

⁹⁸ A number of BJU counselors referred to sexual abuse as a “trial.” Dr. Berg noted, “Even these matters of sexual abuse and the effects of addiction, these bring huge trials into people’s lives. They need understanding of what happened; they need to see the way out; they need to see God in that. But this is a huge trial and the Bible is really good at helping us with trials.... I am going to take a two pronged approach there-I am going to deal with the sinful effects of other people that make her life harder and produce a trial and what is the Christian response to a trial.” Reference 9. See also Reference 48. See also Dr. Mazak’s recorded psychology lecture provided by BJU, wherein he stated, “When bad things happen to us, what do we do? We look at them God’s way. We become like Job, we get spiritually transformed. We realize that God has a purpose for things, and He has a way for us to deal with even the bad times. Spiritual transformation. That’s the biblical way of doing things. Realizing we are created in the image of God, realizing that God allows bad things to happen to us because it perfects the image of Christ in us. OK? Count it all joy when you encounter diverse trials. Count it all joy, knowing that the trying of your faith worketh patience, and more verses we can cite than that. OK? That’s the biblical way of dealing with things.” *Adolescent Psychology* (Video), Session 7, 31:25-32:12.

⁹⁹ As one BJU counseling publication states, “The will in the conscious mind is the operator of this giant computer (processing mind) and determines what bits of information will be drawn from the memory bank to form these thought patterns. A person can decide which thought patterns he wants to have and which he wants to eliminate.” See Fremont and Fremont, 32. The authors also note, “This latter verse [Col 3:2] also indicates that a Christian can completely control his feelings through the proper use of the conscious mind. The conscious mind poses problems and identifies problems but it does not solve them.... What is put into this computer [the mind] determines what eventually becomes one’s life action. One can get out only what is put in.” See Fremont and Fremont, 35.

¹⁰⁰ *BJU Student Handbook* (2014-2015), 7. BJU defines and describes sanctification in various publications. The *Student Handbook* (2014-2015) states, “Sanctification is the ongoing work of God through the Holy Spirit in progressively conforming a believer’s mindset and choices to accurately mirror his position and identity in Christ (Rom. 6:1-14). ... The Holy Spirit sanctifies us by producing in us qualities of godliness as we yield to His working (Gal. 5:16 ff.; Eph. 5:18 ff.). He delivers us from sin’s dominance over our hearts and decisions. He purifies us so that we become zealous for good works (Titus 2:11-14). And He increasingly transforms us into His own image so that we can accomplish the purpose for which He created us (2 Cor. 3:18). To accomplish His work of sanctification, God uses His Word (2 Tim. 3:16-17; Col. 3:16), prayer (Phil. 4:6-7) and the ministry of other believers in our lives (Eph. 4:15-16; 1 Cor. 12:4-7).” *BJU Student Handbook* (2014-2015), 7-8.

Other BJU publications also discuss the doctrine of progressive sanctification, including one authored by Dr. Mazak. The publication states, “Yet the Bible indicates that sanctification is more a process than an act. It certainly begins with a definite act (salvation), yet it continues throughout one’s life—culminating in our ultimate state of glorification (cf. 1 John 3:2). Rather than teaching the need for a once-for-all post-salvation sanctification experience (sometimes referred to as a ‘crisis’ view of sanctification), Scripture teaches the doctrine of progressive sanctification.” See Greg Mazak, “The Ministry of Biblical Counseling,” *Biblical Viewpoint* Vol 34. No 2. (November 2000), 31.

Dr. Mazak then asks, “What then is counseling? It is ministering God’s Word to a believer to assist him in his progressive sanctification. This may involve confronting a brother who is unruly, encouraging a believer who is discouraged, or helping a Christian who is weak (1 Thes. 5:14). The focus is always on restoring him to a place of usefulness in the kingdom of God (Gal. 6:12). The motive is always seeking to please God (II Cor. 5:9).” See Greg Mazak, “The Ministry of Biblical Counseling,” *Biblical Viewpoint* Vol 34. No 2. (November 2000), 31.

In addition, BJU teachings appear to indicate that how individuals choose to respond to life problems is a product of the heart. As Dr. Berg explains in *Changed Into His Image*,

A mere relief of the symptoms of despair, anger, fear, and so forth does not necessarily mean the real problem has been solved.... Jesus said it this way in Mark 7:21-23: “For from within, *out of the heart of men*, proceed evil thoughts, adulteries, fornications, murders, Thefts, covetousness, wickedness, deceit, lasciviousness, [shameless sensuality], an evil eye [envy], blasphemy [slander], pride [arrogance], foolishness: All these evil things *come from within*, and defile the man.” The apostle James tells us the same thing in James 4:1: “From whence come wars and fightings among you [the outward, visible problems]? Come they not hence, even of your lusts [the inward desires of the heart] that war in your members?” Since the Fall of man in the Garden of Eden, man has attempted to blame someone or something for his trouble. Adam attempted to shift responsibility to Eve, and Eve pointed the accusing finger at the serpent. [Genesis 3:12-13]. God’s Word is clear, however, that our *real* problems are not the result of pressures from someone or something outside ourselves. We do not sin because of financial, social, medical or circumstantial pressures. We sin because each of us has a sinful heart.¹⁰¹

Other publications and counseling materials similarly discuss the significance of understanding a person’s “heart condition” in order to identify the root causes of problems.¹⁰² As Dr. Berg wrote, quoting Bob Wood, “Our greatest problems are never *around* us; they are *in* us.”¹⁰³

¹⁰¹ Jim Berg, *Changed Into His Image: God’s Plan for Transforming Your Life* (Greenville, SC: JourneyForth, 1999), 3. Emphasis in the original.

¹⁰² A number of different BJU teachings and publications discuss the concept that a person’s response to problems is an indicator of the condition of the person’s heart. In discussing the difference between secular and biblical counseling, Dr. Berg noted, “So we would make the difference between what the human observer can find that is helpful between what is essential for the change of a heart to become glorifying to God.” Reference 1. Dr. Berg also discussed the concept of a person’s heart response at various points throughout the interviews. Reference 23. See also Dr. Berg’s handouts *Understanding and Biblically Overcoming Childhood Sexual Abuse*, “Getting to the ‘Heart’ of the Problem,” 19.

In addition, the BJU seminary published conference materials outlining “A Theology of Addiction” that appears to be consistent with other BJU teachings about root problems. During this session, Dr. Mazak outlines the theology of addiction by stating, “The heart of the problem is the problem of the heart. We are our worst enemy-apart from Christ.” Greg Mazak, “Session 2: A Theology of Addiction,” (BJU Seminary Conference: *Breaking Chains, Building Disciples*, 2011), 2. The publication notes, “Yet problems originate within our hearts. (Mt 15:18-20) ‘But those things which proceed out of the mouth come forth from the heart; and they defile the man. For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies. These are the things which defile a man.’ [quoting Matthew 15:18-20]” *Id.* The BJU conference outline also notes, “Trials expose the desires of our hearts (Js 4:1). ‘From whence come wars and fights among you? Come they not hence, even of your lusts that war in your members.’” *Id.* These published conference materials are also consistent with what a former BJU student reported hearing in a psychology class: “What we think and do is an expression of what is really important to us-what we really desire or set our heart on....[in] summary, our troubled emotions are typically the result of the troubled thoughts and behaviors that originate in our heart.” The student’s lecture notes further state, “Counseling problems are typically heart problems...[because] other things often take the place of God.” Reference 0.

¹⁰³ Jim Berg, *Changed Into His Image: God’s Plan for Transforming Your Life* (Greenville, SC: JourneyForth, 1999), 3. Emphasis in the original.

One specific illustration of this concept that Dr. Berg discussed is the illustration of the tea bag.¹⁰⁴ Dr. Berg explained, “The pressures around us (the unfavorable circumstances, the temptations, and the commands of God to love Him and our neighbor) merely draw out of our heart what is already in it. We cannot blame the hot water for the taste in the cup....”¹⁰⁵ Dr. Berg explained that he has used this illustration in some counseling scenarios and when teaching all of his freshman orientation classes.¹⁰⁶ He further noted that he uses it when he is talking about responses to trials, “...that God often uses our circumstances to draw out what is in our heart.”¹⁰⁷

3. Counseling Methodologies

BJU counselors have used different counseling methodologies to apply these counseling principles, and these applications appear to be dependent upon the counselor’s workable time frame when balanced with other administrative responsibilities.¹⁰⁸ Counseling methodologies

¹⁰⁴ Dr. Berg explains, “This depicts what happens in the human heart. The pressures around us (the unfavorable circumstances, the temptations, and the commands of God to love Him and our neighbor) merely draw out of our heart what is already in it. We cannot blame the hot water for the taste in the cup.... Similarly, we cannot shift the blame for any bitterness, anger, despair, deception, cruelty, and so forth that we display when we are under pressure. The pressures merely expose how unlike Christ we really are.” Jim Berg, *Changed Into His Image: God’s Plan for Transforming Your Life*, (Greenville, SC: JourneyForth, 1999), 4. Dr. Berg then offers the example of Paul and Silas who prayed and sang praises unto God while in prison. He noted that “Paul and Silas responded with praise and thanksgiving” because “the hearts of these men had been changed to be like the heart of Christ, who responded in a similar fashion to His suffering.” *Id.* Dr. Berg credits J. Allen Peterson’s work, “Your Reactions are Showing” with the tea bag illustration. *Id.* at footnote 5.

¹⁰⁵ *Id.*

¹⁰⁶ Reference 104.

¹⁰⁷ Reference 5.

¹⁰⁸ BJU counselors had different approaches to counseling. Dr. Wood stated, “Jim [Berg] and I had a different approach to counseling. Even though we were close friends, we had a different approach. He would say in 5 minutes I can tell you what is wrong with somebody and I tell them what is wrong with them, I give them a sheet with some scripture and say go study this and you will be alright.” However, according to Dr. Wood, “I think counseling is mostly listening. [Dr. Berg] also was, I took into consideration the fact that he was burdened down with counseling. We had 6,000 students; there was a lot of counseling.” Reference 10. Dr. Wood further explained, “When I was at school, they taught us that the most important thing about counseling was to help a person discover their problem. Not tell them what their problem was but to help them discover it in conversation.” Reference 26. Dr. Wood explained that his approach in counseling is to explain the Trinity of Man diagram to a counselee and then “I take that diagram and say here is a diagram, what area is your problem in? And they point to it, almost invariably, people will go to the problem area that they are having: their imagination, or whatever it happens to be and then that gives us a starting point to counsel.” Reference 87.

Dr. Berg stated that he engages in a data gathering approach involving questioning and listening to see what issues the counselee raises or brings to the counseling session. Reference 14. Dr. Berg stated that he listens to counsees to determine where to start counseling and stated, “I really try to discern where God is at in their life and what field God is plowing.” Reference 35. Dr. Berg however noted, “I think I tended to move too quickly in the counseling process for abuse victims. Even in data gathering in some of those things, although many of them came in on their own so there is some measure of trust. As Dean of Students I was used to investigating so I did that and asked that list of questions [from the video]. I am seeing that is probably more threatening than helpful.” Reference 69. Dr. Berg also stated, “My situation was not this long drawn out relationship where people can unfold things- for one thing I am a man and secondly my time is limited. But also my investigative manner probably I jumped into things quicker and probably made someone uncomfortable.” Reference 78. In his *Introduction to Biblical Counseling* video sessions, Dr. Berg explains the process of data gathering. One process is by asking questions and the other is by listening. In describing the questioning process he explained, “First of all there is extensive probing. Extensive probing. Sort of a shot-gun approach. You use a shot-gun when you want a broad pattern of impact by the pellets as opposed to a rifle when you want a very precise impact and there are some broad questions that you ask people.” *Introduction to Biblical Counseling* (Video), Session 9.

have included listening and/or “extensive probing” by asking questions. With each methodology, the stated purpose is to get at the “heart of the problem” so that the counselor may aid the counselee in responding to the trial in a biblical manner.¹⁰⁹

During the interviews, Dr. Berg discussed his counseling training videos and identified some of the important questions he asks when counseling victims of sexual abuse. In the training video, Dr. Berg discusses “The Problem Situation” (what happened, when, where, with whom?).¹¹⁰ After discussing the nature and extent of the abuse, he teaches that it is important to discuss the “after effects of the abuse,” and he asks questions about the counselee’s emotions (how did you feel? what emotions did you experience?), behavior (what did you say? What did you do?), and thinking (what did you think?).¹¹¹ Dr. Berg tells future counselors, “After you’ve worked with this a little bit, write out your questions ahead of time, and don’t be afraid of making mistakes. You are not going to hurt anybody. You are not going to permanently damage

¹⁰⁹ Dr. Berg discussed this issue at various points through the interviews, noting that his main emphasis in counseling has been on helping a counselee with the response to trials. Reference 20.

¹¹⁰ Dr. Berg explained in his Crisis Counseling (1992) videos, “When somebody comes to you for counseling, they will say, ‘I am having this problem.’ You may have to ask a lot of questions and we went into that in the first course about how to ask questions and how to get to the heart of the matter. But you are going to try to find out the who, what, when, where of the problem situation here.” Crisis Counseling I (1992), *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video), Session 5, Part 2, at 29:30 to 29:50. Dr. Berg states that the purpose of asking these questions is “not to help her ‘re-live’ the situation or to get ‘gory details’ for yourself, but *she* must know that *you* know what happened and that your counsel to her is therefore given with her situation in mind.” *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video), “Biblically Overcoming the Effects of Sexual Abuse: Getting to the Heart of the Problem,” 19-20. Emphasis in the original. See also Reference 94.

¹¹¹ Dr. Berg explains in his videos to counselors-in-training that it is important to ask counsees about the after effects of the abuse. He explains to future counselors that to get to “the heart of the problem,” he asks sexual abuse counsees in the initial session a battery of questions. Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video) Session 5, Part 2, at 28:30-29:15. He stated, “Then I ask them some questions about the after effects and what they have done about it. ‘What were his reactions to you later?’ ... ‘How have you handled this so far? What have you done? Have you had any physical problems as a result of this thing?’ ... ‘Have you ever been engaged or seriously dated?’ ... They may feel like they are locked into perpetuating this. They are not. But I have to find out where there is guilt that they have to deal with. ‘Do you have problems with your memories or with your thought life? Do you have any moral habits that you need to change?’ Some of them are addicted or into pornography, a lot of problems in their thought life and not just thoughts of the abuser but now thoughts of other males in their life and fantasizing about affairs with teachers or other people or with some other leader in their life and they will feel very guilty about that. Again, I don’t need to know the details of that, but I want to know the fact of it. Is it there? ... these questions help me find out exactly what happened or the general ballpark of what happened and what are some of the effects of that. That’s just exploring the problem situation... So from all of this stuff that I am finding out in the outer man here, our whole purpose is to find out what is going on in the outer man and deal with the inner man of the heart and work that out to the outer man again.

So, I am taking the problem situation and then from that I want to sort out what are the emotions that are involved here and we have talked about those. Is there anger and bitterness here? Is there fear here? How are they dealing with the hurt? Is there depression? Are there psychosomatic problems going on in their body here as a result of this? So I want to find out the effects and the emotions here. All of this I am doing in this initial interview just by asking them a lot of questions about this situation and about the effects on them. I want to find out about their behavior... What kind of behavior has come out in their life now? What relational styles have they adopted as means of controlling their world? What kind of sexual problems are they having? If they are married, have there been problems there? Are they into any kind of sexual perversions here? What addictive behaviors are in their life? What self-destructive behaviors? When is the last time they thought about taking their life? All of these are behaviors.... So I am just asking a lot of questions.” Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video) Session 5, Part 2, at 35:45 to 40:45.

their psyche or anything like that. Just get at it. Be a caring, concerned person who's trying to help, and write out your questions and compassionately begin asking these things."¹¹²

Dr. Berg explained that he asks these types of questions in the initial interview with a victim of sexual abuse because he wants the counselor to get to the heart of the counselee's problem. According to Dr. Berg, "[u]ltimately what we are trying to get to here is the heart and what desires and what control is going on in the heart because this is where the change has got to take place."¹¹³ He further explains that it is important to identify what "heart" issues may exist that may need to be confessed and forsaken so that the counselee can "put off the old man,"¹¹⁴ have a "renewed mind," respond in a Godly manner, experience emotional stability, and live a life pleasing to God.¹¹⁵

In some cases, BJU counseling methodologies have included attempting to aid a victim in determining whether there was any part of the sexual abuse that raises any elements of legitimate guilt that a victim may need to confess.¹¹⁶ Dr. Berg explained in his counseling video that when he asks questions in a session, his intention is to aid a victim in determining whether there was any part of what happened that is legitimate guilt that needs to be confessed.¹¹⁷ He also stated in his interview with GRACE that when he asked counselees these questions, he never intended to impart the idea that, "your sin here caused that."¹¹⁸

¹¹² Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video), Session 5, Part 2, at 41:35 to 42:00.

¹¹³ Dr. Berg stated, "Ultimately what we are trying to get to here is the heart and what desires and what control is going on in the heart because this is where the change has got to take place. You can try to behavior-modify the addictions as John Bradshaw says is your first step. Behavior-modify the addictions. That is not the Biblical goal. But if you don't get to the heart of this person and what is really controlling them and driving them you will never see permanent, lasting change." Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video) Session 5, Part 2, at 42:36-43:15.

¹¹⁴ Ephesians 4:22-24 states, "to put off your old self, which belongs to your former manner of life and is corrupt through deceitful desires, and to be renewed in the spirit of your minds, and to put on the new self, created after the likeness of God in true righteousness and holiness."

¹¹⁵ See Crisis Counseling I, "Biblically Overcoming the Effects of Sexual Abuse" handouts page 19-21. "But get these Godly responses. The emotional stability will come as a result of that. The joy of the Lord: I can learn to rejoice in tribulation. I can count this all joy when I fall into diverse temptations, but that is going to come down the road here after my heart, the heart issues are dealt with and I have a renewed mind and I am already practicing putting on the new man. Then there is going to come the joy and the rejoicing here as I see that effective and God using it in my life. And then I will have a life that is pleasing to God and I can have a ministry to others and that is where we will want to talk about how to minister to the abuser as we start next week." See also Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video) Session 5, Part 2, at 49:15-50:00.

¹¹⁶ Dr. Berg stated, "There is logical cause and effect if you do something wrong and you end up in the wrong place, but that is not-I am never going to fault a girl for a rape on this thing. But she is going to bear guilt for what she did do wrong here and so that can be cleared that [sic] up and out of the way so that she can deal with [sic]." Reference 2.

¹¹⁷ Dr. Berg states that he does not usually discuss repentance in the first session, but notes, "And we are asking, 'Does anything need to be repented of here?' Now, I am usually not at this stage [of repentance] in the first interview.... But then you are going to get down, eventually, to this heart and this control and be dealing with what has to be repented of here." Crisis Counseling I, *Biblically Understanding and Overcoming Childhood Sexual Abuse* (Video), Session 5, Part 2, at 45:45-46:35.

¹¹⁸ Reference 64.

In his book, *Becoming An Effective Christian Counselor: A Practical Guide For Helping People*, Dr. Fremont discusses counseling victims of incest and explains that the first objective is to ensure that blame is appropriately assigned to “the older person who took advantage of the younger innocent person.”¹¹⁹ However, Dr. Fremont states, “If the victim has deceived either parent or both parents, he needs to confess and repent of his own sin.”¹²⁰ As an example, Dr. Fremont describes the case of a “teenage girl who takes a bath only when her mother is away from the home and leaves the bathroom door unlocked, inviting the father’s corruptness.”¹²¹

Dr. Wood similarly discussed the importance of a victim’s repentance if there is any wrongdoing. In his counseling training video, “Scriptural Principles for Counseling the Abused,”¹²² he teaches that, “If [abuse victims] have sinned, and some of them have not and some of them have, but you handle a guilty conscience always the same way: by confessing to God you are sorry for your failure and by not doing that same thing again and by asking forgiveness.”¹²³ When asked what he thinks the spiritual impact is upon victims of sexual abuse, Dr. Wood told GRACE,

I think that people internally are angry at God for allowing this to happen. So you have to get beyond that and it is a very difficult thing to get beyond because I can’t tell you why something like this happened. I can tell you it did happen but I can’t tell you why it happened or why the Lord allowed it to happen. I assume that there is some reason that this has happened and that you have to work it out within your own mind about why, and it is interesting that in many cases that it really is the root problem. The girl may have caused it to start and that is the root problem with her and she has to handle that somehow or another.¹²⁴

GRACE asked Dr. Wood if he could offer any examples of when a girl might have caused abuse to start, and he stated, “I mean if she is aggressive with a man, then she may have caused it. It is pretty easy for things like that to get started between individuals. I think that generally a girl¹²⁵ will feel guilty about it, she will feel that she shouldn’t have had anything to

¹¹⁹ Fremont and Fremont, 152.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Dr. Wood stated that this counseling training video was recorded in 1989. In 2006, BJU re-copyrighted the videos and they were available for sale through BJU’s website at least through November 2013.

¹²³ Dr. Bob Wood, *Scriptural Principles for Counseling the Abused* (Video) at 37:02 to 38:00.

¹²⁴ Reference 90.

¹²⁵ Dr. Wood also stated afterwards, “I think you have to take into consideration the age of the person when this happened.” Reference 81.

do with it, but she knows down in her heart that she did have something to do with it.”¹²⁶ Dr. Wood further explained how the victim’s provocation is sin just as a perpetrator’s assault is sin. Both the victim and the perpetrator need cleansing from their sins, according to Dr. Wood.¹²⁷

4. Blame Felt in Counseling Sessions

Several victims of sexual abuse who were counseled at BJU reported that they felt revictimized. The pace of counseling sessions, discussions of “root sin issues,” and questions about “pleasure” communicated blame to some counselees.

a. Counseling Pace and Root Issues

Due to the time constraints of Dr. Berg’s schedule as both counselor and Dean of Students, he explained that he typically did not counsel victims on a long-term basis, but rather saw a victim for one, two, or three sessions. He analogized his counseling work to being a “medic on a battlefield”¹²⁸ before handing off a victim to a Dorm Counselor who would continue counseling with a victim for usually a semester or sometimes longer.

Dr. Berg explained that the “revivalist flavor” at BJU “does create an eagerness to bring real solutions to a person. And so that is stronger in my mind than having to make sure that I am pacing myself at the same pace that they are going.”¹²⁹ In addition, Dr. Berg acknowledged that he may have moved too quickly in the counseling process because he was accustomed to investigation as the Dean of Students, and stated, “But also my investigative manner probably I jumped into things quicker and probably made someone uncomfortable.”¹³⁰

¹²⁶ Reference 13.

¹²⁷ Dr. Wood stated, “I think you explain that to them and what they have done is a sin just like what he has done is a sin and they can be forgiven of that sin and cleansed from it.” Reference 34.

¹²⁸ Dr. Berg stated, “[W]hat really can and perhaps should be done longer term with people is that what they got help probably felt more like a medic on a battle field than it did a long stay in a rehabilitation center, you know?” Reference 98.

¹²⁹Reference 313. Dr. Berg noted that because of the university’s “revivalist flavor,” an attempt to help may be perceived as pushing too fast. He explained, “You have given me something to think about here. I may be- I don’t have anything to apologize for in being in the revivalistic stream of things, but it does create an eagerness to bring real solutions to a person. And so that is stronger in my mind than having to make sure that I am pacing myself at the same pace that they are going.... Philosophically that may be all wrong. But I can see as a preacher and as a teacher, I want to help. I am really interested in helping people connect dots and see truth with life and things like that, but in the eagerness for that to somebody like this it can look pushy and more direct than maybe is helpful for them. So, I need to think about that.” Reference 7.

¹³⁰ Reference 54. Dr. Berg stated, “I think I tended to move too quickly in the counseling process for abuse victims.... I am seeing that is probably more threatening than helpful.” Reference 12. Dr. Berg also stated, “My situation was not this long drawn out relationship where people can unfold things- for one thing I am a man and secondly my time is limited. But also my investigative manner probably I jumped into things quicker and probably made someone uncomfortable.” Reference 32.

Some victims of sexual abuse similarly detected this fast-paced, investigative manner. They reported that this counseling pace and questioning was hurtful.¹³¹ A victim of sexual assault stated that she disclosed to Dr. Berg in the 1990s that a BJU student had sexually assaulted her off campus. At the suggestion of a family friend, the victim met with Dr. Berg about the sexual assault on one occasion. The victim stated that when she met with Dr. Berg, she felt like she “was on trial and Berg was the judge.”¹³² The victim also stated that Dr. Berg asked her numerous questions about her spiritual life and her church attendance.¹³³

The family friend, who was present during the counseling session, remembered the interaction positively and as an attempt by Dr. Berg to help. She stated that she did not hear Dr. Berg blame the victim or ask her to “relive” the details of the sexual assault itself, but she did recall that Dr. Berg used the tea bag analogy.¹³⁴ The family friend present stated that the meeting was “mostly about her spiritual condition,” trying to help the victim “cope,” and “to help her get back to the Lord spiritually.”¹³⁵

In discussions regarding this incident, Dr. Berg stated, “Somehow in that conversation she did bring up that she was out of sorts with the Lord. If He is plowing that field, I am going to talk to her about what we can do then.”¹³⁶ Explaining the effect this type of questioning had upon her, the victim said, “It seemed to me that he thought I deserved it by the way he questioned me. He did not show any kindness or compassion (from my perspective). It was a time of added humiliation, confusion and shame.... I felt sick and humiliated.”¹³⁷ The victim explained how she suffered spiritually because of the blame she felt from these questions. She began to believe

¹³¹ “I didn’t have any hope anymore that life could ever be good or that God would ever care. I was pretty sure at that point that suicide was the only option.... His questions seemed to focus on what I could have done to cause it, why I wasn’t in church, etc. I was the problem. That meeting cemented the thought that God hated me. This happened to punish me, and life would continue like this until I could find a way to please God enough.” Reference 95.

¹³² Reference 100. Another victim who was counseled by Dr. Berg similarly stated, “I guess I want an innocent until proven guilty type thing. It just adds salt to the wound. I was already dealing with enough. I didn’t need to sit there and feel like I had to explain my story or why I was telling the truth. I feel like it was a bunch of nonsense.” Reference 71.

¹³³ The victim stated, “It seemed to me that he believed the incident was justified as I was not considered spiritually ‘right’ with God. He didn’t state that it was justified, but he asked several questions to find out if there had been any cause—such as a previous dating relationship, flirtations, etc. Once he realized that there had been nothing like that, his questioning seemed to only be focused on what my spiritual condition had been like. To me, it felt like my not attending church and being anorexic somehow justified what had happened.” Reference 77.

¹³⁴ As previously noted, the tea bag analogy used by Dr. Berg teaches that a person’s circumstances draw out what is already in a person’s heart, like hot water draws out the flavor from a tea bag. Dr. Berg credits J. Allen Peterson’s work, “Your Reactions are Showing” with the tea bag illustration. See Jim Berg, *Changed Into His Image: God’s Plan for Transforming Your Life* (Greenville, SC: JourneyForth, 1999) 3-4.

¹³⁵ Reference 102.

¹³⁶ Reference 3.

¹³⁷ Reference 62.

that God hated her, because she believed that the assault was her fault and that God used the assault to punish her. She became suicidal and lost hope for her life.¹³⁸

In response to her account, Dr. Berg stated, “Well, I can’t argue with how she said she felt. I remember the incident; I remember [the other female] coming in with [the victim]. I remember [the victim] mentioning something about her spiritual walk. It was never in my mind- I cannot account for her perceptions, but it was never in my mind that it was her fault. It was never in my mind.”¹³⁹

Another victim explained that she had been in counseling with Dr. Berg and left the counseling session feeling blamed. She stated that before she came to BJU in the 2000s, she had been sexually assaulted at work. She disclosed her abuse to her Dorm Counselor¹⁴⁰ who suggested that they meet with Dr. Berg. In the first counseling session, the victim remembers that Dr. Berg had asked her a series of “rapid fire questions” such as, “Were you drinking? Were you smoking marijuana? Were you morally impure? Were you sleeping with anyone?”¹⁴¹ The victim said she told Dr. Berg that she was 18 and at work during the incident and that before the assault she had only once held hands with a boy on a school bus.¹⁴² The victim reported that Dr. Berg said, “we needed to figure out what my sin was. He asked if I was sinning.”¹⁴³ The victim reported that Dr. Berg said “there is a sin that happens behind every other sin.”¹⁴⁴

Dr. Berg acknowledged that he did not have any official counseling records other than some handwritten notes about the session. He said that he could not recall whether he asked these questions or not, but he explained, “Sin behind every sin, that is not a concept I do.”¹⁴⁵ Dr. Berg explained that the purpose of these types of questions is to distinguish between the guilt or shame that God intends when a person sins versus shame or guilt that is not from God but which

¹³⁸ The victim said, “I didn’t have any hope anymore that life could ever be good or that God would ever care. I was pretty sure at that point that suicide was the only option....His questions seemed to focus on what I could have done to cause it, why I wasn’t in church, etc. etc. I was the problem. That meeting cemented the thought that God hated me. This happened to punish me, and life would continue like this until I could find a way to please God enough.” Reference 57.

¹³⁹ Reference 18. Dr. Berg further stated, “[I]t doesn’t cross my mind that a girl in this situation is at fault. I would have asked if she had a previous relationship with him. That is part of interviewing to find out who [the perpetrator] is. I just want to know that previously. All I can say is what she is saying...I won’t deny how she felt. I don’t think [the victim] is making up anything; she probably felt everything there. But that is not my attitude towards her; it wasn’t then and it isn’t now.” See Reference 66.

¹⁴⁰ In an interview with GRACE, the Dorm Counselor stated that she had a very vague memory of meeting with the victim, but explained that she remembers Dr. Berg being “gentle” and “compassionate” when dealing with counselees. Reference 15. She also stated, “I remember [the victim] being pretty warm and she seemed like an earnest student of the Bible. She seemed like she was genuine in her desire to understand the Bible if I recall.” Reference 214.

¹⁴¹ Reference 338.

¹⁴² Reference 262.

¹⁴³ Reference 401.

¹⁴⁴ Reference 215.

¹⁴⁵ Reference 1122.

may come from another source.¹⁴⁶ The victim, however, reported that she left the meeting feeling devastated and hopeless.¹⁴⁷

A victim of abuse reported that she had been physically and sexually abused as a minor and reported her abuse to BJU officials in the 2000s. She stated that she disclosed the abuse to her counselors and to a professor. In response to her disclosure, the victim remembers them asking her what she “did to bring this on.”¹⁴⁸ She also noted, “For a couple of sessions in counseling, [the counselor] had me think through if there was something I had done ... then the next week I would have homework dealing with that.”¹⁴⁹ The victim said she felt pressured to think of examples that might have contributed to her abuse, such as getting someone’s attention or verbally provoking her alleged perpetrator.¹⁵⁰ The victim reported that she sensed that these types of questions were blaming, and that she personally rejected feeling any blame for what occurred in spite of the questions her counselors and professor asked.¹⁵¹

b. The Issue of “Pleasure”

Several individuals raised the complaint that BJU counselors had encouraged abuse victims to confess and repent of any “pleasure” experienced during the sexual abuse.¹⁵² One such

¹⁴⁶ Dr. Berg explained, “In order to help them with shame and make the difference between, ‘What do we do with the shame that other people have created for us and what do we do with the shame that God intends for us in guilt’ are two entirely different things and if there is anything where she was, I don’t know, but I may have asked her those questions. I don’t recall but I don’t doubt because in my previous conversations with her she came in because she said that she was very rebellious her last year of high school, she got into drinking, profanity, and so forth...So if I recalled that, it would not be unusual for me to say, ‘Were you- you are not responsible for what happened to you here, but was there any part of this that you are- that you feel very guilty about that you need to get cleared out of this so we can deal with what is the other part of it is. I very well may have done that. I did do that with people, and I may have done that with her. But that wasn’t saying, ‘Your sin here caused that.’ There is logical cause and effect if you do something wrong and you end up in the wrong place, but that is not- I am never going to fault a girl for a rape on this thing. But she is going to bear guilt for what she did do wrong here and so that can be cleared that [sic] up and out of the way so that she can deal with [sic].” Reference 97.

¹⁴⁷ “I don’t think they understand the effects. The man who abused me took my innocence, joy, and virginity away from me. But even despite all that, I still had hope that I wasn’t something unloveable. I had hope that I wasn’t something damaged completely...I had this hope before I went to Dr. Berg’s office. Because that was the first time talking to someone about [the rape], it was the first time that anybody had told me that it was because of something I did. That is the thing; he was asking if I had been drinking, smoking or been impure, what he was asking was did you do something that caused it. When he said there is always a root sin that causes sin-a sin is something you do right? So before that I had hope, and I think that the lasting effects of his counseling is that it left me having no hope. Maybe I am wrong here, but I can recover physically from the rape. I can get counseling and uncover emotional stuff. I can reach a place where I can recover from insecurity. I can recover from something in there but it is much, much harder to recover in a hopeful way. In that sense I don’t think that Dr. Berg realizes or BJ or a lot of the people how serious it is.” Reference 131.

¹⁴⁸ Reference 332.

¹⁴⁹ Reference 209.

¹⁵⁰ She also stated “I really just had to dredge something up that I knew was not right but I felt like I had to have an answer...” Reference 257.

¹⁵¹ She said, “I was not interested in that at all because I knew that it was not my fault at all.” Reference 210.

¹⁵² One former student of Dr. Fremont’s stated, “Women and girls are taught they must ‘confess’ the part of sexual abuse they enjoyed, that they probably enticed the abuser.” Reference 96. As a victim of childhood sexual abuse, she said she “recall[ed] the shock of hearing this taught in a psychology class my freshman year by the Dean of the School of Education, Walter G. Fremont.” Reference 132. She stated, “I remember where I sat in class that day and he said if a girl or woman had been molested

sexual abuse victim disclosed that she decided not to seek help from anyone at BJU after hearing this teaching.¹⁵³ She related her belief that Dr. Fremont's views had "permeated the faculty and staff"¹⁵⁴ and consequently she said she buried her abuse until she was in her 40s.¹⁵⁵

Another individual also explained hearing this message in a counseling session with a BJU counselor. She stated that she had been the victim of childhood sexual abuse before coming to BJU in the late 2000s. When she came to BJU, she sought counseling at BJU. The former student related that the issue of "pleasure" came up when discussing her abuse with the counselor. She said that her counselor said, "that if I had ever experienced pleasure, that was sin that I needed to repent of."¹⁵⁶ The victim stated that these comments left her very hurt and confused.¹⁵⁷ In an interview with GRACE, the counselor denied asking the counselee about pleasure or telling her to repent of it. She stated, "I have never said that to my class and I haven't counseled that way."¹⁵⁸

they had to confess the sin of the molestation they enjoyed..." The former student also related that Dr. Fremont taught students who would be counselors to ask abuse victims, "what part was your fault, what part did you enjoy?" She explained that as a victim of sexual abuse, she sat in class and thought, "I didn't enjoy anything. If you have a physical reaction it only creates guilt, not pleasure." Reference 329. The participant related that Dr. Fremont taught these ideas in the classroom and at The Wilds Christian Camp. Reference 254. Another investigative participant also reported that a current BJU faculty member who teaches counseling "insisted that the woman being counseled needed to repent of her wrongdoing in the sexual abuse before you could move forward. She suggested that the victim may have enjoyed it or brought it upon themselves." Reference 133. An individual noted that she was asked by a BJU representative, "Did you enjoy it? If you did you should ask God's forgiveness." Reference 208. Another victim of sexual abuse similarly stated after she was asked whether she "enjoyed" it, she "had to admit guilt even though I wasn't guilty. I was a child- my body worked, naturally... Emotionally did I- NO!!" Reference 330. Emphasis in the original.

¹⁵³ When asked if she told anyone at BJU about her abuse, the former student who was a victim of childhood sexual abuse explained that she did not tell because, "No, not after what I heard Fremont say. I arrived somewhere I thought was Mecca. It was easier to conform at that point." Reference 339.

¹⁵⁴ Reference 216.

¹⁵⁵ Reference 263.

¹⁵⁶ Reference 84.

¹⁵⁷ Reference 58. She stated, "There was so much confusion that she brought into it and it magnified the guilt ten-fold. When you have been told by [relatives and a pastor] and now this counselor that it was consensual and your fault then how can you believe any different? That is why I clashed with [my counselor] because I didn't want to believe it." Reference 25.

¹⁵⁸ Reference 21. The BJU professor and counselor explained, "I talk [in class] about guilt and guilt feelings and that people that are abused often have these guilt feelings, they are not guilty. We talk about this in other areas of issues in class too, that there is a difference between guilt and guilt feelings or illegitimate guilt. People can feel guilty about things that God wouldn't consider them guilty about and so we distinguish between that and I tell them that someone who is abused is not guilty. I tell them that even if they did something wrong, that got them into the situation, and I tell them that a girl might be really confused, she might have guilt feelings because she does know that she did do something wrong, the illustration that I give them is maybe her parents told her, 'Don't go to the mall.' Well she went and then she got abused because she was there and she might think that it is her fault. That could happen and she really did disobey something, so she really did, and I said, if you keep insisting that she is totally guiltless but she knows she disobeyed her parents, she is going to be confused. If there is something like that, tell her, ok so you can tell your parents that you were wrong to go the mall but she is not guilty for the abuse and she is not guilty if her body ever would feel pleasure because our bodies are made that way. God made our bodies to feel pleasure and if somehow she felt pleasure because of this situation, that is nothing to feel guilty about because our bodies are made that way and you need to tell her that she does not have to feel guilt for that, that is not legitimate guilt." Reference 76.

The victim stated that after two years of counseling, she discontinued seeing the BJU counselor,¹⁵⁹ and shortly thereafter met with a BJU graduate and an experienced counselor in the Greenville area. This counselor told GRACE that she has also met with a few other counselees in the Greenville area who have reportedly received the same message from the victim's former BJU counselor and explained that these counselees do not know each other and had randomly given the same account of the BJU counselor's views on pleasure to her at different times in the last decade.¹⁶⁰ She shared with GRACE that the emotional and spiritual impact of this statement upon her counselees had "crushed them because they felt like they had been victimized again by that statement."¹⁶¹

Dr. Berg also discusses in his counselor training videos the issue of a victim who may feel "pleasure" during the abuse, and he acknowledged that the area of pleasure can be a confusing topic for sexual abuse victims. Dr. Berg stated in the counseling training video, "All of these interlocking or mixed together opposite feelings of pleasure yet perversion have to be sorted out."¹⁶² On the counseling training video, Dr. Berg further explains that when he is meeting with a counselee for the first time, he asks numerous questions that are related to the nature and effects of the abuse. Specifically, Dr. Berg explains some of the questions he uses in the first counseling session saying,

And I pose, "was there ever any, have you wondered why any of this was pleasurable to you and yet it was somebody that was a family member and have you ever felt like you were perverted?" And I will ask them some of those questions to get their thinking out. And I will pose some of those confusing questions. "Have you ever thought this?" And they'll say, "No, there was no part of it that was pleasurable to me." Well, that's good then. But I am asking them some of these questions that we discussed when we talked about confusion and I want to know how their thinking has been

¹⁵⁹ The victim noted, "At this point no one had ever told me that the abuse was not my fault." Reference 17.

¹⁶⁰ Reference 11.

¹⁶¹ Reference 255.

¹⁶² Crisis Counseling I, *Biblically Understanding and Overcoming Childhood Sexual Abuse* (Video), Session 3, Part 2, 45:20-45:31. Dr. Berg discusses the issue of confusion at length in the training video, stating, "Now pleasure is not always present in all experiences. Many of them, there was no pleasure at all in this. But not in the sexual thing, but remember in the set-up when we talked about that, it began with a relational intimacy they were sharing. If a father or an abuser is going through this whole set-up stage, and they don't all have to, but there was a pleasure to that relationship, there was an intimacy, an enjoyment of the other person before all of this took place. And I have heard gals say, 'What kind of a girl could enjoy affection and attention from this kind of a pervert? What does that leave me? I enjoyed his attention.' See the confusion here? Another girl said, 'I felt like I was partly to blame because I didn't cry out when my youth pastor made me stimulate me. He preached from Deuteronomy that if a girl didn't cry out she was responsible.' She felt like she had a role in this, she was in compliance with it because she didn't cry out.... It's confusion about the past. All of these interlocking or mixed together opposite feelings of pleasure yet perversion have to be sorted out." Crisis Counseling I, *Biblically Understanding and Overcoming Childhood Sexual Abuse* (Video), Session 3, Part 2, 37:50-45:31.

confused. Are they blame-shifting in any way? Do they feel guilty for anything?¹⁶³

Though the training video does not appear to indicate the view that a counselee should repent of “pleasure,” Dr. Berg broadly discusses in this video session and in other video sessions the need for any counselee to repent and forsake any sins that are at the heart of the counselee’s problems.¹⁶⁴

When GRACE asked Dr. Berg about his comments on the training video, he stated that he only asks the question about pleasure when the issue of guilt or confusion about pleasure is first raised by the victim, and he conceded that the training videos may not have been very clear.¹⁶⁵

Dr. Berg also acknowledged discussing this issue in counseling classes or with counselees in order to distinguish between the shame that is the result of one’s own sin and the shame that is the result of the sins of others.¹⁶⁶ And one victim of sexual abuse reported to

¹⁶³ Crisis Counseling I, *Biblically Understanding and Overcoming Childhood Sexual Abuse* (Video), Session 5, Part 2, at 39:45 to 40:25.

¹⁶⁴ Dr. Berg states that he does not usually discuss repentance in the first session, but notes, “And we are asking, ‘Does anything need to be repented of here?’ Now, I am usually not at this stage [of repentance] in the first interview.... But then you are going to get down, eventually, to this heart and this control and be dealing with what has to be repented of here.” Crisis Counseling I, *Biblically Understanding and Overcoming Childhood Sexual Abuse* (Video), Session 5, Part 2, at 45:45-46:36.

¹⁶⁵ GRACE discussed with Dr. Berg’s training videos for future counselors, including the asking of questions about pleasure. Dr. Berg told GRACE, “I will tell you, I don’t think I have ever asked anyone if they have had pleasure. I think [on the training video] I have said, ‘These kinds of things create a lot of confusion in girls’ minds and you probably have questions about ‘should I ever tell my husband, should I tell my boyfriend, am I ever going to have a successful marriage, am I ever going to be able to raise my kids right?’ There are a lot of common questions that go through girls’ minds. I am trying to frame it that they are normal; they are not weird because they are thinking these things.... I would occasionally say, this is not true in every case, but in some cases there is actually sexual pleasure and that would be normal for some people and I would just list a whole bunch of things that some people have questions about. I don’t remember that I have ever asked anybody, ‘Did you have pleasure about that?’ I have framed that in the general thing that that is an area of confusion that people generally have....” Reference 46. When GRACE pointed out that it is on the video in one of his counseling sessions videos, Dr. Berg stated, “Yeah and it is. There have been times where, I am not- it is on the list of the questions, but I would have to say and perhaps I should be more clear on the videos, I don’t ask every one of those questions every time. It kind of depends. It may not even be the direction something needs to go. I may already know enough of what I know so that I don’t have to ask the questions. But there have been, probably less than a half a dozen times where a girl has said, ‘I just feel so guilty; I feel so dirty.’ And that would be normal with this kind of thing. But then would say, ‘But I have my own personal problems as a result of that.’ Then I would inquire, ‘Have you been sexually active?’ I find out some have been sexually active after that. If that isn’t the case, then I would say, ‘Let me ask a question. Do you have trouble with fantasizing about this at all? Do you have trouble with pornography because more and more girls do.’ I would say, ‘Do you have a personal sexual habit that you need to overcome?’ And sometimes you just see their eyes drop, ‘Yeah.’ I would say, ‘Well, I am not the one to talk to you about that, but that is important for you to get some help about.’ So yes- I would not say- that litany of questions is the kinds of questions you would ask, but I can’t say that I went through that, I mean I know I don’t go through that every time. And I may not- that may not be clear in a teaching thing where I don’t say that. But I have asked where it seemed appropriate because the girl seemed to really be stuck on some personal guilt thing or she brought it up out of the blue.” Reference 22.

¹⁶⁶ Dr. Berg explained that when he counsels victims of sexual abuse, he may ask a victim questions to aid a victim in understanding the difference between, “What do we do with the shame that others [sic] people have created for us and what do we do with the shame that God intends for us in guilt.” Reference 4. Dr. Berg also discusses this issue in his counseling training videos, noting that if an abuse victim did anything warranting of shame, they should confess it and “despise” the shame that is not the victim’s. Dr. Berg stated, “Notice the contrast between God’s way of handling underserved degradation (Hebrews 12:2) and man’s way of magnifying and plumbing the depths of shame. Folks we have to have God’s perspective. He tells us what to do

GRACE that she sought out help from Dr. Berg in the mid-2000s because of her fears of marriage and seeing the doctor. She said that in their one counseling session, she understood the distinction Dr. Berg made about guilt and appreciated his help. She noted, “[Dr. Berg] talked about the guilt issue. He said to repent for being disobedient to my mom [regarding her rules]. That helped because I did feel the guilt. He did not tell me I was guilty for the abuse at all.”¹⁶⁷ A couple of former students who took Crisis Counseling at BJU also reported hearing Dr. Berg discuss this issue in class.¹⁶⁸

Analysis

1. General Counseling Principles

“The heart of the problem is a problem of the heart.” This adage aptly captures a central tenet of discipleship among BJU counselors: many struggles in people’s everyday Christian walk are rooted in sinful attitudes of the heart that can be remedied by repentance and adjustments in thinking. The application of this discipleship tenet to sexual abuse counseling is fraught with risk for the abuse victim.¹⁶⁹ Misapplication can result in victims being grossly ill-served. Abuse victims will be underserved to the degree the impact of sexual abuse is misconstrued to be an

with shame we didn’t earn. I have to do it kindly, but I have to get God’s perspective. I have to tell them to think it down; belittle it.” Crisis Counseling I, *Biblically Understanding and Overcoming Childhood Sexual Abuse* (Video), Session 3, Part 2, 33:10 to 33:35. Dr. Berg similarly stated in an article, “Beauty to Ashes” that “God instructs us that when the shame is a result of our own sin, we must confess it. When it is the result of the sins of others against us, we must despise it. Clearly the attitude of Jesus toward shame must shape ours.” See Jim Berg, “Beauty to Ashes,” *FrontLine* (January/February 2012), 17.

¹⁶⁷ Reference 341. This victim of sexual abuse noted, “I am here to speak for the side of pro BJU, even though I am not a big fan, but I want justice to be done on this side because he [Dr. Berg] was very kind and helpful. He helped me understand the reason why I felt guilty when I was little was because this man [the alleged perpetrator] had already set up an environment of disobedience in his home. He created an environment that was disobedient to my mom: eating snacks and watching Nickelodeon that we were not supposed to tell mom. So when he started molesting me, there was already a precedent set of doing things at his house that we didn’t tell our parents about.” Reference 789. She also noted, “He really helped me. I told him I felt guilty because my body responded. Yes, Dr. Berg said that was not my fault, that he (the abuser) was manipulating me, and that I had no way of understanding or controlling a biological function. I remember him telling me that God designed my body to act and react a certain way to certain stimuli, and that physical response was beyond my control.” Reference 007

¹⁶⁸ A student explained his understanding of this issue stating, “Dr. Berg said that what you have to deal with victims of sexual abuse is that there may have been an orgasmic response that could cause confusion for some people because if their body responded even if that is not true and that you have to explain that is not what it is. The other thing he said is that we may have to deal with the issue of masturbation with victims of sexual abuse.... That you would have to ask them if they were participating in those activities. If they were, you had to tell them to stop immediately.... He was talking in our class about how creeps play with victim’s minds and convince them of things that are not true.” Reference 72. Another student also reported hearing Dr. Berg explain in Crisis Counseling class that questions about pleasure could be asked of a sexual abuse counselee. Reference 998.

¹⁶⁹ An unacceptably large number of children in our society are subjected to early adverse experiences, exposing these children to an increased risk for the development of depression or anxiety disorders, as well as other disorders, that may persist throughout adulthood. We have summarized findings from preclinical and clinical studies suggesting that early life stress induces long-lived hyper-activity and sensitization of CNS, CRF, and other neuro-transmitter systems, resulting in enhanced endocrine, autonomic, and behavioral stress responsiveness. With repeated exposure to life stress, this vulnerability may result in symptoms of depression and anxiety disorders, as well as in other physiologic abnormalities frequently observed in adult survivors of abuse. See Christine Heim and Charles B. Nemeroff, “The Role of Childhood Trauma in the Neurobiology of Mood and Anxiety Disorders: Preclinical and Clinical Studies,” *Biol Psychiatry* (2001), 49:1023-1039.

issue of sinful heart attitudes that requires detection and repentance, rather than recognized as evidence of possible psychological trauma requiring skilled assessment.¹⁷⁰ In such a case, the counseling needs of the abuse victim will likely be underestimated. Biblical knowledge rather than trauma expertise will be the primary criteria for counselor selection. Abuse victims will be ill-served to the degree that the misapplication of the “heart problem”¹⁷¹ tenet adds to their guilt, shame, and self-blame. This is likely if common psychological responses¹⁷² to sexual victimization such as sorrow, grief, and fear are mislabeled as deliberate sinful choices, rather than as pre-wired symptoms of soul injury. Viewing the psychological aftermath of abuse as primarily a spiritual problem also places the burden on victims to solve their problems through their own spiritual effort. Recalcitrant symptoms become the victim’s fault and responsibility.

Despite the recognition that medical problems can affect behavior and emotions, there seems to be little appreciation among BJU counselors of the substantial scientific evidence that Post Traumatic Stress Disorder and other trauma-related anxiety and affect conditions are likely to have neurobiological causes.¹⁷³ As a result, BJU counselors may not be referring abuse victims for appropriate medical evaluation.

¹⁷⁰ The biological perturbations observed in patients suffering from PTSD are numerous, and likely reflect an enduring dysregulation of multiple stress-mediating systems that occurs as a result of a psychological “shock.” These pathophysiological perturbations presumably occur in patients with genetic, epigenetic, and experiential predispositions when exposed to certain extreme conditions. Presumably these changes signify an indelible sensory imprint of maladaptive processed experience that co-opts an imbalanced degree of emotional importance and thereafter releases (or restrains) behavioral reactions that focus on defending against future trauma via activation (or deactivation) in a losing effort to secure homeostasis. See Jonathan E. Sherin and Charles B. Nemeroff, “Post-traumatic stress disorder: the neurobiological impact of psychological trauma” Vol. 11 (Sept. 2011) available at <http://www.dialogues-cns.org/wp-content/themes/dcnsv2/publication.php?volume=13&issue=3>.

¹⁷¹ The symptoms of PTSD are believed to reflect stress-induced changes in neurobiological systems and/or in inadequate adaptation of neurobiological systems to exposure to server stressors. See Christine Heim, PhD and Charles Nemeroff, PhD, MD “Neurobiology of Posttraumatic Stress Disorder” *Spectr* (2009); 14:1 (Suppl 1):13-24.

¹⁷² A body of data accumulated over several decades has demonstrated neurobiological abnormalities in PTSD patients. Some of these findings offer insight into the pathophysiology of PTSD as well as the biological vulnerability of certain populations to develop PTSD. Several pathological features found in patients with traumatic brain injury, paralleling the shared signs and symptoms of these clinical syndromes. See Jonathan Sherin, MD, PhD and Charles B. Nemeroff, MD, PhD, “Post-traumatic stress disorder: the neurobiological impact of psychological trauma.” www.dialogues-cns.org.

¹⁷³ In summary, core features of PTSD include low basal cortisol secretion and enhanced negative feedback control of the HPA axis that occurs in the context of increased autonomic responsiveness as well as increased CNS CRF and noradrenergic activity. Additional neurochemical changes include alterations in serotonergic, GABA-ergic, glutamatergic, NPY, and opioid systems. These neurotransmitter systems comprise a connected network of brain regions that is involved in the regulation and integration of stress and fear responses. A hallmark feature of PTSD is reduced volume of the hippo-campus. Other brain changes involved in PTSD include exaggerated amygdala responsiveness and impaired mPFC function. The symptoms of PTSD are believed to reflect stress-induced changes in neurobiological systems and/or in inadequate adaptation of neurobiological systems to exposure to server stressors. See Christine Heim, PhD, and Charles B. Nemeroff, MD, PhD “Neurobiology of Posttraumatic Stress Disorder” *CNS Spectr* 14:1.

2. Counseling Methodologies

Christian and secular counselors alike typically approach a new counselee's initial sessions with two, sometimes contradicting, goals in mind. One goal is to establish sufficient safety and trust in the counseling relationship so the counselee is able to share personal and sometimes shameful or embarrassing information with the counselor. The other goal is to conduct an assessment of the counselee to understand the nature of the counselee's problem, the cause or source of the problem, and current factors that contribute to the problem's continued presence in the counselee's life. This assessment may require asking questions that are personal and sometimes distressing to the counselee, risking undermining the counselor's efforts to build safety and trust. For many counselors, the pacing of the sessions and the relative emphasis on these two goals is influenced by the degree of the counselee's emotional fragility.

Dr. Berg's counseling training videos clearly emphasize assessment over concerns about building safety. In the initial session, the counselor is instructed to ask a series of probing questions about the abuse and its after-effects, as well as any contribution the victim may have made in the occurrence of the abuse. The focus is on identifying areas of sin that must be exposed and confessed. Dr. Berg cautions for the need to be caring,¹⁷⁴ but abuse victims in a state of heightened vulnerability may feel judged and condemned by this process. Notably, two of the more severe complaints about BJU counseling involved abuse victims who experienced Dr. Berg's one session counseling model, in which extensive probing questions were used.

3. Blame Felt in Counseling Sessions

The impact of sexual abuse is far from uniform. Regardless of the abuse's circumstances, however, some effects are common. These common effects include feelings of shame, guilt, and self-blame. Rather than risking public exposure, many sexual abuse victims decide against disclosing the sexual crimes committed against them. Those who disclose are often motivated by psychological pain or anxiety. These victims tell and seek counseling because they are desperate for relief. At the same time, victims are often highly sensitive to signals of blaming and shaming from others. While they themselves wrongly believe they are wretched and contemptible, they

¹⁷⁴ Dr. Berg stated in his videos, "After you've worked with this a little bit, write out your questions ahead of time, and don't be afraid of making mistakes. You are not going to hurt anybody. You are not going to permanently damage their psyche or anything like that. Just get at it. Be a caring, concerned person who's trying to help, and write out your questions and compassionately begin asking these things." Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video), Session 5, Part 2, at 41:35 to 42:00.

hold out hope that the counselor will not reach the same appraisal and will have the skill and patience to convince them otherwise.

a. Counseling Pace and Root Issues

It is, therefore, not surprising that several of the abuse victims in the investigation described the BJU counselor's probing questions about their behavior before and during the abuse, and the condition of their heart since the abuse, as spiritually and psychologically devastating. Such questions in the initial and/or only counseling session confirmed these victims' worst fears: that others consider them blameworthy for their abuse. The meaning they gave such questions destroyed their hopes for the counselor's (as well as God's) acceptance. This is how the two sexual assault victims described earlier reported their reactions to the counseling:

I didn't have any hope anymore that life could ever be good or that God would ever care. I was pretty sure at that point that suicide was the only option.... His questions seemed to focus on what I could have done to cause it, why I wasn't in church, etc. etc. I was the problem. That meeting cemented the thought that God hated me. This happened to punish me, and life would continue like this until I could find a way to please God enough.¹⁷⁵

The man who abused me took my innocence, joy, and virginity away from me. But even despite all that, I still had hope that I wasn't something unlovable...I had hope that I wasn't something damaged completely...I had this hope before I went to Dr. Berg's office. Because that was the first time talking to someone about [the rape], it was the first time that anybody had told me that it was because of something I did. That is the thing; he was asking if I had been drinking, smoking or been impure, what he was asking was did you do something that caused it. When he said there is always a root sin that causes sin-a sin is something you do right? So before that I had hope, and I think that the lasting effects of his counseling is that it left me having no hope.¹⁷⁶

Rather than conducting a comprehensive sin assessment, the experiences of these abuse victims suggest that the counselor's first priority should be to establish a climate of safety for the abuse victim.¹⁷⁷ This involves demonstrating, often repeatedly, that the counselor and the process are both safe. Creating a climate of safety involves more than refraining from asking blaming or

¹⁷⁵ Reference 45.

¹⁷⁶ Reference 331.

¹⁷⁷ Prov. 25:20 describes the effects of mishandling someone's sorrow and says, "whoever sings songs to a heavy heart is like one who takes off a garment on a cold day, and like vinegar on soda."

accusatory questions. It also requires being a compassionate listener from minute one. It requires validating the abuse victims' legitimate emotions about their sexual victimization.

It also involves offering God's validation to the abuse victims' legitimate emotions about their sexual victimization.¹⁷⁸ As image bearers of God, when people are sinned against, they are made to experience some of the same emotions God experiences when He is sinned against. This is especially true when their personhood—the part of them that corresponds to or represents God's image—is wounded, as is true in sexual abuse. The righteous emotions that are engendered by the sexual offense often include sorrow, a sense of being dishonored, anger, and a longing for justice. God does not despise these emotions, but He says that He “is near to the brokenhearted and saves the crushed in spirit.”¹⁷⁹ God also commands His people to follow His lead and “weep with those who weep.”¹⁸⁰

Sexual abuse victims are often overwhelmed by the intensity of the feelings erupting from their soul. The potency of the emotions can be explained, in part, because the sexual sin often represents the most raw form of evil the victim has ever encountered. Because of the intensity of the emotions and people's own fallen nature, it is easy for the righteous emotions to be distorted into sinful responses. Sorrow becomes despondency; a sense of having been dishonored becomes self-contempt, anger, and a longing for justice morph into a desire for personal destruction of the perpetrator.

Creating safety in the counseling relationship requires the counselor to accept and validate the abuse victim's righteous emotions. As the counselor accepts and shares in the righteous emotions of the counselee, the counselee is able to release his or her rigid claim to them. As the counselor expresses righteous anger for the evil done to the victim, the victim is able to imagine the possibility of a future in which his or her own anger will be unnecessary.

An analogy about Kentucky racehorses is sometimes used in counselor training to convey a similar point about the importance of joining with one's counselee to create safety. The story is told that runaway horses are a serious problem in racehorse training. Having lost its rider, the spooked horse will run, out of control, risking injury to itself and others. To bring the runaway to a safe halt, a specially trained horse is released on to the track. The trained horse joins the runaway and paces with it for a few hundred yards. The trained horse gradually slows its pace,

¹⁷⁸ In Ezek. 6:9b, God tells of His anger towards injustice and evil.

¹⁷⁹ Ps. 34:18.

¹⁸⁰ Rom. 12:15.

which the runaway mirrors, until both horses come to a stop. Whether or not apocryphal, the story provides a beautiful illustration of the power of empathetic involvement by the counselor in promoting trust and healing.

b. The Issue of “Pleasure”

Even under the best of circumstances, discussing the topic of sexual “pleasure” is extremely awkward. This is likely true even if the discussion occurs with one’s spouse. How much more would the discussion be shameful, humiliating, and threatening to victims of sexual abuse and sexual assault. The shame, humiliation, and sense of threat can be magnified tenfold if the topic is raised in a female abuse victim’s first session with a male counselor as part of what the victim perceives is an effort to impute blame to her. Unless the abuse victim raises a specific question, the counselor should typically not broach the topic of physical sensations of “pleasures” during the abuse act. Moreover, if the issue arises, the counselor must be clear that an automatic body response does not mean that the assault was desired. Though one victim of sexual abuse reported Dr. Berg had helped, others reported feeling blamed by BJU counselors. BJU counselors who teach others and who counsel must unequivocally communicate that victims are not to blame for any physical response that may occur.

CHAPTER FOUR

TRAUMA AND VULNERABILITY

Unquestionably, sexual trauma impacts each person differently.¹ During the investigation, GRACE heard witnesses describe a heartbreaking array of devastating symptoms and effects from the sexual trauma they endured:

- feelings of blame, shame, and worthlessness;
- difficulty with forgiveness, fear, anger, and depression;
- denial, powerlessness;
- memory loss, blackouts, nightmares, sleeplessness, Post Traumatic Stress Disorder;
- nausea, flashbacks, panic attacks, eating disorders;
- substance abuse addictions;
- loss of trust and personal relationships, loss of employment, loss of libido, loss of pregnancy;
- pornography addictions, compulsive masturbation, sexual confusion, sexual deviance;
- prostitution, physical abuse;
- cutting, hair pulling, attempted suicide.

The following chapter addresses how BJU cared for victims as they experienced many of these traumatic effects associated with sexual abuse. Anyone who has experienced trauma, especially sexual trauma, is in a vulnerable position. Numerous victims recounted hearing messages and having experiences that retraumatized them while attending Bob Jones University.² This chapter is divided into two parts. Part One addresses BJU's view of the psychological effects of sexual trauma. Part Two addresses topics relating to forgiveness.

¹ A number of significant studies have documented the impact of sexual abuse and assault. See Ruth A. Lanius, Eric Vermetten, and Clare Pain, eds. *The Impact of Early Life Trauma on Health and Disease: The Hidden Epidemic* (England: Cambridge University Press, 2010), Chapter 8, "The Relationship of adverse childhood experiences to adult medical disease, psychiatric disorders and sexual behavior: implications for healthcare," 77-87 authored by Vincent J. Felitti and Robert F. Anda. See also The Centers for Disease Control and Prevention, Injury Prevention and Control: Division of Violence Prevention, *Adverse Childhood Experiences (ACE) Study* <http://www.cdc.gov/violenceprevention/acestudy/findings.html>, retrieved 11/19/14. And see Centers for Disease Control and Prevention, Injury Prevention and Control: Division of Violence Prevention, *Prevalence of Individual Adverse Childhood Experiences*, <http://www.cdc.gov/violenceprevention/acestudy/prevalence.html>, retrieved 11/19/14.

² GRACE defines retraumatization as any action or message that 1) intensifies trauma symptoms instead of relieving them or 2) blames victims for their trauma symptoms, causing further pain to the victim.

Section One: Investigation Findings

The Psychological Effects of Sexual Trauma

A number of individuals who disclosed sexual abuse or who attended BJU psychology classes reported that abuse-related effects were often labeled as spiritual problems.³ Others reported that some abuse-related effects such as nightmares,⁴ flashbacks,⁵ anger,⁶ depression,⁷ and eating disorders⁸ were labeled by BJU counselors as

³ A victim of sexual abuse noted, “Everything there is a spiritual problem. If you are depressed it is a spiritual problem.” Reference 106. Another victim who took psychology and health-related classes at BJU similarly explained, “a person with genuine struggles has it drilled into them that if they are struggling, it is lack of faith and trust in God.” Reference 77. Another victim noted that anxiety and depression were primarily equated with “spiritual problems” and “people did not need outside help except knowing the truth of God.” She also remarked, “While that is true, I think they presented a limited view of God that is not always true.” Reference 135. A former employee who worked in a health-related field stated, “There are people at BJ that teach that all mental illness is sin—it is all spiritual. It is very rarely a physical cause.” Reference 91. And another former student stated, “I heard things like ‘if it’s not a physical problem or a neurological or body problem, then it is not a disease; it is a spiritual problem.’ So if you have bi-polar or anorexia or anything, you are out of favor with God.” Reference 21.

⁴ A victim of sexual abuse reported, “So I went to [my counselor] and was really desperate and asked her if there is anything I could do for the nightmares to go away. She told me the nightmares were my own fault, and it was a choice to replay pornographic thoughts. She said that they/my dreams portray thoughts I play throughout the day. I was traumatized by that. I didn’t choose what happened to me or the thoughts. She was very uncomfortable talking about sex anyway, and I was made to feel like I was sinning because of my nightmares/flashbacks. Her advice did not make my nightmares go away.” Reference 136. The counselor denies making these remarks and stated, “The only thing that I have ever said to anybody about nightmares, in class or to [this victim] was, ‘When you are having those, what could you possibly do?’ And I think the only suggestions I have given are try to control whether you just let this run through your mind all day and maybe listening to some Christian music while you go to sleep. I would never say that it is because you have done something wrong that you are having nightmares. I realize that when you tell your story to a counselor, then you are remembering it again, so you are probably going to start having nightmares again.” Reference 57.

⁵ As one former student reported, “I was told my flashbacks were sinful because I ‘wanted’ to think about the abuse. I was told to stand up and recite Bible verses out loud whenever that happened.” Reference 20.

⁶ A victim of sexual abuse reported to GRACE that she believes her responses such as anger had been deemed “sinful,” noting, “The administrator gave me books to read and instructed me to deal with my sinful responses to the past abuse such as anger.” Reference 19.

Another victim of childhood sexual trauma who said she heard the “tea bag illustration” while at BJU explained, “I couldn’t stop being angry. Being angry was a sin... What was inside of me was rage, terror, nightmares that woke me up almost every night crying, blackouts, a yellow fog that muted everything or else I was hyper alert on edge always. I felt like the lid that was on me as a tea kettle was just a little nudge away from exploding. I thought I was going crazy. I was afraid I was going to be like my mom. I walked around seeing myself as a tea kettle with a rattling lid about to explode...I would hide out in the prayer room on the third floor in the dark and ask God to kill me because I was too chicken to step out in front of a car. I didn’t have any other way to die.” Reference 112.

⁷ Numerous individuals raised the issue of depression. One such former student explained that his Dorm Counselor stated that the reason for his depression was because of his “own sinful heart.” He stated, “[The Dorm Counselor] was generally kind and affable, but as was typical, not trained in any real substantive or legitimate counseling techniques. While at first we might have had some conversations of relative import, my memory of the time spent with him consists almost entirely of his self-righteous bloviating, with the general intention of convincing me that any problem or issue actually stemmed from my own sinful heart...My depression not only set up camp, but picked out curtains and fixtures to make the stay more comfortable.” Reference 145. Another individual noted, “Griping, complaining, venting, questioning, depression, and feelings of helplessness were all taught as sins.” Reference 18.

⁸ A victim of sexual trauma explained that BJU teachings about eating disorders “all boiled down to me trying harder, trying harder and trying harder to be completely repentant. Unless I could repent sufficiently before God, I would always be stuck in what was considered a “lifestyle of sin.” She further noted, “...it all boiled down to me trying harder, being more sorry, more repentant. I remembered how many times I had confessed having an eating disorder as sin. I had pleaded again and again for God to forgive me, to help me not be so evil, etc. I had tried to ‘try harder’ and it just made it worse. I remember feeling guilt for eating. It seemed somehow wrong, something sinful and selfish. I also

“sins,”⁹ which caused many to feel blamed for not effectively controlling these effects. As one victim who was counseled at BJU noted, “Anyone who still struggles with pain or hurt from a past event has not forgiven and is bitter. They see the victim of abuse automatically as bitter and unforgiving. There can be no other explanation for their pain, their confusion, their nightmares, PTSD symptoms, etc. It can only be the fault of the victim.”¹⁰

Another victim of sexual abuse who received counseling at BJU stated that some parts of the counseling were “good and very biblical.” Yet, the victim continued,

But, the counseling for the abuse was nonexistent, I would say. I am not sure if [the counselor] had struggles counseling with the issue [of abuse], but it seemed like a lot of times that I would go to counseling and she would ask if we were still dealing with this, and I said yes we are. She asked if we could move on and change my thought patterns.¹¹

The victim also noted, “Until it is dealt with, it is going to be in the mind.”¹²

1. Trauma Symptoms and “Sin”

University counselors deny blaming victims for their symptoms by noting that abuse effects are the result of a fallen world. Dr. Berg noted that emotional effects from

feared eating as if it would somehow make me tell the abuses from the past. Keeping from eating ‘felt’ like obeying God by keeping all of his secrets, keeping control and not somehow making a mistake, yet not eating was also a sin.... None of it mattered. There wasn’t hope for someone like me.” Reference 124.

BJU materials on eating disorders state, “Anorexia and bulimia always have destructive effects on the body’s health but are not diseases in themselves. Rather, they are sinful patterns of misdirected control which the counselee has developed in order to solve problems which have arisen in her life. Biblical counselors approach these eating behaviors much as they would alcoholism, compulsive gambling, and homosexual lifestyles. They, too, are sinful patterns which require the following measures: 1) Restructuring of the counselee’s life to avoid temptation and to break sinful habits; 2) Individual disciplining toward a reconciled and growing relationship with Jesus Christ and to learn God’s methods of problem solving; [and] 3) Practicing new patterns of problem solving until they become habitual responses. Sinful habits are changed when the counselee repents of them, makes herself accountable for indulgence in her sinful behavior, and submits herself to godly counsel. The expectations and responsibilities outlined for her by her counselor should restructure her life so that told, sinful habits can be ‘put off,’ and new, God-honoring habits can be ‘put on’ as she ‘renews her mind.’” See “Biblically Overcoming Anorexia and Bulimia” in Crisis Counseling II (Bob Jones University, Center for Distance Learning: 2011), Session 6 handout, 1.. It should also be noted that the materials state that the counselee should see a physician immediately. *Id.* at page 2.

⁹ A current BJU employee stated, “Some counselors have no medical training and are dismissive of mental disorders, labeling them as sin.” Reference 146. A former student and employee similarly noted, “Depression, anxiety, and eating disorders were frequently labeled spiritual issues and were the consequences of sin rather than the result of crime that had not been appropriately dealt with.” Reference 66.

¹⁰ Reference 10.

¹¹ Reference 81.

¹² Reference 46.

sexual trauma such as nightmares, flashbacks, and some other effects of abuse are “normal”¹³ and stated,

I would say that part of living in a sinful world, living with a sinful heart that does not always process things right, but I would not lay any blame for that.... This is another thing that makes life hard, but there is nothing sinful in that response. If you were suffering from cancer, maybe you had inoperable colon cancer or stomach cancer, and you wake up in pain. You can do nothing about it; you didn't cause it. It is part of living in a fallen world.¹⁴

Dr. Mazak explained, “All problems are spiritual.” He then stated, “I think it all goes back to presuppositions. If we are all struggling with problems, [then] all problems are spiritual. When I say all problems are spiritual, I am quoting Ph.D.'s, psychologists, and [Ed] Welch from Westminster Theological Seminary. There is no problem that does not have a spiritual aspect.”¹⁵ When asked if he believes a depressed person is sinning and if the depressed person is not thinking Godly thoughts, Dr. Mazak responded, “That is a hard question.”¹⁶ He explained that he believes that original sin taints all aspects of human existence.¹⁷ Dr. Mazak also acknowledged the challenges of communicating the implications of this view to students. He stated, “Now, the problem with saying that is it sounds like you are saying you have a problem because you sinned. That is not what that means.”¹⁸

Dr. Mazak acknowledged the difficulty of communicating this distinction, saying, “I am aware of this, and I battle it, and I actually try to think of better ways to explain

¹³ Reference 52.

¹⁴ Reference 86.

¹⁵ Reference 61.

¹⁶ Reference 83.

¹⁷ Dr. Mazak explained, “Is there one thing I do that is free from the corruption of sin that ultimately brings glory to Jesus Christ in a pure way? My theological perspective, my answer, and I know I have brothers that disagree with me, the Scripture says even the plowing of the wicked is sin. On my best day, at my best moment, when I am singing my best song of praise to Jesus, it still is not perfect; it still is tainted by sin. Now, maybe what you are asking is: ‘Are my mental problems the result of my individual sin?’ I don't believe they are. Yet, sin is a part of who I am, and I am struggling with it 24/7 - all day. I am a firm believer of total depravity, and I don't believe there is any type of complete sanctification in this life, theologically. I know that some dear saints believe that, and I am not questioning them. But, theologically, everything I do is tainted by sin.” Reference 84.

¹⁸ Reference 79. In a psychology class lecture provided by BJU, Dr. Mazak and his class discussed whether some difficulties commonly associated with rape are spiritual issues. Dr. Mazak stated that the effects of rape (the students in the class volunteered examples of effects of rape not related to physical injury such as nightmares, guilt, anger, hate, fear, depression, issues with forgiveness, attempted suicide, and more) are spiritual issues. Adolescent Psychology Session 7, at 23:30. He noted, “Every one of those points is a point that the Bible directly addresses.” Adolescent Psychology Session 7, at 23:30. “You know, here's an example that you use, rape. Now when I say it's a spiritual problem, I don't mean the girl had a problem in her life and thus she was the victim of rape. That's ridiculous, that's not what I'm saying. But dealing with it is a spiritual issue. It is. And every aspect is answered, is dealt with by God in the scripture. Every single one.” Adolescent Psychology, Session 7, at 25:37.

this.”¹⁹ In the past, when students raised complaints about his views, Dr. Mazak said he listens to them, acknowledges that they feel attacked, and then states, “You are just like me [in] that we are going through progressive sanctification,²⁰ and we are all struggling every day. Every one of us is struggling, but we are struggling with different things. Some struggle with depression, some anxiety, some fear, some worry.”²¹

In an interview, Dr. Mazak was asked how he responds to victims who raise the complaint that he identifies problems associated with abuse as sin. He responded, “I honestly believe that Jesus Christ is great enough to allow me to respond to anything I face; and, ultimately, the answer is getting to know the Lord Jesus Christ more.”²²

2. Trauma Symptoms and the Will

Though Dr. Berg and Dr. Mazak indicated that they do not view some trauma effects such as nightmares or PTSD as “sins” per se, BJU counselors do believe that victims have responsibility for their thought patterns. As Dr. Berg stated in his counseling training videos, “My will has to be involved in rebellion and in anger and all of these

¹⁹ Reference 107.

²⁰ According to BJU’s *Student Handbook 2014-15*, “Sanctification is the ongoing work of God through the Holy Spirit in progressively conforming a believer’s mindset and choices to accurately mirror his position and identity in Christ (Rom. 6:1–14). Justification and sanctification are both components of the Gospel, but there are important differences between them. Justification is a once-for-all declaration, but sanctification is a process (2 Pet. 3:18). The new birth gives us spiritual life, yet that life has to be nurtured and developed (1 Pet. 1:22–2:3). Although sin does not characterize the life of a child of God (1 John 3:4–10), the Scriptures affirm that we will contend with temptation from within ourselves as long as we remain on the earth (Col. 3:5–8). Through the work and advocacy of Christ, God promises forgiveness of sin to any child of His who confesses (1 John 1:9), although the sin does not alter our justified legal standing before God (Rom. 8:1–4). Justification is entirely an act of God, but sanctification involves our active participation. Paul writes, “Work out your own salvation with fear and trembling. For it is God which worketh in you both to will and to do of his good pleasure” (Phil. 2:12–13). God has given us all the resources we need for the development of Christlikeness (2 Pet. 1:3–7). The Holy Spirit sanctifies us by producing in us qualities of godliness as we yield to His working (Gal. 5:16 ff.; Eph. 5:18 ff.). He delivers us from sin’s dominance over our hearts and decisions. He purifies us so that we become zealous for good works (Titus 2:11–14). And He increasingly transforms us into His own image so that we can accomplish the purpose for which He created us (2 Cor. 3:18). To accomplish His work of sanctification, God uses His Word (2 Tim. 3:16–17; Col. 3:16), prayer (Phil. 4:6–7) and the ministry of other believers in our lives (Eph. 4:15–16; 1 Cor. 12:4–7).” *BJU Student Handbook (2014-2015)*, 7-8.

²¹ Reference 120.

²² Reference 134. Dr. Mazak reiterated, “In my mind, that is different than saying, ‘What you are experiencing is the result of your sin.’ I don’t mean it that way. . . . Now, I do think that sometimes it is easy to take that and to repackage it. I don’t even want to say they twisted it because that would not be a fair word, but to repackage it and to say, ‘So, you are saying that all of my problems are because I sinned.’” Reference 133. Dr. Mazak also stated some students may have missed these distinctions in the classroom because either they were not paying attention closely, “[o]r, to be frank, in my sinfulness, I may have failed to communicate well. What I want to do, is when I hear criticisms, that I don’t discard them. I prayerfully think, ‘Lord how can I do a better job?’ Because my life is communicating; that is my life.” Reference 127.

things for my soul to be touched by what happens to my body.”²³ In applying this idea to the issue of nightmares, Dr. Berg noted,

The stronger the emotion, the stronger the memory, the more likely it is going to be a part of a nightmare. But the thing that keeps it alive is the emotion now that you have that keeps it going. The fear now, the hatred now, the anger now keeps it alive. You deal with those emotions, the nightmares disappear too.²⁴

For decades, both Dr. Wood and Dr. Fremont taught other counselors to use what they termed the “Trinity of Man”²⁵ or “Triune Man”²⁶ models to explain the concepts of body, spirit, and soul to sexual abuse victims.²⁷ These models relate that a soul injury is essentially under the direct control of the victim.²⁸ Succinctly stated, unless the conscious

²³ Dr. Berg tells would-be counselors, “What happened to you affected your physical body. It does not have to affect your spiritual soul...I say, ‘Please understand how I am saying this. I understand how this can be contrived if you don’t understand my tone of voice and what I am saying. But because there is a difference in spiritual and physical, this happened to just your body.’ I am not saying that to minimize what was done, only to accentuate what was not touched without my permission, my soul, my spirit. My will has to be involved in rebellion and in anger and all of these things for my soul to be touched by what happens to my body.” Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video) (1992), Session 3, Part 2, at 4:07 to 5:10.

²⁴ Crisis Counseling I, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video) (1992), Session 3, Part 2, at 47:45 to 48:10.

²⁵ Dr. Wood stated that he used this model to counsel victims of sexual abuse. Reference 98. When teaching counseling, he also encouraged future counselors to use this model and stated in his counseling training video, “My friends, if people who have been sexually or physically abused can see this model and understand what is going on inside of them and understand how they’ve been affected in their soul and their mind and they are willing, you can immediately release them from the effects of these failures in their lives.” Bob Wood, *Scriptural Principles for Counseling the Abused* (Video), (1989, re-copyrighted by BJU in 2006), at 53:57 to 54:17.

²⁶ Dr. Fremont explains that this model is to be used when counseling victims of rape and incest. See Walter Fremont and T. Fremont, *Becoming an Effective Christian Counselor* (Greenville, SC: BJU Press, 1996), 153.

²⁷ Dr. Wood described the nature of man in terms of a “trinity,” and Dr. Fremont described man’s nature as being “triune.” Both reference various biblical passages as evidence of man’s trichotomous nature: body, spirit and soul. Dr. Wood pointed to Clarence Larkin and a book he authored entitled, *Dispensational Truth, or God’s Plan and Purpose in the Ages*, as being highly influential upon his thinking of man’s nature and he explained that numerous biblical passages attest to man’s trichotomous nature. Dr. Wood and Dr. Fremont diagram their models of man as concentric circles with the spirit being in the inner circle, the body being in the outer circle, and the soul existing between the body and the spirit. Both Dr. Wood and Dr. Fremont note that the body has five gates (sight, smell, taste, touch, and hearing). In Dr. Wood’s diagram, the gate between the body and the soul is the memory. However, in Dr. Fremont’s view, the gate between the soul and the body are “the perceptions that are determined from the sensory input to the body. Song of Solomon 1:7, II Samuel 5:8, and Colossians 3:2 refer to emotional attitudes that are manifested in the body as certain feelings.” See Fremont and Fremont, 44. Dr. Wood and Dr. Fremont each appear to agree that the inner spirit of man is either self or is Christ, depending on whether or not the person has accepted Christ as Savior. Their two models describing the gates between the soul and spirit appear to differ according to intellect and character. However, one may note that Dr. Wood’s model of “The Trinity of Man” is similar to Dr. Fremont’s in that access from the body to soul appears to be through the conscious mind, or through aspects of the conscious mind.

²⁸ Dr. Fremont taught that counselors should counsel sexual abuse victims to understand, “the sin was done to the body and can hurt the soul and spirit only if the victim chooses to dwell on the Devil thoughts of shame, blame, fault, bitterness and/or guilt.” See Fremont and Fremont, 153. Dr. Wood similarly explains to future counselors that he tells abuse victims, “Now, the least important part of you has been offended in this sexual act and what have you allowed Satan to do with the offense of your body? What did he do to your imagination? What did he do to your reason? What did he do to your memory? What did he do to your conscience? Ah. It’s only the throw away part that’s offended, but all the important parts of your soul have been destroyed by Satan... Are you willing to go on the rest of your life with your life destroyed by something that happened to your throw away part, the least important? Are you willing to allow

mind decides otherwise, what happens in the body, stays in the body. Dr. Wood summarized this concept in the conclusion to his counselor training video:

Now in closing, I want you to grasp this. The body is the throw away part, the least important part.²⁹ Someone has offended the body, Satan has taken that, caused the imagination great problems, given the reason a battle, caused the memory to be bad, has hurt the conscience, and robbed the people of an ability to love.

How do you get over that? Let's start here and work out. Are you willing to get over it? Are you willing to accept the fact that this happened, and there is nothing you can do about what happened in the past? Are you willing to believe that it was the least important part of you that was offended? Are you willing to believe that God forgives and forgets and can clear your conscience and can give you the right thoughts? Are you willing to accept the truth of Scripture? Are you willing to be successful for the Lord in life? What will you do with your will?

I've tried for years as a counselor to get people to do things they didn't want to do. The older I get the more I recognize we have got to work with the will of people. They have to be willing because God gave man a free will and allows them to exercise that will....³⁰

Dr. Wood also reported using his "Trinity of Man" model to assist in determining whether some sexual abuse effects such as flashbacks, nightmares, or guilt feelings are legitimate. Dr. Wood explained, "I would say [to a sexual abuse counselee], 'Separate what is real from what is not real in your mind. Stop and think it through.' And I believe that the tendency is to exaggerate this, but it may not be. That is just my personal feeling

Satan to use your body to destroy your soul?' That's what these people [abuse victims] are doing." Bob Wood, *Scriptural Principles for Counseling the Abused* (Video), at 34:25 to 35:19.

²⁹ Dr. Berg also acknowledged to GRACE that he has described the body to sexual abuse victims as "the throwaway part" and stated that he has analogized the body to a Styrofoam cup when counseling sexual abuse victims. He explained the analogy by stating, "So no matter what has happened in your past, working on becoming the most Godly person you can be... is like this Styrofoam cup. You go out to the athletic field and you buy some hot apple cider on a winter night here, and you drink the cider and you throw away the cup-and the concern is . . . and you throw away the cup because that is not the most important part-the most important part is what is on the inside. I say, 'God is going to resurrect our bodies and our bodies are important; they are a part of our personhood. But the condition of our body, whether I lose a leg in an accident or whether you lose your virginity because of your choices or because of somebody else's choices, the state of your body is not the determining part of your freedom, and your fruitfulness, your joy, your peace. What is going on in the inside is the important part of your soul. God is going to resurrect your body and make it all new at some point.' I make it very clear, 'I am not minimizing what happened to your body. That should have never happened to your body and other people can harm your body and that can have a deep impact on your soul, but God has given you in his sovereignty an ability to change what is in your soul through the Scripture.' . . . That was my take on it, but maybe that was more confusing.... It is intended to be hopeful, not to minimize it. The Styrofoam part is the throw-away part. That does not mean it is not important at all, but the part that can be changed right now is this part. That is the Styrofoam cup illustration." Reference 90.

³⁰ Dr. Bob Wood, *Scriptural Principles for Counseling the Abused* (Video), at 53:23.

about it.”³¹ Dr. Wood also stated, “I think that, and this may be a misconception, but I think that girls have a tendency to be emotional and sometimes see things not exactly as they were, but that could be wrong.”³²

GRACE asked Dr. Wood if he confronted abuse trauma victims whom he felt were exaggerating nightmares or flashbacks, and Dr. Wood responded, “Yes, I would.”³³ Dr. Wood stated that he has not counseled anyone in approximately eight years. But, when asked if his views have changed or if there is anything about the counseling training videos he would change, he stated, “No, I would say that my views are pretty much the same.”³⁴

Dr. Berg and Dr. Mazak explained that they work to help counselees understand that many abuse effects such as flashbacks, nightmares, or even unforgiveness are “a trial.”³⁵ Some of the BJU endorsed counseling strategies and solutions suggest that, for a variety of effects associated with sexual abuse, a Christian must, through the process of progressive sanctification, confess sin and conform his or her “mindset and choices to accurately mirror his position and identity in Christ.”³⁶

Analysis

Psychological Effects

The epitome of victim blaming is to tell rape victims that their severe symptoms of PTSD are their own fault. Their debilitating fear, their wildly unpredictable flashbacks, their frequent dissociative blackouts, and their terrifying nightmares would all disappear if only they would: stop dwelling on the past, forgive and forget, memorize more scripture, and be a better Christian.

Dr. Berg and Dr. Mazak acknowledged that PTSD is a “normal” response to traumatic events. The symptoms of PTSD such as flashbacks and nightmares are also “normal” and thus not inherently sinful. However, symptoms like flashbacks and

³¹ Reference 48.

³² Reference 111.

³³ Reference 129.

³⁴ Reference 105.

³⁵ Reference 78. See also Reference 125.

³⁶ See *BJU Student Handbook* (2014-2015), 7. Many solutions for overcoming effects associated with sexual abuse can be found in BJU counseling publications such as *Becoming an Effective Christian Counselor: A Practical Guide for Helping People* or in many of BJU’s publications on counseling, such as Dr. Berg’s Crisis Counseling I and II training videos and worksheets wherein he states, “the goal of sanctification is Christlikeness (Rom. 8:28-29).” Handout for Crisis Counseling I, Session 9: “Biblically Overcoming the Effects of Sexual Abuse” (2011), 1.

nightmares are, in this view, “spiritual problems.” The approach taken by Dr. Mazak and Dr. Berg can be heard by an abuse victim as saying that suffering from PTSD is sinful. The stronger the symptoms and the longer they linger, the more evidence that the abuse victim is failing their “trial” or not making enough spiritual effort to know Jesus.

The nuances and distinctions that Dr. Berg and Dr. Mazak make in regard to the sinfulness of PTSD, depression, and other effects, for many abuse victims, are distinctions without meaning. The investigation suggests that some abuse victims hear only condemnation.³⁷

For abuse victims, being blamed for the psychological after-effects of their abuse is the final insult. BJU may teach that the victim has limited accountability for the immediate psychological response to the assault. But abuse victims learn that the grace period is short-lived. The mature Christian is expected to shed the psychological vestiges of abuse and quickly get back in step. In cases of deep wounds to the soul, the time expires and the abuse victim remains helpless to do either.

Heaping more blame and shame on the abuse survivor because he or she is suffering is both hurtful and counterproductive. God’s grace is always the solution. Anything that distracts the abuse survivor from focus on God’s love and acceptance forestalls the healing process. The consistent message the abuse survivor needs is that Christ shares in their suffering and provides grace and comfort to bind their wounds.

The counselor and the psychology professor both have roles to play in emphasizing God’s tender mercies for the abuse victim rather than suggesting God is displeased with the abuse victim for their response to their trial. Paul’s insights in 1 Corinthians 10:23 are apt: “‘All things are lawful,’ but not all things are helpful. ‘All things are lawful,’ but not all things build up.”

³⁷ Reference 40. Reference 15. Reference 14. Reference 94. Reference 13. Reference 55. Reference 53.

Section Two: Investigative Findings

Forgiveness

Investigation participants reported hearing many messages on forgiveness from many different venues during their time at BJU. Victims also reported that these messages often pressured abuse victims to forgive quickly,³⁸ to avoid bitterness,³⁹ and/or to confront their abuser.⁴⁰ For many, this pressure blamed them for not forgiving their perpetrators, minimized their sorrow, ignored their cries for justice, and intensified their trauma symptoms.⁴¹

1. Premature Forgiveness

Some investigation participants expressed hearing messages from BJU authorities that viewed the inability to forgive quickly as sinful.⁴² A number of individuals reported that victims felt pressured prematurely to “forgive and forget.”⁴³

One victim, who graduated from BJU’s graduate counseling program in the 2010s and received counseling from BJU representatives, remembered hearing BJU’s teachings

³⁸ A victim reflected, “They [BJU sermons] would just say . . . ‘God can take care of it, and you don’t need to talk about it, and you just need to forgive.’ I remember thinking ‘I just need to forgive.’” Reference 131.

³⁹ A former faculty member stated, “[victims] were generally referred to as bitter people who whined a lot. They were the weak and embittered.” Reference 147. Another individual relayed his conversation with a friend who reportedly interacted with BJU administrators about his abuse and stated, “The victim told me that he was encouraged to pray that he would not turn bitter.” Reference 17.

⁴⁰ As one such victim reported, a BJU representative told her, “You should call your abuser and tell him you forgive him, witness to him.” Reference 16.

⁴¹ A victim of sexual abuse reported hearing the message that a lack of forgiveness evoked fears about salvation. She stated, “I really don’t know what forgiveness means and that scares me perhaps more than just about anything. All that I think I am learning about God kind of goes out the window when I remember all I was taught about forgiveness. It terrifies me to think I will go to hell if I can’t figure out how to forgive correctly. . . . It makes me wonder what is wrong with me. For me, that event [the sexual assault] and others before it make me tremble with panic as if it were happening again. I can’t escape those memories. I have nightmares constantly and wake up throwing up from the terror. I understand that this is just something I have to carry. There isn’t any easy way through it and there isn’t an escape. I guess I mostly feel that I can keep enduring that. What takes me over the edge is when the fear of hell is stirred again.” Reference 9.

⁴² A victim of sexual assault stated, “Any struggle at all that is emotional, psychological, involves strong feelings, nightmares, anxiety, depression, etc. is the result of sin on the part of the one struggling. It is always considered sin – unrepentance, unforgiveness, anger, bitterness, not accepting God’s will, etc.” Reference 8. See also Reference 74.

⁴³ A victim of abuse reported that she disclosed her abuse to her Dorm Supervisor. She stated, “We were told to suck it up, be quiet, and move on.” Reference 128. A victim of sexual abuse stated, “I remember if it was rape, you should forgive and move on. It could have been a guest speaker. I have been going to chapel since I was in junior high, so I don’t know. . . . I don’t think I could narrow it down to one person. There are so many people that speak. Reference 11. Another investigative participant said that she was told, “It was best to just forgive and forget.” Reference 115. One participant stated, “They were sorry for me but said ‘that was then this is now, etc.’” Reference 60. A witness stated that while attending BJU she heard, “Basically ‘I don’t know where you come from or what you’ve been through (sexually) but you had better get over it. Now. Because Jesus won’t forgive you unless you forgive (read: forget) the abuse others did to you.’” Reference 62. Another participant explained, “They always said that the person should pray and forgive the person and move on with life.” Reference 12.

about horizontal and vertical forgiveness.⁴⁴ She stated, “I think a lot of that came through with just moving on. Like it was something that we talked through, forgiveness being a promise and not to bring it up to yourself or to others.” She also noted, “I don’t know where they get it. It is just a promise that since I am forgiving, it is not a forgetfulness, but a promise that I am not going to try to remember it. If it comes up in my mind, I am not going to think about it or talk about it. . . . I think that they had a lot of good motives but lack of knowledge.”⁴⁵

Another victim of childhood sexual abuse recounted that in her one and only meeting with Dr. Berg about this matter, “there was a lot of ‘get over it-you have showered enough and it happened a long time ago. It happened when you were a little

⁴⁴ BJU authorities often teach forgiveness by describing the concepts of “horizontal” and “vertical” forgiveness. Horizontal forgiveness (forgiveness that is granted between individuals) can only occur when the abuser first requests forgiveness from the victim. Vertical forgiveness (releasing the wrong to God in a spirit that “frees one from bitterness”) occurs apart from the abuser’s request for forgiveness.

Several BJU authorities who teach and preach discussed the concepts of forgiveness during interviews with GRACE. Many BJU publications also discuss the concept of forgiveness. One such BJU publication states, “According to Luke 17:3, fellowship, forgiveness, and peace are conditional, dependent on the offender’s repentance.” See Fremont and Fremont, 112. The author also states, “Forgiveness must always be given no matter how often the offense occurs (Luke 17:3-4) or how weak the character of the offending party. Although you may think the apology is insincere and the offense may occur again very soon, you still must forgive the person who asks for forgiveness.” See Fremont and Fremont, 122. In addition, Dr. Mazak explained, “Jesus says in Mark’s gospel recording [Mark 11:25], ‘If any man is praying, standing while he is praying, forgive.’ Luke 17:3 [states], ‘If your brothers sins, rebuke him; if he repents, forgive him.’ So, I teach and I always counsel that if somebody asks for forgiveness, you would forgive them. That is a Christian coming to you as a fellow Christian and asking for forgiveness. I am not allowed to say to my wife, ‘You have hurt me too bad.’ If any born again Christian does anything to me and asks [for] forgiveness, I should forgive. I am not going to say that I always do, but by God’s grace, we always should. If a person does not ask, [then] you don’t grant forgiveness. You release it to the Lord in a Romans 12 type of way. Be not overcome with evil, but overcome evil with good. And you release it to the Lord.” Reference 126.

Dr. Mazak described the concepts of horizontal and vertical forgiveness, noting Wendell E. Miller’s book *Forgiveness: the Power and the Puzzles* (Warsaw, IN: Clearbrook Publishers, 1994). He explained the two kinds of forgiveness: “horizontal forgiveness and that is where it is requested by a person and you grant it. And vertical forgiveness is when you release the wrong to the Lord. If a person wrongs me and has never asked for forgiveness, I can release that to the Lord. I am not forgiving the person; I am releasing it to the Lord. And that frees me from bitterness, because I don’t have to get even, because God will see that every wrong is righted, and ultimately, God will be glorified. I may never know how, but I can release that to the Lord. And it is in Mark’s gospel [Mark 11:25], ‘If you are standing, praying, and there remember something has taken place, release.’ I don’t forgive a person who has not asked me [to forgive], but I can release it to the Lord, knowing that God is able to care for that.” Reference 113.

Dr. Berg explained that also he teaches “horizontal” and “vertical” forgiveness. He stated, “One [aspect of forgiveness] is what is going on in your heart before God on this thing. I teach that there is a vertical dimension to this where you can go to God and say, ‘God, I give up any right to collect that in vengeance.’ Some counselors would call it forgiving him in your heart, which is a surrender to God and acknowledge that I am not going to be his vengeance taker. We are not talking about what needs to be done in a legal sense. We are talking about personal vengeance in the sense of, ‘I am going to make him pay or I am not going to talk with him, solitary confinement. I am not going to take vengeance.’ The second thing is what goes on between the two of them [horizontal forgiveness]. I make the point that God does not forgive us until we ask forgiveness. He has that heart ready to forgive and the goal that we want is to get to the point before God where we are ready to forgive that person if he asked, but we don’t go to him to say, ‘I just want to let you know I forgive you for all the things you have done to me.’ You cannot forgive and he didn’t ask for forgiveness here. We forgive like God forgives. He is ready to forgive, but it is conditional upon repentance and humility, so you don’t extend that to them. That takes a weight off them because they think they have to go and say, ‘I forgive your sin.’ No, you don’t do that.” Reference 68.

⁴⁵ Reference 34.

kid-he didn't know what he was doing.”⁴⁶ The victim did state that Dr. Berg said “it was ok that I needed a Kleenex” but “[i]t was almost as if it were more important for him that I forgive the person who did this to me, and then ‘move on/get over it’ than it was for Berg to actually help me.”⁴⁷ Though Dr. Berg said he could not recall the specific situation, he noted “I wouldn't say get over it-[or that the perpetrator] didn't know what he was doing. I wouldn't say that.”⁴⁸

Some participants noted that chapel sermons on forgiveness had pushed victims to forgive quickly, bypassing the victim's need for lament. As one individual noted, “On multiple occasions I heard faculty and administrators and guest speakers... casually talk about issues of bitterness and resentment and forgiveness. These sermons would be illustrated with stories of sexual abuse victims, always with the victim at fault for being bitter and unforgiving toward their abuser.”⁴⁹

Dr. Berg stated that he had probably preached around five sermons on bitterness at BJU and admitted, “I can tell you that I would not have been thinking about how this would sound to a girl who has been abused or whether talking about authority about how this would be seen by a girl who has been abused by authority. That generally would not be in my thinking.”⁵⁰ He further explained that he believes that it is important to do a better job in the future considering the experiences of audience members when preaching.⁵¹

During the investigation, several participants identified one particular sermon that appears to have impacted some abuse victims. In the late 2000s, BJU invited one of its graduates to speak in chapel and then broadcast the sermon on a publicly available website. The sermon remains in circulation today. The message offers an illustration that is consistent with many reports about BJU messages about forgiveness.

The chapel speaker stated, “You want to stay very mechanical and shallow and robotic in your walk with God? Then do this: keep a bitter spirit against someone who

⁴⁶ Reference 96.

⁴⁷ Reference 22.

⁴⁸ Reference 42.

⁴⁹ Reference 27.

⁵⁰ Reference 37.

⁵¹ Reference 39.

hurt you.”⁵² During the sermon, the speaker describes a counseling session he had with a young woman whose parents divorced, and when her mother remarried, her stepfather sexually abused her for several years. The chapel speaker said he told the victim,

I said, “Young lady, you have lived a very difficult life, a very hard life. But let’s look at your sin in this situation.” When I said that, she lost it. She said, “My sin? It wasn’t me! My mom, my dad, my step-dad!” I said, “Yeah you allowed the sin of these folks to create such anger and hatred and bitterness in your heart.” I took her to Hebrews 12. You gotta look diligently, and some of you need to do that. You better search your heart to wonder why you just can’t get over this plateau thing and walk with God.⁵³

The chapel speaker then described how he encouraged her to go to her mother, father, and her step-father (the abuser). He encouraged her to repent and seek forgiveness for the anger and bitterness in her heart against them⁵⁴ because, “In fact, if you are not right with mom and dad, you can’t be right with God. Do you understand that?”⁵⁵

One investigation participant described this sermon as “chilling.”⁵⁶ Another individual, a victim of childhood sexual abuse who was present during the sermon, raised the concern that the sermon made no recognition of the forgiveness process. She stated,

I realize that as Christians we are called to forgive from the heart, but I think that comes later. It comes way later after you have walked through a lot of other steps before then. Seriously, if [the speaker] is at camp and a little girl camper is there for one week and she comes to him for help and he says ‘you need to have forgiveness,’ is that seriously all that happens? I really hope to God not. I hope that is just a caricature. But, at BJ, there is the sort of mentality to ‘slap a verse on it and get over it,’ and if you still struggle, well, that means you either don’t truly believe God’s word, or that you just aren’t meditating on it enough, or that you have some sort of unconfessed sin harbored in your heart.⁵⁷

⁵² Chapel sermon at Bob Jones University delivered 9/4/09, entitled, “Religious Robots: A Mechanical Walk With God.” This sermon was last accessed on sermonaudio.com on November 28, 2014.

⁵³ *Id.*

⁵⁴ The speaker stated, “Now you need to go home and ask your mom, and your dad, and your step-dad forgiveness for your hatred towards them.” *Id.*

⁵⁵ *Id.*

⁵⁶ Reference 24.

⁵⁷ Reference 108.

2. Sorrow and Lament

The pressure some victims feel to forgive quickly has caused them to conclude that BJU authorities do not appreciate a victim's need to grieve their losses and feel deep sorrow for the abuse they suffered. In addition, participants expressed concern that victims who were grieving had been labeled as "bitter."⁵⁸

One victim of childhood sexual abuse explained that BJU officials pressured victims by focusing on their response to the abuse, but "not allowing you to grieve the loss or the pain."⁵⁹ Another victim who sought counseling at BJU similarly observed,

I was told to forgive, but I was never truly allowed to feel angry, or to allow myself to reflect on the hurt that I should feel. It was as if [the perpetrator] had called me a mean name or lied to me. There seemed to be very little recognition of the fact that child sex abuse leaves feelings of shame and confusion. These types of feelings were never addressed.⁶⁰

Some BJU teachings, sermons, and/or counseling sessions have bypassed victims' need for lament. Dr. Berg suggested that Christian counseling has shifted over time from an emphasis on sin to having more of a focus upon sorrow.⁶¹ Dr. Berg stated that he counseled and listened to victims of abuse in a compassionate manner for approximately thirty years. But he also acknowledged that for, the first twenty years as Dean of Students, his counseling approach did not include much discussion on the issue of sorrow.⁶² For example, Dr. Berg tells sexual trauma counselors in his counseling training

⁵⁸ Some of the reports on bitterness included, "The prevailing philosophy there is that anger (even over legitimate wrongs) is dangerous because it can become bitterness. And in BJU preaching and teaching, 'bitterness' is a cardinal sin." Reference 33. A victim of abuse quoted a BJU representative as saying, "You should focus on forgiveness and get over your bitterness." Reference 31. Another former student described the administration's primary view towards victims of abuse, noting, "They said that restoration was important and bitterness was the great enemy of someone who has been a victim of abuse." Reference 93. A former student reported hearing Dr. Fremont talk about forgiveness both on the BJU campus and at The Wilds Christian Camp. She stated that victims are told to "pick up their own bitterness" and that the focus of BJU teachings is the victim's reaction to the abuse: "Are you bitter? Have you forgiven, when you haven't had time to work through it?" Reference 117.

⁵⁹ The victim and former student stated, "It is always [a focus upon] your reaction [to the abuse] and 'is it Godly?', not allowing you to grieve the loss or the pain." Reference 45.

⁶⁰ Reference 103.

⁶¹ Dr. Berg stated, "I used Kleenex as much as they used Kleenex in those times, but I would say that it was not until the 2000s or so where I saw the matter of sorrow and suffering as deeply as I do.... CCEF took over The Journal of Pastoral Counseling that Jay Adams had for all those years. And they took over and renamed it the Journal of Biblical Counseling. I began subscribing to that the moment they did it. I have had every issue since that time and read it with great help. They drew a lot from the Psalms and the trauma of believers, and I began framing my counsel in the sense of the groaning and sorrow. And those things are a part of how I deal with despair in *Quieting a Noisy Soul*." Reference 58.

⁶² Dr. Berg stated, "I want them to understand that [sorrow] is a legitimate thing and it is very important. I would say that [was] not in my discussion until around the 2000's. The 80's and 90's [were] probably not in my discussion. I

video, “There’s an important thing for us to remember here. The main problem in overcoming the betrayal, in overcoming the affliction is never the depth of the hurt or betrayal. It is the [counselee’s] response of a ‘clenched fist.’”⁶³ Dr. Berg told GRACE that now when he counsels, “I hope that in more recent years I have parked more on the sorrow and what is that going to produce in us and where is the hope in all of this and all of these losses. We are [a] very broken and hurt world.”⁶⁴

Dr. Berg’s current view, however, may stand in contrast with a counseling training video recorded by BJU in the late 1980s and re-copyrighted in 2006, which was offered for sale on the BJU webpage through November of 2013. In this training video, Dr. Wood taught other counselors to tell abuse counselees that it was important “to get your perspective right.” Dr. Wood stated,

You know what happens to people who are abused or who have serious spiritual or emotional problems? Their every view is inward: “Me, me, me, me, me, me. This happened to me. I can’t get over this. I’m mad about me. I’m mad that they did this to me. I’ve been hurt. I’ve been offended.”... Me is not important. Joy is just like you learned in the primaries: Jesus first, others second, yourself last. You have to get your perspective right.⁶⁵

don’t think I was- I think I listened with compassion and I responded in a compassionate way. But, I could not frame it in helpful terms to legitimize and normalize what they were going through.” Reference 41. Dr. Berg also stated that a study he did on the book of Ecclesiastes changed his perspective on sorrow, noting, “I am sure that years ago on the issue of hatred and bitterness, the sorrow and what you call disgrace, the sorrow and groaning, I mean I knew they were hurt but it was not until I made a major study of Ecclesiastes that I understood the hopelessness of sorrow. God used that to change my perspective. I don’t know of any study in the Old Testament that has more profoundly affected me than the study of Ecclesiastes. What do you do with these injustices? What do you do with all of this groaning here? The ultimate solution is to fear God and keep His commandments...” Reference 101.

⁶³ Crisis Counseling I, “Understanding and Overcoming Child Sexual Abuse,” (1992), Session 3, Part 1, at 34:27. He goes on to say, “The thing that will stop the growth and the process and the change more than anything else is this (holds up clenched fist). ‘Where was God? He can’t do that. I won’t trust Him. You can’t expect...nobody can expect.’ This clinched fist is what stops the growth and stops the change and stops the progress because this clinched fist says, ‘I will survive my way. I will do it my way. I will live life the way I see it.’ We are going to see that coming up again and again and again. Now, the first time I sit down with an abuse victim and she is going through her story, I don’t first of all go, ‘Well, I know what your problem is. It’s this (puts up clenched fist) right here. Fix it!’ But we are going to have to get to that. At some point, we are going to have to get to that because it is at the root of the problems that keeps people from changing. We have got to get back to that at some point. ‘I will not trust him, he hurt me. I am going to listen to Satan because he said there is another way to do this, and I don’t have to do it God’s way.’ That is a clinched fist. Augustine was the first one to really articulate that. ‘The problems of men are this clenched fist,’ he said. It is never a question of ‘I cannot.’ It is always a question of ‘I will not.’ Crisis Counseling I, “Understanding and Biblically Overcoming Childhood Sexual Abuse” (1992), Session 3, Part 1, at 34:40-36:10.

⁶⁴ Reference 150.

⁶⁵ Dr. Bob Wood, *Scriptural Principles for Counseling the Abused* (Video), at 45:43 to 46:18.

3. Cries for Justice

The premature focus upon a victim's responsibility to forgive has, for many, minimized any messages that clearly condemn the abuser or that cry for a victim's justice.⁶⁶ As a current employee noted,

Over the years I have heard countless chapel sermons (staff members attend chapel twice a week) where we are told we need to forgive those who wrong us. Of course the Bible teaches that as an overarching principle. But where is the cry for evil men to stop abusing women and children? I've heard sermons about homosexuality and purity overall, but I really don't remember hearing anything specific about sexual abuse. What about telling abuse survivors how to deal with their own hurts and horror? No, just the same old "forgive and forget and don't tell on your perpetrator and don't get bitter."⁶⁷

When discussing what repentance means for a sexual perpetrator, Dr. Mazak stated that repentance is not only based on word but is also based upon action.⁶⁸ Dr. Berg also noted, "A repentant man does not negotiate consequences. I do make the point [in class] that one of the points of repentance is that [the offender] is willing to take the bullet. He is not willing to make somebody else the shame."⁶⁹

⁶⁶ An employee stated, "Their first response is that the person who was victimized should not be bitter and forgive, not that the perpetrator would receive justice. Many chapel speakers would not give names, but would tell stories of campers who mentioned abuse-no mention ever that person in leadership helped them report. The general culture is to forgive and forget and the abuser is never brought to justice." Reference 50. A victim of childhood sexual abuse stated, "It is never about abuse. It is never about justice. It is about forgiveness and sending them (the perpetrator) a letter." Reference 59. A victim of childhood sexual abuse noted, "My personal observations have been that those who spoke from the chapel platform about this topic [of sexual abuse] have always stressed 'forgiveness' and 'personal repentance for participation in one's abuse' rather than to urge the reporting of crimes." Reference 130. Another victim of abuse stated, "For the entire time that I was associated with BJU, and after, victims were told to forgive their abusers. They were never told to report their abusers to law enforcement, and the abusers were never condemned out loud, though it was clear that the BJU admin thought sex abuse was wrong, at least in theory." Reference 132.

⁶⁷ Reference 69.

⁶⁸ Dr. Mazak stated, "[b]ased on Luke 17:3, it says if your brother sins rebuke him. This is Jesus talking. This is the key: if he repents, forgive him. Repentance to me is from our word, Old Testament repentance is turn, New Testament repentance, change of mind, reflect and change your behavior. Repentance is saying, 'I am not sorry. But, I am turning, and I am taking responsibility.' In my mind, a person who says 'I did it, but I won't admit it' is not repentant. If a person says, 'Would you forgive me for what I have done?' my answer is, 'I want to [forgive you], but you haven't repented.' Maybe a different illustration that I have used in class: A wife says to her husband, 'I have committed adultery. Will you forgive me?' The husband says, 'Are you going to continue?' And she says, 'Yes. I like this other guy, [but] will you forgive me?' My counsel is 'No, you don't forgive, because that is not repentance.' As I understand Luke 17:3, we forgive when there is repentance. Repentance says, 'Honey, I am not only asking you to forgive me for committing adultery. I am [promising you his number is out of my cell phone; I will be accountable to you; [and] you [will] have access to my emails.' That is repentance. And repentance would be, 'I fully realize what I did is criminal, and we need to contact DSS [the Department of Social Services].' That is repentance." Reference 38.

⁶⁹ Reference 88.

However, as one victim of sexual assault noted, BJU's acceptance of a perpetrator's alleged "repentance" has wounded and retraumatized her deeply. Furthermore, BJU's acceptance of what appears to be insincere repentance has caused her to question her Christianity. The victim stated that she was sexually assaulted by a BJU student in the 1990s. After the assault, the offense was reported to BJU authorities who interviewed the alleged perpetrator. The alleged perpetrator minimized the extent of his actions, but he admitted to touching her inappropriately without her consent while he believed she was sleeping.

The university expelled the alleged perpetrator but readmitted him a year later.⁷⁰ The victim reported that after being readmitted, the alleged perpetrator harassed her by coming to her home and leaving notes on her car. BJU authorities also reportedly asked the alleged perpetrator to lead the student body in prayer during a chapel service while he was on probation.⁷¹ The alleged perpetrator also reapplied for his job at the location where the offense reportedly occurred and where the victim was still working.⁷²

The alleged perpetrator graduated from BJU and now serves overseas as a missionary.⁷³ BJU permitted the alleged perpetrator to return to campus as a mission organization representative in 2011.⁷⁴ In 2012, the victim reported the offense herself to law enforcement,⁷⁵ and later received a letter from the alleged perpetrator requesting forgiveness.⁷⁶

⁷⁰ University officials reported that the alleged perpetrator was readmitted in part because he and the victim had "reconciled." See Reference 43. University officials documented that the alleged perpetrator had requested forgiveness from the victim and that the victim had forgotten that the alleged perpetrator had requested her forgiveness and that she had granted it. Reference 7. However, the victim reports that the alleged perpetrator did not ask her forgiveness. In addition, in a 2012 letter from the alleged perpetrator to the victim, the alleged perpetrator also admitted that he had not asked forgiveness earlier because after he was expelled, he said he had been told by his pastor not to have further contact with the victim. Reference 137.

⁷¹ A faculty member, who was aware of the situation, reported that the university had asked the alleged perpetrator to lead the student body in prayer in a chapel service while he was on probation after being readmitted. This faculty member explained that after she observed the alleged perpetrator lead the student body in prayer, she immediately contacted BJU authorities who acknowledged that a mistake had been made and that the alleged perpetrator should not have been asked. She explained that BJU authorities told her "It was probably on the Record's Office's rotation of students as a 'preacher boy' and he should not have been asked." Reference 123.

⁷² BJU authorities denied having any knowledge that the alleged perpetrator continued to have contact with the victim after the offense. Furthermore, when Dr. Berg learned that the alleged perpetrator attempted to apply for a job at the same location where the victim worked, he sent the alleged perpetrator a letter advising him that he should not reapply for a job at the same location where the victim worked. Reference 144. The alleged perpetrator did not obtain a job at that location.

⁷³ Reference 200.

⁷⁴ BJU's 2011 Missions Emphasis Week brochure.

⁷⁵ Reference 1.

⁷⁶ Reference 138. In the letter, the alleged perpetrator states that he did not contact her previously to ask forgiveness "because part of the counsel I received and the discipline to which I submitted to by my Pastor was to have no further

The victim contacted the alleged perpetrator's mission board to ask whether the mission board would remove him from his position due to potential risks he could pose to others. The mission board representative reportedly told the victim that it was the university's and the alleged perpetrator's church's fault for not reporting him when the offense occurred nearly two decades before.⁷⁷ Furthermore, the representative reportedly insisted that the alleged perpetrator had been repentant to the mission board by confessing his offense and by writing a letter of apology in 2012.⁷⁸

In subsequent conversations with the mission board, the victim also inquired about whether the mission board would encourage the alleged perpetrator to return to the United States to face criminal charges. Despite the alleged repentance offered to the victim by the offender, the mission board representative reportedly told the victim, "everyone should be protected under the law and it is right that they use any legal means to protect him."⁷⁹ GRACE requested interviews with the mission board representative and with the alleged perpetrator about these matters. Neither agreed to be interviewed.⁸⁰

Although the alleged perpetrator sent a letter offering an apology, saying he would "do whatever needs to be done to handle this matter in a Biblical way" and would "cooperate and work with all those who are involved with the issue," he has not returned to the United States to face the criminal consequences of his actions, and he continues to work overseas as a missionary.⁸¹ BJU authorities again allowed the alleged perpetrator's

contact with you." He asks forgiveness and states in part, "I want you, your Pastor, my Pastor, and those involved from my mission board to know that I am willing to do whatever needs to be done to handle this matter in a Biblical way. I will cooperate and work with all those who are involved with the issue. I cannot undo what I have done. If God would give me the ability to go back in time and undo the sins I have committed against you I would gladly do that."

⁷⁷ The victim stated that she had a conference call with the mission representative, who granted permission for another witness to be a part of the call. The victim told GRACE that the mission representative stated, "The University, if they had done the right thing, they should have reported to the authorities at that time, and he should have gone through it at that time. It doesn't erase the fact from a legal standpoint, but on the other hand, [the alleged perpetrator], we tried to believe his word too, and he got his life right and he's had 18 years of very successful ministry now, and we've been able to observe that. So we don't believe he's a sexual pervert today and committing lots of crimes... we can't just pounce on him either, just because the University and his home church had the obligation to report and neither did. In his mind he would have complied; he complied in every way he was asked to." Reference 6.

⁷⁸ Reference 139. *See also* Reference 5.

⁷⁹ Reference 140. Consequently, the mission agency has not required that the perpetrator to return to the United States. The victim's pastor also reported to GRACE that he also spoke to the mission agency representative on behalf of the victim. Reference 121.

⁸⁰ GRACE requested an interview with the Baptist Pioneer Mission Agency representative who reportedly spoke with the victim and with her pastor, to inquire about what impact, if any, BJU's decisions and actions may have had upon the mission board's decision to employ a missionary who reportedly confessed to sexual assault. However, the mission agency representative decided that he did not wish to speak with GRACE. GRACE also requested an interview with the alleged perpetrator who initially stated he was "not against trying to help," but in further attempts to follow-up with him, he declined to speak with GRACE further.

⁸¹ Reference 4.

mission board to return to campus in 2012, 2013, and 2014,⁸² in spite of his alleged repentance.

These events have wounded her deeply.⁸³ She reflected upon them, saying,

If forgiveness means hoping they [the alleged perpetrator, his mission board, and BJU] take the hard path of actually facing their sin and crimes for their sake and for the sake of so many being hurt, then yes, I forgive them and hope for that freedom for them. If forgiveness means some little game where they go through these partial demonstration of a contrite heart sprinkled with a few tears, then I don't want to be a part of that. It feels like a mockery. A mockery of me. A mockery of what he did to me.... Aside from mocking me with this kind of response, isn't it also a mockery of Jesus? Sexual abuse is the most humiliating experience. I don't know that Jesus was sexually abused, but didn't he die naked on a cross humiliated for our sin? Wasn't his humiliation made public? Why did he do that? I don't really understand what Christianity means anymore.⁸⁴

4. Premature Forgiveness and Trauma

Several victims explained that these various messages from different BJU sources to forgive and move on actually made their trauma worse. One victim of sexual abuse stated that she sought counseling at BJU, where she regularly discussed forgiveness. After having been in counseling for approximately two years, the victim remembered, “[t]he pain was so bad I did not want to live anymore.”⁸⁵ She explained that she was fearful of seeing the perpetrator during the summer break and went to see the counselor for help. She stated, “[my counselor] looked at me with her very condescending look and told me if I have repented of any part that I had in it and if I have forgiven him, that I should be over it. There was no acknowledgment by [the counselor] of how badly I was

⁸² In 2012, 2013 and 2014, BJU allowed this mission agency back to the BJU campus for Missions Emphasis Week. The mission representative who reportedly spoke with the victim acted as the mission agency's representative for BJU's Missions Emphasis Week. See BJU's Missions Emphasis Week brochures for 2012, 2013, and 2014.

⁸³ The victim told GRACE, “It is of note that [the BJU Office of Missions is] interested in reports of changes in music and standards, yet when [BJU] knew that [the alleged perpetrator] was a sex offender, they invited him to present his work. In case [BJU] had ‘forgotten,’ AFTER [BJU] was contacted regarding [the alleged perpetrator] being a sex offender and affiliated with Baptist Pioneer Mission, [BJU] still had his mission come back to present the ministry again at the end of 2012 KNOWING that they were maintaining a sex offender on the mission field. So rape is okay, but changes in music or standards are unfortunate and extremely distasteful. What am I supposed to understand from this. I have absolutely no worth to them. Neither does anyone else sexually abused by a missionary or ministry leader. As long as the music standards are upheld, rape is not an issue.” Reference 143. Emphasis in the original.

⁸⁴ Reference 141.

⁸⁵ Reference 92.

crashing. I walked out of there the most hopeless person ever.”⁸⁶ The counselor denied giving this advice.⁸⁷

Another victim of sexual trauma, who attended BJU in the 1990s, recalled hearing messages about forgiving and forgetting. She explained that these teachings contributed to her understanding that she must force herself to forgive and forget. These messages have caused her significant trauma. She explained,

After everything, would God send ME to hell for not “forgiving” and “forgetting”? How do I forgive? What does that mean? I would do it if I knew how. How do I forget? I tried that. I tried as hard as I could do block out all past abuse memories. They just come back in flashbacks and nightmares.... I don’t know what is wrong with me that these memories still hold so much terror. I don’t know why certain memories are so stuck that I just can’t escape them. I can still feel what he did to me. It doesn’t feel like years ago. It often feels like it is happening right now and I still can’t get away. I feel the same inability to breathe, the same terror, the same questions... I feel it happening and can’t stop it. I can’t get him off of me and away from me... Is [God] angry that I can’t forget? Is he angry that I haven’t forgiven in some way that has allowed me to forget? I vividly remember bits of childhood experiences, knowing that right as something wrong was about to happen, I had to fight to keep it out of my thoughts. I knew from my teachings that forgiveness meant forgetting. I was always afraid to remember. I was always afraid I would slip up and tell something I wasn’t supposed to even remember. As a kid, I slept with my mouth taped shut to keep from saying something in my sleep (weird, I know!). I still struggle to speak about things that happened. Instead, I dissociate and have nightmares.⁸⁸

These pressures to forgive quickly have for some evoked physical pain or illness,⁸⁹ fear of hell,⁹⁰ and exacerbated feelings of failure.⁹¹ Others reported that these

⁸⁶Reference 75.

⁸⁷Reference 56.

⁸⁸Reference 3. Emphasis in the original.

⁸⁹“I would hear these things in chapel, and I would hyperventilate. When they would start talking about sexual abuse, I would start to breathe differently. And then I would get afraid people would notice I would breathe differently. But, I was literally hyperventilating.” Reference 148. Two other victims of sexual abuse reported that messages on forgiveness provoked nausea. Reference 63 and Reference 142.

⁹⁰Another victim reported, “It is all back on you. You are not supposed to be angry. If you don’t forgive them, God is not going to forgive you, and you are in a prison of your unforgiveness. It is doubtful whether you even say you will forgive.” Reference 51. She further noted, “They have all the Bible verses there, and if you don’t forgive, the father is not going to forgive you. And it is a major guilt type of thing.... you are obligated to forgive, and if you don’t forgive, you may not be saved.” Reference 32.

⁹¹One victim stated that a BJU employee once inquired about whether or not she had extended forgiveness. She stated that she said yes and explained, “If I said anything more than what I had already said to [a BJU employee], then that

messages about forgiveness communicated shame⁹² and blame.⁹³ Even though BJU counselors and professors acknowledge that when a person forgives, human beings typically are unable to forget that an offense has occurred,⁹⁴ BJU's perceived lack of understanding or compassion⁹⁵ about the need for lament also silences victims and reduces the likelihood that a victim will seek help at BJU.⁹⁶

Analysis

Forgiveness

The Bible clearly commands Christians to forgive others.⁹⁷ However, with regard to such a horrific offense as sexual abuse, God never treats forgiveness as something formulaic or easy. To do so is at least naïve, if not unkind. Forgiveness comes at a tremendous price, a price God knows well and reveals in Jesus' suffering and death. Forgiveness can be something that is a lifelong struggle for the abused. Compassion

would prove I hadn't really forgiven. I was trying so hard to be ok and failing miserably. It was all I could do to focus on keeping myself on the sidewalk and not in front of a car.... I felt like I couldn't do anything right." Reference 26.

⁹² A victim stated, "You, the victim, are supposed to be quiet and forgive. If you don't forgive, it is your problem. You will always be tainted, an untouchable." Reference 2. Another victim noted, "Basically, I was shamed and told I needed to forgive, forget, and go on." Reference 29.

⁹³ One individual explained hearing a chapel message that a sexual abuse victim who did not immediately forgive "was being rebellious against God." Reference 28. Another witness explained, "I went to twelve years of chapel from seventh grade through grad school, so I have as much chapel as you can have. I never heard anyone say that the abuser needs to do anything. They put the blame on the abused. It made me feel guilty because if I did talk about it, then I haven't forgiven. And I felt I can't talk about it because if I did, then that is gossiping and ruining his life." Reference 47. A victim of abuse explained by stating, "Chapel messages filled me with hopelessness. It was all about trying harder, forgiving more. I had nightmares and was taught that these were sin. They were an indication of an unforgiving heart. I had fear. That was sin and needed to be repented of, yet I continued feeling fear. I tried to battle it all by trying harder and harder." Reference 201. A victim stated that she did not think that any BJU representatives thought abuse was justified, "... but that everyone has a part in the sin and that you need to forgive and forget." Reference 118.

⁹⁴ Dr. Bob Wood stated, "God is in the business of dealing with guilt. Guilt comes from God, and you go through a process where you confess a sin and that sin is done with from the time you confess it. God not only forgives, he forgets. We are not capable of forgetting, but God is capable of forgetting and cleanses us. And I think that as people understand God's forgiveness and we convince them that no matter what they have done, God can forgive them, he can cleanse them." Reference 100. Dr. Fremont also wrote, "Man cannot and God does not forget an offense or sin at will. Man and God can choose to release the offender from the penalty of the offense after repentance. This is the true meaning of 'not remember' in Jeremiah 31:34 and Isaiah 43:25. Wendell E. Miller, in his book *Forgiveness: The Power and the Puzzles*, thoroughly discusses these ideas." See Fremont and Fremont, 113.

⁹⁵ A current faculty member explained, "I can speak to sermons I have heard from chapel pulpits. I am uncomfortable with male preachers who get up and say across the board you have to forgive. For me there has to be a more nuanced approach to that. There has to be more understanding. You cannot just say, 'Forgive.' And you cannot tell young girls that if they haven't forgiven, that they are sinning." Reference 119. A current student who was a victim of sexual abuse stated, "I blocked out [the sexual abuse] when I went to high school. When I heard about sexual abuse [at BJU], I blocked it out because there was no sympathy- because they say you forgive and move on. They may not understand or mean it the way it comes across. But, that is what they say: That you must forgive and move on." Reference 11.

⁹⁶ "At one point, I was trying to talk to someone [at BJU about the abuse]. I didn't really try to say anything because it was like 'you have to turn it over to God and get over it'. . . . So I knew I was not going to say anything to them. I was feeling people out if I could talk- I was testing the waters." Reference 95.

⁹⁷ Matt. 6:14-15; Matt. 18:21-22; Col. 3:13.

demands an acknowledgement of the reality of this struggle, because abuse is such a horrifying evil.

Jesus understands and shows compassion to the afflicted. He knows the terror of abuse and the agony that forgiveness costs. In the garden of Gethsemane, before He faced the cross' torture, Jesus asked the Father if there were another way. There was nothing easy about Jesus' decision to obey His Father's will and go to the cross so that sinners might be forgiven. Insisting that forgiveness can and must be extended harms victims and cheapens forgiveness. Short circuiting the process of forgiveness does not help a victim deal with the deep and devastating reality of sexual abuse.

1. Premature Forgiveness

Many victims spoke about how BJU consistently emphasized that victims must quickly forgive and move on from their abuse. Victims, perhaps more than anyone, would like to put painful memories of sexual abuse in the past. And for non-abused persons, forgiveness may be a much easier task.

A message of "move on" shows a lack of understanding and compassion. If someone's home were pillaged and destroyed, most would agree that it would be extremely insensitive and hurtful to show up the following day and ask, "Why isn't this cleaned up yet?" How much more compassion should Christians show when the damage has been perpetrated against body and soul?

Without acknowledging the hard process of forgiveness, the righteous anger of victims is invalidated. Several investigative participants mentioned a 2009 sermon where the speaker confronts a sexual abuse victim about her own "sin" because she was "allowing the sin of these folks to create such anger and hatred and bitterness in your heart."⁹⁸ Based on the information provided by the speaker, he did not lament over the crime of the abuser, but instead focused on the sin of the abuse victim.

The speaker stated that the girl at the camp had been abused by her step-father, and in light of her suffering, she told the preacher, in effect, "[God], why have you forgotten me?"⁹⁹ According to the speaker's own statements, rather than express outrage

⁹⁸ Chapel sermon at Bob Jones University delivered 9/4/09, entitled, "Religious Robots: A Mechanical Walk With God." This sermon was last accessed on sermonaudio.com on November 28, 2014.

⁹⁹ Ps. 42:9

at the crime committed against her, sorrow for her personal losses, or compassion for her circumstances, he instead told the victim, “let’s look at your sin in the situation,” and then cautioned the audience against a similar attitude of bitterness.¹⁰⁰ The sermon illustration leaves the audience with the impression that a victim who still struggles with forgiveness is the real perpetrator.

2. Sorrow and Lament

When God equips His people to respond appropriately to abuse, He focuses on lament. Laments are by far the most common type of psalm in the Bible. They number more than hymns of praise, thanksgiving, wisdom, or historical psalms. Although laments are often general enough to be used as a godly response to a broad range of afflictions and grief, the oppression of abuse is certainly prominent among them.¹⁰¹ God gives His people laments to shape their response to oppression and abuse. The biblical laments show God calling His people to do the opposite of “move on.”

God instead calls His people to stop and grieve. God knows that when faced with abuse and oppression, people need to stop and take the time to acknowledge the depth of the perpetrator’s sin. God knows that oppression, abuse, depression, and despair are all too common in this world, and He grants rich resources for His people’s benefit.

Though Dr. Berg explained that since some time in the 2000s, he has gained a deeper appreciation for sorrow, he acknowledged that the issue of sorrow was not a part of his approach when counseling victims of sexual abuse for at least the first twenty years of his tenure as Dean of Students. Rather, as he states on his counseling training video, he approached this issue by noting, “The main problem in overcoming the betrayal, in overcoming the affliction is never the depth of the hurt or betrayal. It is the [counselee’s] response of a ‘clenched fist.’”¹⁰² Dr. Wood seems to maintain the view that some abuse counselees focus on “me.”

¹⁰⁰ Chapel sermon at Bob Jones University delivered 9/4/09, entitled, “Religious Robots: A Mechanical Walk With God.” This sermon was last accessed on sermonaudio.com on November 28, 2014.

¹⁰¹ The abuse of power—oppression—is mentioned specifically in psalms of lament. The whole of Psalm 10 and 82 address the abuse of power. Other laments addressing oppression include Psalm 9, 42, 43, 44, 55, 56.

¹⁰² Crisis Counseling I, “Understanding and Overcoming Child Sexual Abuse,” (1992), Session 3, Part 1, at 34:27. He goes on to say, “The thing that will stop the growth and the process and the change more than anything else is this (holds up clenched fist). ‘Where was God? He can’t do that. I won’t trust Him. You can’t expect...nobody can expect.’ This clenched fist is what stops the growth and stops the change and stops the progress because this clenched fist says, ‘I will survive my way. I will do it my way. I will live life the way I see it.’ We are going to see that coming up again and again and again. Now, the first time I sit down with an abuse victim and she is going through her story, I don’t first of

However, God spells out the need to lament. For example, the heading and first verse of Psalm 102 reads, “A prayer of one afflicted, when he is faint and pours out his complaint before the LORD. Hear my prayer, O LORD; let my cry come to you!” This is a prayer given to the afflicted and overwhelmed from God himself. God desires that laments would shape his people as they learn to grieve in response to abuse instead of just “moving on.”

Some victims of abuse expressed that they did not hear in BJU preaching, teaching, or counseling sessions many of the common elements¹⁰³ of laments seen in the psalms:

- *Honestly naming of realities of oppression;*¹⁰⁴
- *Expressing the deep sorrow, despair, and harm the oppression has caused;*¹⁰⁵
- *Voicing the betrayal that victims feel from the oppressor and from God;*¹⁰⁶
- *Crying out to God for deliverance, justice, and vindication;*¹⁰⁷
- *Expressing faith in God that he will intervene for the oppressed.*¹⁰⁸

These elements communicate God’s heart clearly when dealing with oppression in the community of His people. God emphasizes the oppressor’s horrific sin and its terrible consequences. God acknowledges the deep pain and despair felt in oppression’s path. God validates and encourages the expression of pain and betrayal caused by such sins, even the perception of betrayal felt against God Himself. God encourages the entire community to join in crying out for justice on behalf of victims. God knows victims need to hear assurances of His ultimate defeat of evil.

Furthermore, the Bible clearly teaches that these psalms are more than individual prayers for the oppressed, but God gives these laments to shape the whole community of

all go, ‘Well, I know what your problem is. It’s this (puts up clenched fist) right here. Fix it!’ But we are going to have to get to that. At some point, we are going to have to get to that because it is at the root of the problems that keeps people from changing. We have got to get back to that at some point. ‘I will not trust him, he hurt me. I am going to listen to Satan because he said there is another way to do this, and I don’t have to do it God’s way.’ That is a clenched fist. Augustine was the first one to really articulate that. ‘The problems of men are this clenched fist,’ he said. It is never a question of ‘I cannot.’ It is always a question of ‘I will not.’ Crisis Counseling I, “Understanding and Biblically Overcoming Childhood Sexual Abuse” (1992), Session 3, Part 1, at 34:40-36:10.

¹⁰³ There are common elements throughout the laments of the psalms, though each element does not appear in every lament.

¹⁰⁴ Ps. 10:2-11; Ps. 55:2-13; Ps. 94:3-7.

¹⁰⁵ Ps. 102:3-11; Ps. 42; Ps. 43; Ps. 56:8; Ps. 69:20.

¹⁰⁶ Ps. 10:1; Ps. 13:1-2; Ps. 42:9; Ps. 43:1-2; Ps. 44:23-24.

¹⁰⁷ Ps. 10:12; Ps. 17:2; Ps. 26:1; Ps. 35:23-24; Ps. 43:1-2; Ps. 44:23-26; Ps. 54:1; Ps. 82:8; 94:1-3; Ps. 102:1-2; Ps. 135:14.

¹⁰⁸ Ps. 9:7-10, 12, 18; Ps. 10:17-18; Ps. 102:12-22.

His people. Paul reminds Christians in the New Testament that these psalms are to be sung together in the congregation, that they might encourage and shape the entire community.¹⁰⁹ Think of the powerful message it would send to victims if their brothers and sisters cried out all around them for God to give them justice and vindication.¹¹⁰ Consider the message Christians send when they remind victims that God has seen their sleepless nights and keeps track of each and every tear. These are the messages that God emphasizes to victims and wants His people to emphasize as well. Rather than cautions about bitterness and a push to forgive and forget, the most urgent and ongoing need of a victim is to have the community surround the victim with love and cry out to God.

When the dominant note on abuse is forgiveness and not lament, victims continue to suffer under abuse's heavy weight. Emphasizing an easy forgiveness instead of lament communicates that the main problem is the victim, not the abuser and the abuse. This exacerbates the shame that victims already feel in the wake of abuse.

A better approach is to first weep with those who weep¹¹¹ and wait upon the Lord to work and bring healing and forgiveness. The great trauma of abuse should give Christians an equally great compassion toward victims to understand that forgiveness will come slowly because of its great cost. Weeping with the victim recognizes the reality of the situation and validates the experience of the victim. It is a crucial and irreplaceable step in the healing process.

Forgiveness begins with truth. To forgive, the victim must account for the actual pain and damage the offense has caused. Passing over the lamenting process avoids dealing with the reality of the harm done by abuse. Pushing forgiveness without lament is harmful, because it involves treating the wounds of the victim with the wrong medicine.¹¹²

3. Cries for Justice

When forgiveness is emphasized to a degree that it overshadows calls for perpetrators to repent, there is a tremendous imbalance that harms victims. The Bible

¹⁰⁹ Eph. 5:19; Col. 3:16. Singing laments together helps others empathize with victims. It also sends a powerful message to victims that they are not alone and that the community stands by them in solidarity. Victims need this solidarity desperately.

¹¹⁰ Ps. 43:1-2.

¹¹¹ Rom. 12:15.

¹¹² Jer. 6:14.

actually commends those who cry for justice and vindication where an abuse of power has occurred.¹¹³ There is a large portion of the psalms that directs God's people how to lament the oppression and injustice perpetrated against them.

The Bible teaches that there is an appropriate anger and cry for justice.¹¹⁴ When there is not a loud cry for justice, this understandably fuels victims' anger and exasperation. God encourages His people to express their anger over the betrayal of oppression and even their feeling that God has betrayed them.¹¹⁵

There is a righteous expression to anger.¹¹⁶ The perfected martyrs in heaven cry out for God to take vengeance upon their murderers and execute justice.¹¹⁷ God gives his people the words to express these sentiments, "How long, O Lord?"¹¹⁸ and "Why, O LORD, do you stand afar off?"¹¹⁹ Is this bitterness? Is this an unforgiving spirit? No, this is a godly posture toward great evil. God gave these words to His people in the psalms so they would have the right words to say in the face of terrible evil like sexual abuse.

A part of this expression of anger is a cry for justice, for perpetrators to repent and face the consequences of their sin and crime. Dr. Mazak defines the true nature of repentance as a turning or change of mind that is followed by sincere words and consistent actions.¹²⁰ Biblical repentance is more than just sorrow, for the Bible distinguishes a sorrow that is a sign of repentance and sorrow that is not.¹²¹ Esau is an example of one who demonstrated sorrow but was not truly repentant.¹²² The story of Zacchaeus,¹²³ who had extorted money from many, also illustrates true repentance. On his own initiative, Zacchaeus agreed to seek out and give back all he took wrongly and more to make restitution and show his repentance. No one can see into the human heart, but everyone can judge a person's behavior to see that they are demonstrating behavior that is in keeping with repentance as with Zacchaeus and as Jesus taught in Luke 3.¹²⁴ If a

¹¹³ Rom. 12:9-21; Ps. 13; Rev. 6:10.

¹¹⁴ Ps. 3.

¹¹⁵ Ps. 22:1-2.

¹¹⁶ Ps. 4; Eph. 4:26.

¹¹⁷ Rev. 6:10.

¹¹⁸ Ps. 6:3, Ps. 13:1, Ps. 35:7.

¹¹⁹ Ps. 10:1.

¹²⁰ Reference 35.

¹²¹ 2 Cor. 7:10.

¹²² Heb. 12:16-17.

¹²³ Luke 19:1-10.

¹²⁴ Luke 19:1-10; Luke 3: 8-14.

Christian has committed a crime, demonstrating repentance should include accepting full responsibility for the crime.

Authentic repentance also includes sincere and complete confession. Words should never be the sole proof of accepting someone's repentance, but words along with actions are part of repentance. The type of words that demonstrate true repentance are words that acknowledge the sin without any attempt to minimize or hide the sin. Repentant sinners should admit their sin before the Lord and to those who were impacted by the sin.¹²⁵

These elements of biblical repentance are critical when judging a perpetrator's repentance. Abusers are experts at manipulating people. They can abuse because they deceive and manipulate people to achieve their end. When confronted, abusers will often admit to a lesser offense, minimize what happened, deflect attention from themselves, make a false show of sorrow, or otherwise say what needs to be said to avoid or lessen responsibility.

In the Christian environment, this often means using Christian ideas and theology to manipulate others to avoid responsibility. Leaders in the Christian environment must diligently uphold a fully biblical standard of repentance for the sake of protecting victims and holding perpetrators accountable for their atrocious actions.

In one reported case, BJU did not hold the alleged perpetrator to biblical repentance. In this instance, an adult victim reported that the alleged perpetrator, a BJU student at that time, committed a sexual offense against her while he believed she was asleep. BJU administrators confronted the alleged perpetrator who confessed to the offense but minimized the extent of what the victim reported. Though what he admitted to was still a crime, the perpetrator did not turn himself in to the civil authorities, and neither did BJU.

BJU expelled the alleged perpetrator and then readmitted him a year later. The confessed perpetrator tried to gain back his previous job where the offense occurred and where the victim still worked. In addition, BJU asked the alleged perpetrator to lead the student body in prayer during a chapel service after he was readmitted and while he was on probationary status. Though BJU authorities stated the request was a clerical error, a

¹²⁵ Ps. 32:5; 2 Sam. 12:13; James 5:16.

repentant perpetrator, knowing he was on probation, would have clarified the request and refused.

A repentant perpetrator would understand the deep harm and fear he has created in the victim. He would understand the need to stay away from the victim and certainly not attempt to return to the location of the crime where the victim still worked. A repentant perpetrator would not have only confessed to the crime, he would have also turned himself into the police and taken full responsibility for the legal consequences of his actions.¹²⁶

Repentance is never opposed to accountability, but they go hand in hand. Biblical repentance welcomes restitution and accountability. A perpetrator who willingly does whatever it takes to avoid repeating the offense demonstrates evidence of authentic repentance. For sexual offenders, repentance is exhibited by intentionally avoiding situations where they have access to potential victims without full accountability.

Any campus that invites sexual offenders back onto its campus is a risky place for victims. Allowing a perpetrator to remain among vulnerable students demonstrates an inexcusable carelessness. People's lives are at stake, and they are too valuable to risk. God calls leadership to protect those in their charge from sin and danger.¹²⁷

Victims feel a deep sense of shame when their honor has been marred and no one will fight for them. Imagine the deep pain and betrayal a victim would feel knowing their rapist prayed in front of the entire school and was honored as a missionary, all while refusing to acknowledge the reality of his crime or to turn himself in to the civil authorities? It is little wonder that BJU's continued authorization of the perpetrator and his mission board to return to the Bob Jones campus as a missions representative during Missions Emphasis week every year feels like a "mockery." Indeed the acceptance by any Christian institution of this cheap form of repentance has understandably done nothing to restore the honor she so richly deserves.¹²⁸

¹²⁶ Not only did this perpetrator not subject himself to the civil authorities more than 20 years ago, but he was allowed to become a missionary (with full knowledge of BJU) and he has not returned to the United States to take responsibility for the crime he committed. In addition, BJU allowed this former student who confessed to sexual assault to return to campus as a mission board representative for Missions Emphasis Week in 2011. Since that time, BJU has continued to permit his mission board back to campus, knowing that the mission board continues to employ a confessed sex offender.

¹²⁷ Ezek. 34.

¹²⁸ Jer. 6:14.

4. Premature Forgiveness and Trauma

Victims of sexual abuse cannot simply move on without dealing with the abuse's reality. And for many, when they feel the pressure to forgive, their trauma symptoms are made worse. This dynamic is not surprising, because victims must first experience enough safety for their symptoms to be relieved in order for them to even begin to consider forgiveness. As psychologist Diane Langberg has noted,

Fear, which is the core of trauma, leads people to hide in darkness. Fear silences them for words are inadequate. Trauma brings with it a sense of powerlessness. All of you have experienced that helplessness, that sense of being overwhelmed by events over which you had no control. When people have been traumatized, they repeat things over and over, trying to grasp what cannot be understood and trying to carry what is unbearable. They carry the smell of trauma with them into their relationships, their work, their thinking, and their choices. They will not be all better next week or even next year. Those who have endured previous traumas may be utterly crippled by a new one. Those who have lived through one trauma and seem better at some point can be catapulted back into what happened by the experience or even the hearing of another trauma. If we want to help others, we will need to learn how to sit with, listen to, and care for those who have been traumatized. That call, I believe, is merely a specific manifestation of the call of God to his people who are living in a world that has been traumatized by sin and suffering.¹²⁹

Christians must be ready to sit with and listen to and care for those who have suffered deeply. Jesus entered a world of suffering. He did not enter the world to explain suffering. Instead, He willingly joined victims in their suffering so that He might end their suffering forever. This is the comfort of the gospel. Victims are not alone. Jesus has come, and He will wipe away every tear. Nicholas Wolterstorff explains, "Through the prism of my tears I have seen a suffering God...Instead of explaining our suffering God shares it."¹³⁰

¹²⁹ Diane Langberg, AACC World Conference entitled "Complex Trauma," Nashville, TN, 2011 (speech/presentation).

¹³⁰ Nicholas Wolterstorff, *Lament For A Son* (Grand Rapids: Eerdmans, 1987), 81.

Investigation Findings

Matthew 18 and Confrontation

While some of the mechanics undergirding Matthew 18's¹³¹ application (who, when, and how)¹³² may differ among those who teach and counsel at BJU, university authorities largely appear to agree that Matthew 18 has application to sexual abuse cases. Dr. Mazak, for example, reported that Matthew 18 has applicability in sexual abuse cases and noted its purpose,

I think that as a brother in Christ, you owe it to that person. I think on multiple levels it is the right thing to do. God may use that appeal or rebuke in a number of different ways to bring about change in that person's life. It may be [that] the Holy Spirit uses that. It may be that begins a process of revealing something that has been hidden that is brought to light through the law enforcement. God can use law enforcement to cause a person to face the reality, and so on multiple levels, especially within a Christian context [the person who has been sinned against has an obligation to confront the offender].¹³³

Dr. Wood, likewise, stated that Matthew 18 has applicability in sexual abuse cases. Dr. Wood emphasized the importance of confronting the perpetrator and explained that one of the first issues he addressed in counseling was "to challenge [the victim] to go to [the abuser] first..."¹³⁴ Dr. Berg similarly noted that Matthew 18 has applicability, but stated,

¹³¹ Matthew 18:15-17 reads, "If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses. If he refuses to listen to them, tell it to the church. And if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector."

¹³² Dr. Mazak believes that confrontation is important, but when and how confrontation occurs in a sexual abuse scenario may depend upon various factors, including whether law enforcement is already involved. Reference 36.

¹³³ Reference 23. He also distinguished between the concepts of confrontation and "letting love cover." When one decides whether to confront or to "let love cover," he said one should ask: "What would most honor Jesus Christ?" "What would most help other people?" He stated that a victim should consider the importance of confronting rather than "letting love cover" by considering: "Did you know that it is rare for a person to only abuse one person? Did you know that other people today, right now, could be at risk? Did you know that a failure to confront that person and to talk to someone about this could actually harm other little girls? And if we were to become a little bit active, and at least try to address this, we may be able to protect one little girl." Reference 85.

¹³⁴ Dr. Wood emphasized the importance of confronting the perpetrator and explained that one of the first issues he addressed in counseling was "to challenge [the victim] to go to [the abuser] first..." Reference 49. Dr. Wood stated, "...that is where we started, and that was always very difficult to get done." Dr. Wood cited many reasons for the difficulty, such as a victim's fears or anxiety. Reference 44. Dr. Wood reiterated, "[o]h yes, I am very confrontational. I believe that you need to confront the people as near as possible to the crime and deal with it head on. I think that you need to face things as they happen." Reference 73.

“We would never ask an adolescent, a child to do any of this. They are already at risk... It is driven by your burden; it is not driven by a mandate from God.”¹³⁵

Some participants in the investigation reported feeling a pressure to forgive, to confront the abuser, and to “witness” or minister to the perpetrator.¹³⁶ A victim of physical and sexual abuse who attended the academy in the 2000s reported that she obtained counseling at the academy as a minor. She said she was asked to write a letter “expressing that what had been done was wrong and that I was able to forgive.”¹³⁷

She reflected, “At the time that happened I was okay with it. I was in hopes that it would bring about a confession or something, because that is what they told me. But, it was very drastically different.”¹³⁸ She also reported that there had been some negative consequences for her because of the pressure to forgive. She explained, “The need of forgiveness was really high. That was a good thing, but it made me confused- the vertical and horizontal aspects of forgiveness. Being ready to forgive when that comes up is good and biblical. They skipped that step and jumped right to horizontal forgiveness without the problem being confessed.”¹³⁹ She believes the motives to help her were sincere but explained that the letter was premature and put her safety at risk.¹⁴⁰

Another victim of sexual abuse reported that her Dorm Counselor in the late 1990s advised her to confront her abuser. She explained, “[I]t was treated like a Matthew 18 thing and told that I needed to confront him of his sin.”¹⁴¹ She explained that the Dorm Counselor told her that she “needed to deal with the mandate to offer forgiveness, and because it is sin, he needs a chance to repent.”¹⁴² Furthermore, if the perpetrator did not

¹³⁵ Dr. Berg stated that his teaching on Matthew 18 has sharpened in recent years. He stated, “...I know what I have taught the last couple of years. I have said, ‘We would never ask an adolescent, a child to do any of this. They are already at risk.’ I would say, ‘This is something that an adult would do when she is mature enough to handle this.’ I made a strong point: This is not a part of her healing at all. This is not a part of her process. This is when she has a burden for her abuser, and if she wants to do that, here is the way to do it. I can’t remember what I said in 2003 [on video], but what I say in the live classes the past couple of years, is that we would never ask a child or teenager to do this. We would never ask a college student here to do that... I don’t know what I said in there back in 2003 [on video] or back in 1993 [on video]. But, the last two times I have taught it, I have said, ‘This is a step of real maturity. This is when your burden is for the other person. It is driven by your burden; it is not driven by a mandate from God. This is not-’ So, I have rephrased that. It may not have been there.” Reference 87.

¹³⁶ As one such victim reported, a BJU representative told her, “You should call your abuser and tell him you forgive him, witness to him.” Reference 71.

¹³⁷ Reference 25.

¹³⁸ Reference 114.

¹³⁹ Reference 67.

¹⁴⁰ Reference 54.

¹⁴¹ Reference 122.

¹⁴² Reference 97.

repent of his sin against her, “then I was to take the next step of Matthew 18, and take someone else with me to confront him.” She stated, “It could have been a dangerous thing to go do this. It wasn’t, but they didn’t ask or know the circumstances. It was that I needed to forgive.”¹⁴³ The victim reported that she felt very afraid but confronted her abuser on the phone.¹⁴⁴

The victim lamented that even her parents indicated, “Matthew 18 is the way you handle it.”¹⁴⁵ She said she inquired of her parents if they would suggest applying Matthew 18 to the crime of murder, and they then “realized their error.”¹⁴⁶ The victim’s safety does not appear to have been a consideration before asking her to apply Matthew 18 principles.

She emphasized that she harbors no ill will against those who attempted to counsel her because, “At that time, I was helped. It did help me to put it out of my mind. I felt stronger after confronting him – I had named what he did, and it put me in a position of power for some reason.”¹⁴⁷ However, the victim stated, “As an adult looking back, I think I was hurt. God has given me a lot of grace, but I don’t want others to have to go through that. I don’t think it necessarily would have helped others the way it helped me. God used the counseling to help me in spite of the fact that it was mishandled.”¹⁴⁸

In another case in the 2010s, a current BJU student was victimized sexually while away from school during a school break. She disclosed what had occurred to a BJU professor who informed the Dean of Women. The Dean of Women called the victim at home to check on her safety and offered to help with other living accommodations for the victim. The Dean of Women also encouraged the victim to contact her pastor, “because [the alleged perpetrator] needs some help.”¹⁴⁹ BJU authorities then enlisted the help of a BJU graduate to encourage the victim to confront the alleged perpetrator about getting

¹⁴³ Reference 80.

¹⁴⁴ In an interview with GRACE, the victim’s Dorm Counselor stated that she could not remember what her specific advice had been in this case because it has been over 15 years ago. However, she stated that the victim’s account was not inconsistent with her usual practice and that she had no reason to disbelieve the victim’s account or the victim’s memory of her advice. Reference 30.

¹⁴⁵ Reference 72. The victim also noted that her parents “felt horrible” upon learning of her abuse later in life. Reference 70.

¹⁴⁶ Reference 110.

¹⁴⁷ Reference 102.

¹⁴⁸ Reference 65.

¹⁴⁹ Reference 82.

help, which the victim did within a matter of days following the incident. The victim reported that the alleged perpetrator did not want to seek help.¹⁵⁰

A former student reported that she had been sexually assaulted by a BJU employee and then approached Dr. Berg for assistance in the early 2000s. She recounted that they discussed how to handle her situation, and Dr. Berg told her, “[A]lways make the goal of confrontation repentance and reconciliation.”¹⁵¹ She recalled that Dr. Berg confronted the alleged perpetrator because, “In part, I was not there yet. It was a wonderful thing to know that I did not have to confront him.”¹⁵² She noted, “I had had people tell me that I needed to confront [the alleged perpetrator] to get closure and I honestly didn’t want to get within 10 miles, let alone 10 feet of the guy. And I didn’t know what happens then if he throws it back in my face.”¹⁵³

While she expressed gratitude that Dr. Berg had confronted the perpetrator on her behalf, she noted that, “I don’t think I wanted restoration at that point-I don’t know what I wanted-but it wasn’t restoration.”¹⁵⁴ She said, “I think that I was afraid that [the alleged perpetrator]-without admitting to anything-would pull the spirituality card again and lecture me about having an attitude of forgiveness toward him ‘for whatever you seem to think might have happened’ and that winding up back on me.”¹⁵⁵

Analysis

Several BJU counselors affirmed that Matthew 18¹⁵⁶ applies in some form to cases of sexual abuse. Though they may differ on the details of who, when, and how a person should apply this passage, Dr. Wood, Dr. Mazak, and Dr. Berg each affirmed that Matthew 18 has application to instances of sexual abuse.

¹⁵⁰ Reference 64.

¹⁵¹ Reference 99.

¹⁵² Reference 76.

¹⁵³ Reference 116.

¹⁵⁴ Reference 109.

¹⁵⁵ Reference 104.

¹⁵⁶ In this section, when we refer to Matthew 18, we are referencing Matthew 18:15-19, which states: “If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses. If he refuses to listen to them, tell it to the church. And if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector. Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven. Again I say to you, if two of you agree on earth about anything they ask, it will be done for them by my Father in heaven.”

Several reported instances of sexual abuse (including the 2009 recorded chapel sermon previously discussed) indicate that some BJU officials encouraged victims of sexual trauma to confront their abusers personally. This application universalizes the passage beyond the originally intended horizon. Jesus never intended Matthew 18 as an approach for more serious crimes like murder, kidnapping, or sexual abuse. To do so is a dangerous misinterpretation and misapplication of the Bible. Like all Scripture, Matthew 18 has to be interpreted within its context¹⁵⁷ and applied with wisdom.

The Bible teaches how to handle sin in many passages, and God intends all of these passages to work together to help his people address a variety of sins and situations. There are at least two other important factors about sexual abuse that Matthew 18 does not address, but which other biblical passages do address. First, abuse is a particularly horrific degree of sin that involves a power differential between the perpetrator and the victim. Second, abuse is a crime, not just a personal offense.¹⁵⁸ The Bible addresses an appropriate response to horrific sins that are also crimes in passages other than Matthew 18.

Matthew 18 is a general guideline for dealing with personal offenses in the church: “If your brother sins *against you*.”¹⁵⁹ Jesus wants His followers to handle personal offenses in this way so that they actually resolve matters and they do not affect the fellowship within the church. These types of offenses would mainly affect the relationship between the two people. If one brother listens to the other, then the matter does not need to go any further.

The sin of sexual abuse is on a scale that simply cannot be adequately addressed by these steps, and Jesus never intended His statement to be misused and misapplied to sexual abuse. Someone who abuses others sexually is a threat to the entire community. Jesus gives His followers other passages so they will know how to deal with these more serious sins. In the immediate context, Jesus lays a foundation of the seriousness of sins

¹⁵⁷ The context includes not only the immediate context, but the broader context, which is the book of Matthew and the entire canon of the Bible.

¹⁵⁸ Abuse calls for a different response from Christians because sexual abuse is a crime. A Christian’s civil and moral obligations to report crimes will be discussed in Chapter Six on Legal Reporting.

¹⁵⁹ Matt. 18:15.

against children. Those who cause a child to stumble will have to answer for it with something worse than millstones.¹⁶⁰

Abuse is different from other sins in that it exploits a difference in power. The abuser is stronger than the victim and takes advantage.¹⁶¹ The abuser has demonstrated that he is and remains a danger to others and is willing to prey upon the weak. God equips Christians to intervene when this is the case. A comparable analogy comes from Matthew 7:15 where Jesus warns His church to guard against ravenous wolves who could destroy the flock.¹⁶² God does not respond to wolves by sending the weak and abused right back into their hands. Instead, the Bible teaches to guard against them and expel them. When the strong prey upon the weak, the Bible commands: “Rescue the weak and the needy; deliver them from the hand of the wicked.”¹⁶³

The last thing God would have His people do is send the weak right back into the hand of the wicked. Dr. Berg says Matthew 18 would not apply to a child or to university students,¹⁶⁴ but truly Matthew 18 does not even apply to adults who have been abused. An adult—man or woman—who has been raped is still the victim of a power differential, and it is heartless to send victims to face the abusers who terrorized them. This is certainly not what Jesus commands in Matthew 18.

Scripture calls God’s people, time and time again, to use their power for the sake of the weak. Bringing equilibrium to the power differential is the only way to achieve the safety victims need and that God commands His people to provide. Those with power must step in and protect the victim and other potential victims from the abuser who is a danger to those who are weak in the entire community.¹⁶⁵

Misapplying the steps of Matthew 18 to cases of abuse is just what an abuser would want. Following Matthew 18 in cases of abuse ignores the power differential and the Bible’s call to intervene on behalf of the vulnerable. Abusers are master

¹⁶⁰ Matt. 18:6.

¹⁶¹ Physical power is the type of power people most readily think of, but there are many types of power that can be exploited and abusers typically exploit many types: verbal power, emotional power, spiritual power, theological power, et cetera.

¹⁶² “Beware of false prophets, who come to you in sheep's clothing but inwardly are ravenous wolves.” Matt. 7:15.

¹⁶³ Ps. 82:4 cf. Job 29:16-17; Ps. 72:12-14; Ps. 10:15-18.

¹⁶⁴ Reference 89.

¹⁶⁵ Job 29:7-17; Prov. 31:1-9; Ps. 72; Ps. 82.

manipulators.¹⁶⁶ Having a victim confront the abuser plays right into the perpetrator's hands. Applying Matthew 18 to sexual abuse allows abuse's reality to stay hidden and unexposed.¹⁶⁷ Perpetrators can then remain in a position to abuse and avoid any consequences for their offenses. God never intended for Matthew 18 to undermine the clear moral imperative to protect the vulnerable.

¹⁶⁶ One child molester explained, "I consider church people easy to fool...they have a trust that comes from being Christians....They tend to be better folks all around. And they seem to want to believe in people. And because of that, you can easily convince, with or without convincing words." Salter, Anna. *Predators* (New York: Basic Books, 2003), 29. See also Gleick, James. *Chaos: Making a New Science*. (New York: Penguin, 1987).

¹⁶⁷ Eph. 5:11.

CHAPTER FIVE

SAFE DISCLOSURES

During the investigation, victims of sexual abuse spoke about a number of issues that influenced how safe they felt in disclosing their abuse to representatives of BJU. Witnesses shared concerns about possible violations of counseling ethics within the university's counseling system that led to unsafe, negative experiences during their abuse disclosures: conflicts of interest, breaches in confidentiality, and inadequate training for counseling sexual abuse victims. Victims also spoke about experiencing a genuine fear of being evaluated spiritually or reported for a rules violation. They also reported that this fear affected their abuse disclosure or a disclosure about the effects¹ of their abuse. The following chapter explores these issues related to disclosure experiences.

¹ During the investigation, abuse victims named a number of effects they continue to struggle against resulting from sexual trauma: feelings of blame, shame, worthlessness, difficulty with forgiveness, fear, anger, depression, loss of trust, denial, powerlessness, memory loss, blackouts, nightmares, sleeplessness, Post Traumatic Stress Disorder, nausea, flashbacks, panic attacks, eating disorders, substance abuse addictions, cutting, hair pulling, miscarriages, the loss of personal and employment relationships, the loss of libido, pornography addictions, compulsive masturbation, sexual confusion, sexual deviance, physical abuse, prostitution, and attempted suicide.

Part One: Investigation Findings

Counseling Ethics

1. Conflicts of Interest: Discipline and Counseling

Discipline has been a hallmark of BJU's existence from its establishment, and BJU officials highlight discipline as one of the school's greatest assets.² In addition to discipline, BJU has provided some form of official counseling services for students since the 1970s and desires to serve victims of sexual abuse well. Certainly, both are important values. The university's current Student Life³ structure, however, invites role conflicts between discipline and counseling because it oversees both functions.

From its inception, the university has been committed to student discipline, and even in the university's earliest days, rules violations were reported to and handled by top university officials, including the President.⁴ Since the inception of the Dean of Students office in 1981 and continuing even through the present day, the Dean of Students handles student discipline matters. Before Dr. Berg became the Dean of Students in 1981,⁵ the Dean of Administration handled discipline matters.⁶

Dr. Berg explained, "My job here was if someone reported some bad thing happening, it was my job to investigate it."⁷ He also noted, "Unless it is a traffic ticket, if it involved some sort of behavioral thing it would come across my desk."⁸ Behavioral violations may be reported to the Dean of Students by anyone in the BJU community,

² Daniel L. Turner, *Standing Without Apology: The History of Bob Jones University* (Greenville, SC: Bob Jones University Press, 2001), 77. Quoting Dr. Bob Jones, Sr., Dr. Turner noted, "'Our greatest assets,' the Founder often remarked, 'are our religion, our discipline, and our culture.'"

³ The current Dean of Students explained, "Student life here is considered the resident halls, leadership development, student organizations, and social events." Reference 283.

⁴ "During the first year of the school [1927], discipline problems were handled publicly from the chapel platform in front of the entire student body..... Beginning with the second semester of the first year, students requiring discipline appeared before the entire faculty, and discipline penalties were meted out by the faculty..... Sometime later, probably around 1932, a panel of both students and faculty was organized to dispense justice, although Dr. Jones would still occasionally deal with discipline issues publicly in chapel." Daniel L. Turner, 39-40.

⁵ Reference 291. Dr. Berg stated, "So in 1981, I became the Dean of the Students. There was no Dean of Students before that." Reference 285.

⁶ Before 1981, the Dean of Administration handled both discipline and academics. Upon his retirement in 1981, these roles were split and new positions were created for Provost (academics) and the Dean of Students (student discipline). Reference 621. Reference 622. Dr. Jones, Sr. publicly commissioned the Dean of Administration who served between 1953 and 1981 by saying, "I charge you before God in the presence of these witnesses, to do your duty. Rules in this school are made to be kept. Send home the students who won't obey. You owe that to this institution. You owe it to these young people. You owe it to God Almighty on Heaven's High Throne. You owe it to the cause of the Lord Jesus Christ." Daniel L. Turner, 281-282.

⁷ Reference 317.

⁸ Reference 318.

and, consequently, Dr. Berg reported, “in 30 years as Dean of Students, I have dealt with thousands of discipline cases.”⁹ In addition, the Dean of Students determines any sanctions.¹⁰

BJU’s Student Life department also oversees the university’s counseling services.¹¹ The Dean of Students supervises the Dean of Women, the Dean of Men, the Women’s Counselor, and the Assistant Dean of Mentoring and Counseling.¹² As Dean of Students from 1981 to 2010, Dr. Berg stated that he counseled 200 to 300 victims of sexual abuse.¹³ Dr. Berg is no longer the Dean of Students, and the current Dean of Students does not counsel victims of sexual abuse, in part because BJU created the Women’s Counselor position in 2012 to aid with the counseling load.¹⁴ Nonetheless, the potential for conflicts of interest in the counseling relationship remain a concern, because of the university’s organizational structure. The Women’s Counselor oversees the female Resident Counselors and also reports to the Dean of Women. The Assistant Dean of Mentoring and Counseling oversees the male Resident Counselors and also reports to the Dean of Men. Both the Dean of Women and Dean of Men report directly to the Dean of Students. Moreover, the Women’s Counselor’s office has been located in the Administration building in very close proximity to the Dean of Students office.¹⁵

⁹ Reference 319.

¹⁰ Reference 320. He discussed his many roles as Dean of Students as investigator, disciplinarian and counselor. At one point he noted he “ha[d] to be judge and jury” on matters of discipline. Reference 321. The current Dean of Students likewise noted that most of the hands-on discipline is handled by the Dean of Men and the Dean of Women, but he is “brought in to consult or make a final decision or hear an appeal from a student.” Reference 322.

¹¹ Dr. Berg stated, “I am Dean of Students and I am also Dean of Counseling.” Reference 323.

¹² See Investigation Findings Appendix 5-4 for a brief history of BJU’s counseling services. See also the Investigation Findings Appendix 5-2 for a brief outline of BJU’s Student Life structure.

¹³ Reference 324.

¹⁴ Reference 325.

¹⁵ During the GRACE investigation, the Women’s Counselor’s office was located in the Administration building. During the interview with the current Dean of Students, he acknowledged that the two offices were “a few feet away so we have a close working relationship.” Reference 290. When discussing the issue of conflicts with the current Dean of Students he stated “frankly people would be quite pleasantly astounded at how much I don’t know about what [the Women’s Counselor] does. And I mean that in a healthy and proprietary way- not in an ignorant way.” Reference 623. The issue of the Women’s Counselor’s office being a necessary safe place for disclosures and whether the office’s present location might be an impediment to offering counselees a zone of authentic safety was discussed with the current Dean of Students. He stated, “I think your observation is a good one. I guess I wouldn’t dispute it. I think in some way, frankly you work within a budget and you work within the structures that you have and there are certain spaces available and others that are not. One of the things we did because her role often deals with crisis counseling and though she is not necessarily the first responder she is tasked to lead a response in certain situations so her apartment is [on the ground floor of one of the resident halls]. I don’t think that wipes away your concern. It is a bit of a counter balance I would say but it is something certainly for us to think through to say that I hear you. I am grateful.” Reference 624. When the concern about the physical location of the offices and the need for a zone of safety for counselees was discussed with Dr. Berg, he said, “I think that is an excellent idea” and offered, “I am going to write a recommendation on that to [the Dean of Students]. I think that is good.... It may be that some of those student life things could be moved

This duality that combines discipline and counseling under the Student Life structure creates an ethical conflict because of the potential for adverse disciplinary consequences for the counselee.¹⁶ In discussing the combined roles of counseling and discipline with Dr. Jones, III, he said that he does not believe that the combined roles of counselor and disciplinarian are problematic:

No, I don't see it as a conflict at all. This is the way we have always operated as the Dean of Students....Disciplining students is not fun. It is not what we delight in, but at the same time, not disciplining when discipline is needed is not in their best interest either. You can't grow character by turning your head the other way and pretending something wrong did not happen.

So, there is no problem with the Dean of Students also being a disciplinarian when he needs to be; it is just like a parent. What parent who is a decent parent wouldn't discipline their child when it is needed? The Bible is full of admonitions for parents to discipline their child when they need discipline, but also plenty of admonition to love your children. A parent is both a counselor and disciplinarian. Why shouldn't the Dean of Students?

We are all there *in loco parentis* like most schools used to be, like most colleges used to be and now very few are. We are there *in loco parentis*. So if the Dean of Students acts *in loco parentis*, he would be a disciplinarian when he needed to be and a counselor when he needed to be just like a parent.¹⁷

Dr. Berg also stated initially that he did not believe the combined roles of discipline and counseling are problematic.¹⁸ However, as Dr. Berg continued discussing the issue of conflicts, he seemed to begin to grasp the importance of separating these

to the second floor Admin building and counseling be moved to that spot. I will make that recommendation." Reference 327.

¹⁶ The American Association of Christian Counselors (AACC) considers conflicts of interest to be an ethical violation and advises counselors to avoid conflicts. American Association of Christian Counselors Code of Ethics 2014, p. 17, available at <http://www.aacc.net/about-us/code-of-ethics/>

¹⁷ Reference 293.

¹⁸ Dr. Berg's initial response to the concern raised was, "So in a Biblical model, I don't see comfort and chastening as conflicting roles. Prophets did both. Isaiah, half of it is comfort and half of it is pretty strong. From a theological standpoint I don't see conflict in that. But from a human standpoint, I also understand that it would be harder for me to go to my dad for help if he just grounded me. There is that conflict in there." Reference 328. Dr. Berg stated, "I think a lot of that has to do with how [and/or] what my experience with Dad is. What was he chastening me for. Unfortunately, I don't want to say unfortunately, but in God's providence, there was not any other choice. I was doing both roles." Reference 329.

roles.¹⁹ Dr. Berg also stated that he could not recall using any information from a counseling session in a discipline decision.²⁰

Nonetheless, the investigation found that this conflict can and does have some negative consequences for the counselee. The Women's Counselor described how she handles disclosures that may be a violation of the Student Life policy which arise in the context of counseling a sexual abuse victim. She explained, "since we are an academic institution with a certain code of conduct that if I were to learn of a breach like that I would probably have to do something about it in the sense of maybe sharing it with someone else."²¹

When GRACE inquired of the Women's Counselor how she handles the dilemma of a counselee who self-reports a rules violation, she stated that if the matter were something that is being shared voluntarily, in an attempt to seek help and not out of fear of it being discovered, then it would likely not be "grounds for dismissal."²² She stated, however, "But I think that I would probably need to make some kind of report to the Dean of Students office to let them know, be aware. I know that that has happened in the past."²³

A victim of childhood sexual abuse disclosed her abuse to the Women's Counselor in the 2010s.²⁴ During these counseling sessions with the Women's Counselor, the victim revealed that she struggled with some sex related issues. The victim described her experience with the Women's Counselor positively and offered many affirming remarks, including that the Women's Counselor is very caring and is a good listener.²⁵

¹⁹ Dr. Berg stated, "The more we talk about the more I can see the value of this kind of an issue at least taken entirely out of a discipline thing context....we probably need to equip one or two people and remove them from the discipline section to handle particularly these kinds of things." Reference 330.

²⁰ Dr. Berg stated, "I cannot recall where I would use, like in [a victim's] case, I cannot imagine any information that would affect my decision making about her as a student from a discipline standpoint." Reference 331.

²¹ Reference 282.

²² Reference 625. The Women's Counselor explained, "I think I would probably want to ask the young lady her thoughts on it if anyone else knew about it or if she had shared it with anyone else. After that, I think I probably would need to say that I would want for her to be able to have ongoing support and counsel and I don't believe that in a situation where she is bringing it to my attention, it is not that someone else has discovered it, it is something that she is sharing, I don't believe that would have to be grounds for dismissal even though it would be outside the realm of the code of conduct. If she was coming under the guise of 'I need help for this,' I believe that is the type of thing that we could continue offering for her and it would not warrant dismissal for her." Reference 332. Other BJU officials explained this BJU policy similarly. Reference 333 and 334.

²³ Reference 335.

²⁴ Reference 255. The victim's counseling sessions with the Women's Counselor were still ongoing in 2013.

²⁵ Reference 336.

However, the victim acknowledged that she worried on a few occasions whether her disclosures would be reported to the Dean of Women or to the Dean of Students. When this concern arose during the counseling sessions, the victim stated, “usually I would talk to her about it and say, ‘Do you have to? Is this something I am going to wind up getting in trouble for?’”²⁶ She stated that the Women’s Counselor “has avoided using names as much as possible”²⁷ and on one occasion told the victim that she had to report something that the victim revealed in a counseling session to the Dean of Women.²⁸

Though the victim’s records do not reflect any disciplinary sanctions for her disclosures of sex related issues, they note that she revealed to the counselor that she had begun smoking cigarettes at work. According to university records, the counselor “challenged her to repent and get right with God and her parents.”²⁹ The Women’s Counselor also told the victim that she needed to report the rules infraction to the Dean of Women.

The Dean of Women documented the smoking in a 2013 discipline report³⁰ that was circulated to BJU administrators, stating, “We have been working with [her] for over a year. [The Women’s Counselor] felt it was time to put her on official weekly counsel. [The Women’s Counselor] spoke with [the victim] about this and she understood and was supportive of that decision. She knows it’s time to take some responsibility for her actions. We trust this will be a time of significant growth for [her].”³¹ The university, thus, placed a victim of childhood sexual abuse on probation, who expressed her struggles with the counselor and disclosed this information in a confidential setting.

The discipline report was forwarded up through the university’s administrative channels and further reflected that the Chancellor, Dr. Jones, III, handwrote to the Dean of Women, “Where does she work?”³² Should she not be restricted to campus and removed from the temptation for a semester? Seems the most compassionate thing we could do for her if we really want her to get victory.”³³ The Dean of Women wrote a note

²⁶ Reference 337.

²⁷ Reference 338.

²⁸ Reference 306.

²⁹ Reference 339.

³⁰ See Investigation Findings Appendix 5-1 for a more detailed explanation of how discipline reports are handled in the university’s system of referred correspondence.

³¹ Reference 315.

³² Reference 296.

³³ Reference 309.

back to Dr. Jones, III explaining, “we do not restrict students to campus anymore- She is working for [a particular department] on campus... She’s doing great and we are meeting with her regularly.”³⁴ After one semester of probation, the Dean of Women sent the victim a letter removing her probationary status.³⁵

2. Confidentiality

As noted in the previous example, university staff who are responsible for counseling but who also have the obligation to report disciplinary offenses not only face conflicts of interest, but they also risk breaches in confidentiality.³⁶ A former BJU professor observed that some BJU students sensed that disclosures to BJU counselors were not always confidential. The former professor explained, “I know many people who talk to the counseling [staff] are afraid that confidentiality will be broken.... Most students get wise to that very fast that there is no one that they can trust.”³⁷ Some victims of sexual abuse who were counseled at BJU indicated that communications made in what they believed was a confidential setting were communicated to third parties without the counselee’s consent. Investigation participants identified several ways BJU officials reportedly breached confidentiality by engaging in communications inside and outside of the university.

a. Communications Outside the University

In the investigation, several abuse victims relayed concerns that university staff reported information they believed to be confidential to individuals outside the immediate BJU community such as to pastors or parents. However, BJU counselors maintain that conversations with pastors or parents were always an attempt to help and not to hurt. For example, Dr. Berg stated that in a few situations, he disclosed abuse to a pastor against the student’s wishes if he felt it were necessary to protect a student from harm. Dr. Berg noted that in one case, a student came to him and expressed fear that his younger sibling could be at risk of abuse at home. Dr. Berg stated that in this case, he notified the

³⁴ Reference 289.

³⁵ Reference 340.

³⁶ The AACC Code of Ethics (2014), 28. The AACC considers breaches in confidentiality to be a counseling ethics violation.

³⁷ Reference 246.

student's pastor of the abuse who contacted the police.³⁸ According to Dr. Berg, pastors called him more than he called pastors to say, "did you know this was going on?"³⁹ But he also noted, "I am not saying it never happened because I know it did, but that would be an exception to the rule."⁴⁰

Dr. Berg said that whether the university shared information with pastors or parents depended on the situation, but to his memory, he said, "With sexual abuse, I don't know that I ever shared that with a parent."⁴¹ Dr. Berg also noted, "I would not pick up the phone and just call a pastor and say, 'By the way, you have a kid here struggling with pornography.'"⁴² However, Dr. Berg stated that he encouraged students to have accountability at home with their pastor.⁴³ He said he asked students if he could speak with their youth pastor, "just to tell him how far along we have gone in this or what I think you need or to help pass the baton."⁴⁴ Dr. Berg also noted that he did not have the student sign a consent form to release confidential information to others.⁴⁵

A former Dean of Women similarly noted that she communicated with others in an attempt to try to help students. She stated that "normally" they would ask a student's permission before discussing abuse with other individuals outside the university.⁴⁶ However, she acknowledged that they used discretion depending on the case and acted in, "[w]hatever direction we felt was the right one to take. We would call, even sometimes call the mother if it was the father [who had been the perpetrator], or sometimes we would call a pastor. There are so many different situations and different home situations, just to recall them all, I couldn't."⁴⁷

³⁸ Reference 341.

³⁹ "If I talked to a pastor, it was more often than not a pastor calling asking to help a student. I received far more calls from a pastor to me asking me for help for a student than from me calling a pastor and saying, 'did you know this was going on?' I am not saying it never happened because I know it did but that would be an exception to the rule." Reference 342.

⁴⁰ Reference 304.

⁴¹ Reference 343. GRACE found evidence in one of Dr. Berg's counseling records from the 1990s that a counselee's parent had called Dr. Berg to request from him information about his counseling sessions and the counselee's eating disorder. Dr. Berg documented in his counseling records at that time that he did not provide the parent the requested information. Reference 213.

⁴² Reference 344.

⁴³ Reference 345.

⁴⁴ Reference 310.

⁴⁵ Reference 626.

⁴⁶ Reference 281.

⁴⁷ Reference 346. Dr. Fremont similarly suggests, "When confronted with cases of abuse, counselors should . . . [d]eal with the perpetrator of the sin by reporting the situation to the pastor, who will in turn contact the mother or the parents and handle the case in a scriptural manner. In some cases this may involve reporting the incident to civil authorities. . . ."

In a case reported to GRACE, a childhood victim of physical and sexual abuse stated that she came to BJU as a student in the 2000s. Because her parents had forbidden her to seek counseling after she left home, she explained, “[t]he very first appointment I had with [the counselor] I stressed how absolutely important confidentiality is because in fundamentalism, everyone knows everyone.”⁴⁸ Despite her expressions of fear, “After the first session, less than a week later, I got a call from the pastor’s wife of [the victim’s former church]. [The BJU counselor] called her to ‘confirm my story.’ That is a big thing with them. I feel like I spent half the time trying to prove to them that this happened.”⁴⁹ The victim reported that her pastor’s wife was “very upset [that] I was in counseling [because discussing the abuse] was ruining my parents’ ministry and [I] needed to be quiet.”⁵⁰

In an interview with the BJU counselor about the reported breach of confidentiality with the pastor’s wife, the counselor said she might have spoken to the pastor’s wife about the victim, stating, “I know that I didn’t have conversations with her and share with her what [the victim] was saying to me. I know I didn’t do that... I may have called her and asked her to pray. I don’t know. I can’t remember.”⁵¹ In an interview with the pastor’s wife, she denied being upset that the victim was in counseling but admitted that she had spoken to the counselor about the victim.⁵²

Walter Fremont and T. Fremont, *Becoming an Effective Christian Counselor: A Practical Guide for Helping People* (Greenville, SC: BJU Press, 1996), 153.

⁴⁸ Reference 201.

⁴⁹ Reference 307.

⁵⁰ Reference 347.

⁵¹ Reference 280.

⁵² The pastor’s wife stated, “I don’t know. I remember one time [the BJU counselor] called to ask if I had any insight [about the victim]. She asked if I had any insight that would help her, she was having a hard time understanding what the deal was... She asked if there was anything she needed to know. Then she asked me to pray for her. I don’t remember exactly what she said but she said she wanted to be of help but she was not sure how. That is all that I can recall saying... we were not close intimate friends with [the BJU counselor] so that was a brief professional type call.” Reference 303.

The pastor’s wife also admitted later in her interview with GRACE that just three days before her GRACE interview, she had spoken with the BJU counselor when they saw each other at church about the potential substance of the GRACE interview. The pastor’s wife acknowledged, “I told [the BJU counselor] that I was talking to you guys and what [my husband] told you all when he talked to you. I think you asked him if I talked to [the BJU counselor] and I said that I think that we will be talking about what we talked about, and I told her that I cannot remember if she called or I called her.” Reference 348. She also admitted “[m]ainly we talked about the fact that we couldn’t remember.” Reference 349.

b. Communications Within The University

A victim of abuse described her concerns about confidentiality within the university by noting, “There was also NO confidentiality at school at all– not among students, teachers, the medical facility, counselors, etc. It was important to not trust anyone, even with questions about the Bible.”⁵³ Another victim of abuse described her experience with communications about abuse disclosures at the university, saying, “My Dorm Counselor told her boyfriend (also a staff member) what I had told her. Her boyfriend told my cousin. My cousin came to me and told me things that I had reported to the Dorm Counselor. Things I mistakenly thought were confidential.”⁵⁴ Others raised similar concerns about confidentiality in the context of counseling.⁵⁵

Dr. Berg admitted to communicating sensitive information within the university structure. He stated that when information about a person’s abuse disclosure was shared with others in the administration (such as with a victim’s Resident Counselor or Resident Supervisor), he stated it was done as a way of “helping” and was not done in an attempt to hurt anyone.⁵⁶ Dr. Berg also stated that information about abuse could also be shared in an attempt “to temper how she is being handled in the discipline process.”⁵⁷ GRACE found some areas of concern regarding confidentiality within the university including internal information sharing and the conflation of records.

⁵³ Reference 350. Emphasis in the original.

⁵⁴ Reference 351. She further explained, “My cousin also told me that he was advised to stay away from me because I was damaged goods. It was clear that the boyfriend of my dorm counselor did not know that he was my cousin. I have no idea how many other people were told.” Reference 212.

⁵⁵ Another victim of sexual abuse similarly stated, “I thought that since she was a dorm counselor that she was a therapist and couldn’t tell anyone.” Reference 260. Consequently, the victim’s disclosure resulted in a meeting with Dr. Berg about her abuse. Others reported that they had been required to attend counseling while a student at BJU. One such individual placed on probation was a victim of sexual abuse and explained, “They required the counselor they made me see to report on all our conversations even though I was under the impression that those conversations were confidential.” Reference 297. She stated that she felt like she had been treated “like a criminal.” Reference 352.

⁵⁶ Reference 353. Dr. Berg gave an illustration of what he meant and said he might disclose information to a victim’s dorm supervisor, saying, “‘She is struggling with this. You may want to help her.’ It was in that kind of a context.” Reference 354.

⁵⁷ Reference 355. Dr. Berg explained, “We are overseeing these kids and different parts of their lives did intersect different ones of us. I would not call a teacher and say to the teacher, ‘we have this girl that has been sexually abused, is she [sic] giving you any trouble?’ [T]hat kind of thing but if she is hard to live with in the dorm and that came to my attention and if the supervisor wasn’t already working with her, I would say that she is counseling with so and so or she is counseling with me and she has some home situations, there has been some abuse and she is going to have a hard time. We would look at that at that time as a way of trying to minister to her in as many different fronts as we can and in some of those cases actually running interference for her.” Reference 356.

i. Information Sharing

Dr. Berg reflected upon the university's practice of sharing information learned during counseling sessions with other administrators or with the Student Life staff. Dr. Berg acknowledged that the university's internal communications about confidential disclosures of abuse had been "sloppy" due to the university's "family" structure.⁵⁸ He stated, "But when I look at what confidentiality counseling is today and what it should be, we were sloppy in this family atmosphere where we can't afford to be that in the future because it is going to be a stumbling block."⁵⁹ Dr. Berg also acknowledged that confidentiality was an ethical standard that the university needed to improve on for the future.⁶⁰

Another contributing factor is that BJU includes Resident Counselors⁶¹ as partners in this family dynamic structure and does not view them as "professional counselors."⁶² The university appears to view information sharing as collaboration. For example, during his tenure as Dean of Students, Dr. Berg trained Resident Counselors and met with them during weekly training sessions.⁶³ Dr. Berg explained that he used group settings to discuss counseling sessions with these graduate students "as a teaching thing"⁶⁴ and said he warned the students, "this is not the kind of stuff you talk about with your friends- this does have to remain confidential."⁶⁵ However, Dr. Berg acknowledged, "when we would sit as a group, sometimes they would say they have this girl in their dorm and those sorts of things. If we kind of all knew who it was then we would talk about it."⁶⁶

⁵⁸ Dr. Berg stated, "I would say in the matter of confidentiality, I would have to look back on that and say we were sloppy on that because the framework here is kind of a family thing. I would sit down with my Dean of Women and Dean of Men and we would talk about what is happening as a mom and dad would communicate in a home." Reference 357.

⁵⁹ Reference 358.

⁶⁰ Reference 359. When asked by GRACE if Dr. Berg sees the confidentiality ethical standard as something that needs to be improved, he responded, "Absolutely. Yes. I think it is in place better now, obviously better now than it was back then." Reference 266.

⁶¹ In 2014, BJU gave Resident Counselors new titles called "Resident Mentors." *Student Handbook* (2014-2015), 61.

⁶² Dr. Berg stated, "We saw ourselves as partners with that. [The dorm counselor] is not seeing herself as a professional counselor and I have a practice and here are my policies, that kind of thing. She is seeing herself as a part of the university family here *in loco parentis*; we still operate under a sense of *in loco parentis*. State colleges abandoned that in the 60's." Reference 360. Bob Jones, III similarly stated, "We are all there *in loco parentis* like most schools used to be, like most colleges used to be and now very few are. We are there *in loco parentis*." Reference 361.

⁶³ Reference 362.

⁶⁴ Reference 363.

⁶⁵ Reference 364.

⁶⁶ Reference 365.

In addition, Dr. Berg acknowledged that some counsees may not have been aware that their Resident Counselor was discussing their case with other Resident Counselors or with Dr. Berg.⁶⁷ Dr. Berg noted, “That is one area among the staff that I can look back now and say that maybe that is a little bit sloppier than it should be. I would re-tool that teaching method without names.”⁶⁸ Dr. Berg noted that obtaining permission from counsees to discuss their disclosures of abuse in a training session “never really occurred to me because as staff member[s], I hoped that they were discreet.”⁶⁹

Dr. Berg reflected upon this practice, acknowledging that “From a kid’s standpoint, looking at the climate today and saying, ‘they are breaching confidentiality all over the place’ but from *in loco parentis* it doesn’t feel that way. It might feel that way to a student or to the public in today’s eyes, but it didn’t feel that way to us here. It was a collaborative effort.”⁷⁰ When Dr. Berg acknowledged that confidentiality was an ethical standard that needed improvement at BJU, he also reported some improvements, stating, “I think it is in place better now, obviously better now than it was back then.”⁷¹

The current practice is for Resident Counselors to redact the name of the counselee when discussing cases in a group setting with the Women’s Counselor and the Assistant Dean of Mentoring and Counseling.⁷² Despite these reported improvements, disclosures arising in counseling that implicate a rules violation are still shared with their supervisors (the Dean of Men, the Dean of Women and/or the Dean of Students) and these matters are handled on a case by case basis.⁷³ In addition, the Women’s Counselor explained that she can go to the Dean of Students “for anything yet at the same time, these are such confidential matters that I am not really going to him about a lot of counseling type things. I could always ask a question and still protect the confidence of

⁶⁷ Reference 366.

⁶⁸ Reference 300.

⁶⁹ Reference 367.

⁷⁰ Reference 368.

⁷¹ Reference 369.

⁷² The Assistant Dean of Mentoring and Counseling explained, “we typically redact the counselee’s name. The counselor doesn’t give us the name of the counselee. They describe the situation in generic terms and with a student body our size it is difficult to guess and frankly, I don’t care to guess because I don’t need to know the name of the person. Then with more sensitive matters, we ask them to see us afterwards with that type of information.” Reference 312.

⁷³ The Assistant Dean of Mentoring and Counseling further noted that in his experience, the majority of cases involving counsees who confess violations of the Student Code of Conduct are considered “confessions” and so disciplinary action is not taken. However, he noted that when this occurs, “Typically we will say, ‘We would like for you to meet with a counselor....’” Reference 370.

these young ladies.”⁷⁴ However, some university disciplinary records for a victim also document the free interchange of counseling information between the Dean of Women and the Women’s Counselor.⁷⁵

ii. Records Conflation

GRACE observed that the conflation of discipline and counseling records means that the confidentiality of some counseling records is compromised. The university utilizes a system of “referred correspondence”⁷⁶ for non-academic, university records⁷⁷ that circulates relevant documents to top BJU officials. Multiple BJU employees explained that BJU administrators, including the Chancellor, the President, the Dean of Students, the Dean of Men, the Dean of Women, the Vice Presidents, and the Provost are privy to university file reports.⁷⁸ Dr. Jones, III explained, “When something of significance is dealt with by a Dean, we are not talking about academic, now, we are talking about mostly character issues, a file report like this is written and the people that need to know, their initials are here and it circulates around. When we are through with them, we check our name off.”⁷⁹

Similarly, Dr. Berg explained, “anything of a moral nature was only to those that needed to know. A [file] report would have been made and that would have gone up the chain [of command].”⁸⁰ Dr. Berg and other administrators agreed that they documented almost everything.⁸¹ File reports typically relate to issues of discipline or character, and they document anything relevant that the author of the report believes other top officials

⁷⁴ Reference 371.

⁷⁵ Reference 372. The Dean of Women noted in a file report of a victim, “I spoke with [the Women’s Counselor] as well because I thought it would be helpful for her to encourage [the victim] if she had time. [The Women’s Counselor] mentioned a few other things to me as well about which [the victim] had opened up. She said that when....”

⁷⁶ See Investigation Findings Appendix 5-1 for an explanation of Referred Correspondence.

⁷⁷ Examples would include university file reports documenting disciplinary information or correspondence to and from the university and the student.

⁷⁸ The internal system of document routing ensures that each administrator reads each report before the report is placed in the student’s file. GRACE observed that BJU’s “file reports” are university documents that are placed in a student’s file. Individual counseling reports, however, are not included in a student’s file.

⁷⁹ Reference 373.

⁸⁰ Reference 374.

⁸¹ Reference 375. One former cabinet administrator who dealt with referred correspondence on a daily basis stated, “...this file system that we had was just crazy. The amount of paper that we handled every day. Every day, in that job, I was getting scores and scores of email.... The paper flow was just ridiculous.” Reference 287.

need to know. The file report is then placed in a person's file⁸² along with any other records the university deems relevant.⁸³

A current administrator at the Bob Jones Academy explained this documentation system, noting, "It was a tight system of communicating major discipline situations to the administration of BJU so that they could keep a pulse on the student body, as well as the consistency of discipline between BJA [Bob Jones Academy] and BJU."⁸⁴ President Stephen Jones likewise affirmed that he expected any disciplinary issues to come to his attention. He noted,

Every piece of paper just about came to the top. I like to keep up with the student reports just to know what this generation of students are struggling with. For instance, we know that about 68% of the discipline reports that have to deal with males have something to do with pornography. In the freshman class. It got better in the sophomore and junior. So we get them into counseling and things like that. So, that helps me in planning the themes for the year, specific sermons, also talking to students on the sidewalk and trying to minister to them, for me to be transparent with my struggles, but hopefully to be able to minister to them transparently.⁸⁵

When university officials define a matter as strictly a voluntary counseling issue, several individuals explained that the counseling record is not circulated into the university's system of referred correspondence.⁸⁶ Dr. Berg likewise reported that, during his tenure as Dean of Students, he kept counseling notes or reports of individual sessions separate from student records.⁸⁷ He said that counseling records were preserved in a filing cabinet in his office that his secretary unlocked each morning. He stated that the counseling notes or reports were not placed in a student's personal file and were not

⁸² File reports may be made by BJU officials on either current or former students and placed in the person's file.

⁸³ A stamp is typically placed on the upper right hand corner of file reports and on the front of any other university documents that are circulated for review. The information on the stamp includes the date and the initials of the administrators to whom the document is being referred. Typically file reports are circulated to the Dean of Women, the Dean of Men, the Dean of Students, the Provost, Vice Presidents, the President, and the Chancellor, although the Dean of Women noted that in years past, the referred correspondence system included a wider range of university personnel such as "the registrar and the enrollment person." Reference 274.

⁸⁴ Reference 264.

⁸⁵ Reference 292.

⁸⁶ As one former administrator noted, "I saw the infraction reports, but I never saw any of the counseling reports because they were kept separate and not circulated. So, I never was in on any of the discussion of those nor did I ever see a written report of one of those cases." Reference 376.

⁸⁷ Reference 377.

circulated “up the chain [of command]”⁸⁸ or loaned to others; however, he noted, “I may have talked to the Dean of Men or Women or counselor about something.”⁸⁹ The current Women’s Counselor likewise reported that she keeps counseling records separately in her office. She stated that she does not upload her counseling records into BJU’s file system, but instead, “They are just housed on my computer and they don’t go anywhere. They are not shared files. I see these as my personal counseling notes that I have access to.”⁹⁰

However, some situations that integrate both a discipline matter and a counseling matter are documented in a file report rather than as a counseling record. In some cases, the discipline matter involved an alleged perpetrator who was a BJU student, and in some cases, the discipline issue referred to a matter involving the victim. A former administrator noted, “If [the counseling matter] went to file, it probably was there because it was so integrated with the case of the discipline that it had to be part of it. If it was able to be separated, then it would have never appeared in the file.”⁹¹ A current administrator noted this tension, stating, “it seems like, not all of the cases now, we are a lot more careful who sees them now because there is so much more sensitive issues, I would say. I want to protect that person’s story as much as I could because I think, man, if that had happened to me, would I just want all of these people to know?”⁹²

3. Training on Sexual Abuse Counseling

Numerous individuals during the investigation expressed concern that counselors who were assigned to provide assistance to victims of sexual trauma⁹³ did not appear to be adequately trained or sufficiently knowledgeable enough to provide assistance. As BJU developed its system of Dorm Counselors, the Dean of Students was (and currently still is) largely responsible for both the training content and the practical skills training these counselors received. Some investigation participants who experienced resident counseling described their counselors as unprepared,⁹⁴ uncomfortable,⁹⁵ and “clueless.”⁹⁶

⁸⁸ Reference 378.

⁸⁹ Reference 379.

⁹⁰ Reference 380.

⁹¹ Reference 381.

⁹² Reference 382.

⁹³ Or who had other significant effects associated therewith, such as attempted suicide, depression, eating disorders, and more.

⁹⁴ Reference 383.

⁹⁵ Reference 384.

⁹⁶ Reference 385.

a. Resident Counselor Training

In the late 1980s and in response to a growing student need for counseling, Dr. Berg requested that Dr. Jones, III hire a female graduate assistant for each resident hall and to “train them to begin pastor’s wife type of work.”⁹⁷ BJU thus began to utilize Dorm Counselors in the women’s dormitories first in 1989, and then added Dorm Counselors to the men’s dormitories the following year.⁹⁸ In 1990, Dr. Berg requested that the number of Dorm Counselors in each dorm be doubled. Dorm Counselors are graduate students, usually earning a seminary or biblical counseling degree. However, the current Dean of Students stated that “every once in a while,” a Resident Counselor may also be someone who is pursuing a MBA degree.⁹⁹ BJU officials retitled the position of “Resident Counselor” to “Resident Mentor” in 2014.¹⁰⁰

During his tenure as Dean of Students, Dr. Berg oversaw the Resident Counselors’ training.¹⁰¹ Dr. Berg explained that he did not have a “huge background [in counseling, but he] had a huge interest.”¹⁰² His training¹⁰³ for counseling in the field of sexual abuse largely consisted of reading counseling books and articles. He also said he attended a conference in 1992 by Dan Allender called “The Wounded Heart.”¹⁰⁴ Dr. Berg acknowledged that the reading he had done in counseling sexual abuse victims was “paltry among the research, but I had other things on my plate too. The efforts in the

⁹⁷ Reference 386.

⁹⁸ Reference 387. For a brief history of counseling at BJU, see Investigation Findings Appendix 5-4. The term “Dorm Counselor” was later changed to “Resident Counselor.” The terms resident counselor and resident supervisor were used interchangeably with dorm counselor and dorm supervisor by various members of the BJU community and former students during the investigation.

⁹⁹ Reference 388.

¹⁰⁰ *Student Handbook* (2014-2015), 61.

¹⁰¹ The current Dean of Students continues to have this responsibility. Reference 389.

¹⁰² Reference 390. “If there were any major counseling things with the women, I got them and if there were any major counseling things with the men, generally the Dean of Men took them. That is why these all ended up in my camp because there was not anybody on the women’s side with any background in counseling. I wouldn’t say I had a huge background, but I had a huge interest.” Reference 391.

¹⁰³ Dr. Berg told GRACE, “You know, it is always best for somebody to be teaching something who has done it a lot. I have done it some. I would not say, even with over thirty years, even though we have had two to three hundred of these situations, the amount of time spent with them with me personally has been as much as I could but because they are women and I have other things to do, someone else has to follow up and so forth. That is why I said, if we are going to do something to upgrade our teaching out there it needs to be done by somebody else. I am looked at as the expert here, only because I have done it more than anybody else. But I am not an expert at it in the sense of somebody who has devoted their life to this and most of their counseling has been in this.... And if this is somebody where this is all they are doing, I think they would be better at it. I am supposedly some kind of an expert here only by default. I would not say by ambition on my part or by- I have had more experience than anybody, but the experience is not like somebody who is doing this all the time.” Reference 392.

¹⁰⁴ Reference 393.

counseling thing were to take what I glean from here [the reading list] and teach it and use it the best that I can.”¹⁰⁵

Also in the early 1990s, Dr. Berg was approached to develop a lecture series on various counseling topics.¹⁰⁶ This lecture series was used by pastors and churches to train staff and addressed the topic of counseling victims of sexual abuse.¹⁰⁷ Through the years, the university also used the training series to equip its Resident Counselors.¹⁰⁸ During his tenure as Dean of Students, Dr. Berg trained the Resident Counselors with his instructional videos¹⁰⁹ and the students trained as “interns” in his office. Dr. Berg noted:

In addition to these video courses, the greatest amount of counseling training was done as ‘interns’ sitting in my office as I initially counseled the students they brought to me. They watched me work with the student for a session or two. I would outline what the next steps of concentration would be, and they followed up with the student. I then met with the counselors collectively each week to follow up and, if necessary, got with the counselor and the student together again to help them get over any hurdles they had encountered.¹¹⁰

¹⁰⁵ Dr. Berg provided GRACE with a list of materials he read regarding sexual abuse counseling which he entitled “Documentation and Attempts to Become Informed about Counseling Sexual Abuse.” He then stated, “I look at that, and I wish I had done a whole lot more reading in that. I mention in the second paragraph that my study of sexual abuse was while I was Dean of Students and while I was studying other topics: leadership, management, other counseling topics, discipleship. So when I look at this and what the magnitude of the problem is, it is paltry among the research, but I had other things on my plate too. The efforts in the counseling thing were to take what I glean from here and teach it and use it the best that I can.” Reference 394. Dr. Berg indicated that the list of books he read were read near the approximate time of their publication except for two that he read in the months preceding the GRACE interview. According to this list, he read approximately four books about sexual abuse in the 1980s, five books in the 1990s, one book in the 2000s, and five books in the 2010s. See document provided by Dr. Berg entitled “Documentation of Attempts to Become Informed about Counseling Sexual Abuse.” In addition, the document indicates “During the late 80s and early 90s I collected 60+ articles from our library.” *Id* at page 2. He further stated that “These books, seminars, and periodicals represent my primary source of information about sexual abuse....My study of sexual abuse was done while I was dean of students and while I was studying a number of other topics: leadership development, management and administration, other counseling topics, and spiritual growth and discipleship. Counseling victims of sexual abuse was a small part of my counseling load. Counseling itself was a small part of my administrative duties as dean of students.” Reference 313.

¹⁰⁶ Reference 395.

¹⁰⁷ Reference 396.

¹⁰⁸ Reference 397.

¹⁰⁹ When a new Resident Counselor was hired during the second semester of his or her senior year, the counselor was sent home over the summer with Dr. Berg’s “Introduction to Counseling” which is 12 recorded hours on the basics of biblical counseling. Over the holidays between semesters, Dr. Berg encouraged the Resident Counselors to take home the recordings on “Counseling Issues,” 12 recorded hours “dealing with depression, anger, anxiety, meds, sleep, etc.” During the summer breaks, Dr. Berg encouraged the female counselors to take home “Crisis Counseling I” which deals with suicide (2 hours) and overcoming childhood sexual abuse (10 hours) and he encouraged the men to take home “Crisis Counseling II” which are 12 instructional hours on dealing with moral issues, including homosexuality, addictions, and more. Reference 398.

¹¹⁰ Reference 399. Former Resident Supervisors and Resident Counselors that GRACE interviewed described the process in the same way. Reference 400.

Resident Counselors in the resident halls who became aware of a sexual abuse disclosure were trained to inform the Dean of Students of the disclosure.¹¹¹ As Dr. Stephen Jones (a former Dorm Supervisor) explained, if a student disclosed sexual abuse, “The [dorm] counselor would talk to me and then up to the Dean of Men and Dr. Berg too to make sure that we are all handling it in a unified way and in an informed way.”¹¹²

Other individuals who were either Resident Supervisors or Resident Counselors described Dr. Berg’s training process in the same way.¹¹³ The Dean of Women who was formerly a resident supervisor for eight years explained:

We would meet with [Dr. Berg] three days a week. We have an administrative conference every day and then he would break up and three days a week he would meet with the resident supervisors. He used to meet with the resident counselors which are under the supervisors but because his counseling experience was so vast, he met with the dorm counselors for many years....He was a very busy man. He was the Dean of Students so it wasn’t like he could do all of this. He could give you what to start with and what would the next step be. The next week, he would say, ‘ok she did this and she is growing or she is this.’ So it was every three days a week where he is passing out this information and then they go and work with them and if they have any questions—not every week would they bring every person up. But if it was ever a case where the student was not understanding, he would always meet with them.¹¹⁴

b. Outside Training

Because the Women’s Counselor not only handles sexual abuse counseling but counseling of all kinds, she explained that she has attempted to equip herself with additional training from outside sources, has visited the Julie Valentine Center,¹¹⁵ and has been reading several books on counseling victims of sexual trauma. GRACE also interviewed the Assistant Dean of Mentoring and Counseling who currently provides counseling for male students and oversees the men’s group of Resident Counselors. He stated that his supervisors, the Dean of Men and the Dean of Students, have supported his

¹¹¹ Reference 401.

¹¹² Reference 402.

¹¹³ Reference 403.

¹¹⁴ Reference 404.

¹¹⁵ The Julie Valentine Center is a local Greenville resource for those who are recovering from sexual trauma. See www.julievalentinecenter.org.

desire to seek training from outside resources and explained his outside training experiences.¹¹⁶ Dr. Berg also noted that the Resident Life staff has “significantly beefed up hours of training for our counselors. Not just on the job training but pre-job training as part of in-service training.”¹¹⁷ During the course of the investigation, GRACE observed that BJU officials had hired MinistrySafe¹¹⁸ to provide sexual abuse awareness training to “all students involved in Outreach Ministries and in Education, Nursing and Ministerial majors.”¹¹⁹ Training sessions were also made available for all faculty, staff, and students in November and December of 2013, and BJU has stated publicly that it will continue to provide sexual abuse awareness training to all students, faculty and staff in the future.¹²⁰

c. Reported Experiences with Dorm Counselors

Several victims of abuse expressed that the counseling they received for their trauma from their Dorm Counselors was not helpful. One such victim of sexual abuse who attended BJU in the 1980s explained that after she disclosed her abuse to the Dean of Students, he explained that she would be getting counseling from a Dorm Counselor. She stated, “[The Dorm Counselor] talked to me two times, gave me a personality questionnaire, [but] never discussed with me what happened. I was told where the prayer room in the dorm was, and I was welcome to use it. I remember going there and crying in the middle of the night so my roommates wouldn’t ask what was wrong.”¹²¹

Another victim of sexual assault who attended BJU and disclosed her assault to Dr. Berg in the 1990s explained that she met with Dr. Berg regarding an eating disorder and later with her dorm counselor for follow up. She explained,

¹¹⁶ The Assistant Dean of Mentoring and Counseling told GRACE, “I have attended the NANC conference. Now it is called ACBC; you are probably familiar with them, the Association of Certified Biblical Counselors. I have attended their conferences and utilized their materials multiple times. I also utilize the Journal of Biblical Counseling, both for reference and for study. I have been interacting on a very minimal level locally here with the Julie Valentine Center to learn of their resources and how we can partner together. I was part of a group called CARE that was hosted by USC Upstate located in Spartanburg. It was a group of counselors from institutions of higher education in the local area here. We would get together for lunch and discussion on various counseling topics. I have received a certificate of training for mandated reporters by the Children’s Law Center at USC Columbia and then I attended the USC Upstate Center for Child Advocacy Studies, their annual conference, which was not only eye opening, but very, very helpful.” Reference 405.

¹¹⁷ Reference 406.

¹¹⁸ MinistrySafe is an entity founded by Gregory Love and Kimberlee Norris that is “dedicated to sexual abuse awareness and prevention.” See <https://www.ministrysafe.com/about>, retrieved on 7/19/14.

¹¹⁹ See <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14.

¹²⁰ See <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14.

¹²¹ Reference 407.

It was supposed to happen weekly, but it was uncomfortable for both of us, so we generally didn't meet. She made it very clear that she knew absolutely nothing about eating disorders and had no idea what she was supposed to say to me. She occasionally asked dieting advice as she was getting close to getting married. Other than that, she mostly just asked if I was doing my 'devotions' every day.¹²²

A victim of childhood sexual and physical abuse who attended BJU in the late 2000s reported that she also sought out help from her Dorm Counselor. She explained, "My Dorm Counselor was clueless about sexual abuse, so I lent her a book on the subject."¹²³

Part One: Analysis

Beneficence and non-maleficence¹²⁴ are two widely accepted principles for guiding counseling ethics. These principles mean that the counselor should strive to benefit those whom they counsel and take care to do no harm. These principles translate into a set of expectations for the counselor-client relationship:

- the counselor will advocate for the client's best interests and well-being;
- the counselor will be committed to protecting the client from harm resulting from any information the client shares;
- the counselor will maintain client confidentiality, except in limited exceptional circumstances.

The university's counseling services transgress beneficence and non-maleficence in its conflicts of interest, breaches of confidentiality, and inadequate training.

1. Conflicts of Interest

The counselor has an ethical responsibility to avoid role conflicts that will jeopardize the counseling relationship and/or the therapeutic process.¹²⁵ The conflation of disciplinary and counseling roles places the counselee, the counseling relationship, and the therapeutic process in direct jeopardy. It is critical that victims are able to trust that

¹²² Reference 408.

¹²³ Reference 409.

¹²⁴ The AACC Code of Ethics 2014, 13, available at [aacc.org](http://www.aacc.org).

¹²⁵ The AACC considers conflicts of interest to be an ethical violation and advises counselors to avoid conflicts. American Association of Christian Counselors Code of Ethics 2014, 17, available at <http://www.aacc.net/about-us/code-of-ethics/>.

what they reveal in counseling will not be shared outside the counseling room and will not place them at risk of adverse consequences. This includes ending the practice of placing students on “character probation” based on their disclosures in counseling. Students should not risk getting hurt when they are attempting to get help. Counselors also should not be forced to choose between seeking their counselee’s best interests and following institutional rules concerning reporting rule-breakers for disciplining.

Dr. Berg, as Dean of Students, functioned as both a disciplinarian and a counselor. The current Dean of Students does not counsel as much as Dr. Berg did; however, he still counsels, oversees university counselors, and sanctions those who violate the Code of Conduct. Combining the roles of counselor and disciplinarian compromises the ability of the counselor to create a safe environment around a victim and further harms counselees. These conflicting roles hinder those who engage in this duality from providing an authentic place of safety. The duality also makes what should be a place of safety for a counselee instead a place of fear. In addition, conflicts of interest represent a breach of counseling ethics.¹²⁶

A similar conflict of interest exists with the Resident Counselors, the Women’s Counselor position, and the Assistant Dean of Mentoring and Counseling, as these roles report to the Dean of Students. While these counselors might not directly sanction students, they report to one who does and can aid in carrying out the functions of discipline. The structure under which these counselors operate inhibits their ability to seek out the counselee’s best interest and take care to do no harm (beneficence and non-maleficence). If students open up about abuse or their struggles as a result of the abuse, the student risks being reported for sanctions. In several known cases, the Dorm Counselor, Women’s Counselor, or the Assistant Dean was not a safe place to share and receive help but a place where discipline concerns were filed and reported up the chain of command.

In 2014, the university retitled Dorm Counselors as Resident Mentors.¹²⁷ This change may signal a positive move by university officials from counseling toward discipleship if the resident counseling model is changed to a true discipleship model with more modest objectives in terms of the issues addressed. The transition is also consistent

¹²⁶ *Id.*

¹²⁷ *Student Handbook* (2014-15), 61.

with its mission and with the university's strengths in the ministry of discipleship. Titles are important, as they help define the roles and unexpressed expectations of those who enter into counseling or discipleship relationships. The word counselor has an expectation of ethical standards (e.g., confidentiality) to many.

Equipping Student Life leaders with a thorough understanding of their role, the limits of their role, and when they are to refer someone they are discipling to formal counseling will be necessary to move forward. It is also essential that students entering into a discipleship relationship are made aware of limits on the confidentiality of communications and the training of the mentor. The university should also provide options for formal, confidential counseling by a qualified counselor.

2. Breaches of Confidentiality

Confidentiality is recognized by both Christian and secular authorities as a cornerstone of the counselor-counselee relationship.¹²⁸ With sexual abuse victims, the perpetrator betrayed the victim's trust in some way. It is, therefore, all the more important that the counselor model absolute trustworthiness. Without confidentiality, there can be no trust, and trust is essential to the counseling and healing process. Confidentiality is the sacred trust upon which a working relationship is first formed and consistently nurtured. The trust that is buttressed by confidentiality enables the counselee to feel safe enough to share honestly and confront the realities of their situation.

Investigation participants reported instances in which BJU counselors did not honor confidentiality and communicated information to third parties inside and outside of the university.¹²⁹ A breach of confidentiality is one of the more serious ethical breaches that can occur in a counselor-counselee relationship. A breach of confidentiality can cause severe harm by removing trust and also by reopening the wounds for which the counselee sought healing. Such a breach is especially egregious if the breach involves harm to the client, e.g. reprisals from the perpetrator or a family member.

¹²⁸ The AACC Code of Ethics, 22: "The therapeutic alliance between counselor and client is enhanced whenever there is an environment that offers an appropriate level of confidentiality, privacy and safety. This dynamic helps promote strong and effective trust relationships and is an essential factor in facilitating self-disclosure and the potential for personal, relational, and spiritual growth and wholeness." See also §36-19 (B)(4), S.C. Code of Regulations.

¹²⁹ Reference 410. Reference 411. In one of these reported instances, the counselor admits violating confidentiality but alleges that it occurred in order to ask someone else to "pray" for the situation. This violation, regardless of intention, is nonetheless hurtful and suggested to the counselee a certain skepticism or disbelief in her disclosure which added to her pain.

Although those who breached confidentiality may have attempted to justify it out of concern for the counselee, in many circumstances, the motive for such a breach was unclear at best. Moreover, the motive for a breach of confidentiality is mostly irrelevant. Typically, the only justifiable reason for a breach of confidentiality is to protect someone from serious harm or to fulfill some legal obligation.¹³⁰ Otherwise, best practice standards of ethics dictate that counselors obtain written permission from counsees to share information. A best practice for Christian counselors is to inform the counselee of both the commitment to confidentiality and its limits before the counseling process begins.¹³¹ By doing so, clear expectations exist from the beginning.

As a Christian institution of higher education, BJU has a responsibility to advocate for and implement the highest possible ethical standards for counseling those affected by abuse. Dr. Berg indicated that confidentiality was a standard that the university must improve.¹³² These acknowledgements are positive indicators of an improved understanding of these ethical values. BJU must continue moving forward in its growth and understanding of these values so that it may effectively reach those who are hurting and desire to seek help.

3. Training

BJU has a commendable goal of pursuing excellence in scholarly work and Christian training, as seen in the university pledge.¹³³ The university has recently made strides in seeking outside training from the Julie Valentine Center and from MinistrySafe. In 2013, BJU made an abuse awareness training provided by MinistrySafe available for all students. Faculty and staff were also invited to attend.

Christian counselors must pursue the highest standards of education to best serve victims of sexual abuse. The general licensing provisions for licensed professional counselors who counsel victims of sexual abuse in South Carolina require that counselors who desire to become licensed must, among other requirements, submit evidence of

¹³⁰ For example, in the state of South Carolina, counselors are considered “mandatory reporters.” S.C. Code of Laws §63-7-310(A) as amended in 2010.

¹³¹ AACC Code of Ethics, 23.

¹³² Reference 412.

¹³³ The Bob Jones University’s Pledge states, “Bob Jones University is determined that no school shall excel it in the thoroughness of its scholastic work; and God helping it, in the thoroughness of its Christian training.” The University Pledge is found in a number of university publications, such as in its annual undergraduate and graduate catalogs.

1,500 hours of supervised clinical experience.¹³⁴ After receiving a license, professional counselors must complete a minimum of “forty hours of continuing education related to their respective professional license during every two-year licensure period.”¹³⁵ Anyone who supervises other professional counselors has additional training requirements as well.

In addition to training requirements, South Carolina’s Code of Ethics for Professional Counselors provides that counselors must only work within their area of expertise, saying, “Professional Counselors shall offer only professional services for which they are trained or have supervised experience. No diagnosis, assessment, or treatment shall be performed without prior training or supervision. Professional Counselors shall correct any misrepresentation of their qualifications by others.”¹³⁶

If counselors have a counselee who needs help outside of their area of expertise, the Code of Ethics mandates that counselors recuse themselves from the counseling relationship. The Code of Ethics says, “Professional Counselors shall recognize their limitations and provide services or use techniques for which they are qualified by training and/or supervision. Professional Counselors shall recognize the need for and seek continuing education to assure competent services.”¹³⁷

Dr. Berg stated that he had no formal education specific to counseling victims of sexual abuse; however, he gained a fair amount of “on-the-job” training.¹³⁸ His training to address sexual abuse came from reading books, articles, and attending a conference. The complexity of sexual abuse counseling does not at all lend itself to such an informal approach to preparation. While some of the knowledge needed to counsel sexual abuse victims can be self-taught, professional judgment is typically learned through competent professional supervision with an experienced counselor.

¹³⁴ §36-05(3), S.C. Code of Regulations. See also §36-05.1(3) S.C. Code of Regulations. “Completed a minimum of one thousand five hundred (1500) hours of post-degree supervised clinical experience performed over a period not less than two (2) years with an emphasis in the treatment of serious problems as categorized in standard diagnostic nomenclature, under the supervision of a qualified licensed mental health practitioner approved by the Board.

¹³⁵ §36-13(1), S.C. Code of Regulations.

¹³⁶ §Section 36-19(A)(6), S.C. Code of Regulations.

¹³⁷ §Section 36-19(A)(7), S.C. Code of Regulations.

¹³⁸ Dr. Berg stated that in his 30 year tenure as Dean of Students, he counseled approximately 200 to 300 victims of sexual trauma. Reference 413.

Dr. Berg was considered the “expert” on campus in handling sexual abuse disclosures.¹³⁹ Dr. Berg’s lack of formal training and professional supervision was evident in several judgment errors in the counseling he offered. These errors are documented in this report and include: 1) conflating disciplinary and counseling roles, 2) employing a one session counseling model for complex cases of sexual trauma, 3) the use of intrusive, hurtful questioning, sometimes in the initial session, and 4) referral of cases of sexual trauma and victimization to untrained, minimally supervised Dorm Counselors.

The current Women’s Counselor with a master’s degree in counseling from BJU acknowledged that she did not complete an internship or resident program in order to receive a master’s degree.¹⁴⁰ She noted that doing so would have been helpful to prepare her for her current responsibilities. One individual, however, reported that BJU’s counseling program will require an internship in the future. BJU will be well-served by a continued recognition and awareness of its areas in need of improvement.¹⁴¹

Dorm Counselors lack the training and supervision needed to handle traumatic cases. The university asked graduate students to provide counseling for serious cases of trauma for which these students had insufficient training. This places a burden on counselors beyond their areas of expertise.

BJU claims a commitment to the highest educational standards. Ethical standards set a high bar for those who wish to counsel victims of sexual trauma. A Christian university ought to meet and exceed any secular expectations of training. In the parable of the good Samaritan, Jesus taught that Christians have a high responsibility toward their neighbors who are traumatized and in need of care. Sexual abuse victims are brothers and sisters in the Lord. Christians owe them the highest possible care available. Jesus calls His followers to expend themselves and their resources for their traumatized neighbors.¹⁴²

¹³⁹ Dr. Berg told GRACE, “You know, it is always best for somebody to be teaching something who has done it a lot. I have done it some. I would not say, even with over thirty years, even though we have had two to three hundred of these situations, the amount of time spent with them with me personally has been as much as I could but because they are women and I have other things to do, someone else has to follow up and so forth. That is why I said, if we are going to do something to upgrade our teaching out there it needs to be done by somebody else. I am looked at as the expert here, only because I have done it more than anybody else. But I am not an expert at it in the sense of somebody who has devoted their life to this and most of their counseling has been in this.... And if this is somebody where this is all they are doing, I think they would be better at it. I am supposedly some kind of an expert here only by default. I would not say by ambition on my part or by- I have had more experience than anybody, but the experience is not like somebody who is doing this all the time.” Reference 414.

¹⁴⁰ Reference 415.

¹⁴¹ Reference 416.

¹⁴² Luke 10:29-37.

BJU must continue to make positive strides forward in training so that its counselors are well-equipped to aid those who are hurting.

Part Two: Investigation Findings

Zone of Safety

Several victims described a dynamic at BJU where they felt constantly evaluated and never felt safe to ask spiritual questions, even in their own dorm rooms or among their friends. Instead of experiencing the safety they needed for disclosing their abuse, they described how afraid they were of being reported for a Code of Conduct violation or being evaluated in the Residence Hall Evaluations. In some cases, this fear led to a decision not to seek help at BJU.

1. Residence Hall Evaluations

BJU has employed a system of Residence Hall Evaluations for students to evaluate each other. Some investigation participants identified these Residence Hall Evaluations¹⁴³ as negatively impacting their disclosure experience. The university requires that students who live in the residence halls undergo Residence Hall Evaluations each academic year.¹⁴⁴ Though these evaluations have changed through the years, they have generally covered various issues including spiritual life, personal consistency, response to authority, effectiveness in dealing with others, effectiveness in personal performance of duty, personal efficiency, emotional control, social life, and appearance.¹⁴⁵

The *Student Handbook* (2014-2015) describes the purpose of these evaluations as helping students develop Christ-like character, an effective Christian testimony, and mature social relationships.¹⁴⁶ Dr. Berg also explained that these evaluations have been intended to aid students in leadership development and to help develop responsible adult behaviors.¹⁴⁷ Dr. Berg expounded on the evaluations further, saying that evaluations were

¹⁴³ For a detailed explanation of Residence Hall Evaluations, see Investigation Findings Appendix 5-3.

¹⁴⁴ *Student Life Handbook* (2014-2015), 46.

¹⁴⁵ Reference 202.

¹⁴⁶ *Student Life Handbook* 2014-2015 p. 46.

¹⁴⁷ Dr. Berg stated, "It wasn't really about the handbook as much as it was about- and it wasn't about measuring spirituality but if in this thing, if I come across as arrogant or brow beating, you are going to make some spiritual judgments because it doesn't fit the Christian, so everybody is making decisions about- that was feedback to use for leadership development." Reference 417. He further noted, "This wasn't about rules; it was about expressions of the heart and critical spirit and kindness for others. Some of it was on punctuality; these are the normal responsible adult behaviors. There is no way to directly measure spirituality." Reference 418. When Dr. Berg returned his witness notes, he also notated, "These weren't passing judgment but initiating conversations for improvement." Reference 419.

done by student peers, noting, “I mean it goes up the ladder, and it goes down the ladder. That was a 360 kind of thing.”¹⁴⁸

The selection process for student spiritual leaders within Student Life has been, in large part, determined by these Residence Hall Evaluations.¹⁴⁹ Students have been required to use these evaluations to make recommendations about one another regarding whether their fellow roommates should or should not receive formal positions of spiritual leadership in their dorm rooms.¹⁵⁰ According to Dr. Berg, the student recommendations are forwarded to the Resident Assistants who know the individuals in the room, and from these recommendations, the Student Life staff makes the final selections regarding who becomes a spiritual leader in the room.¹⁵¹

Though the Residence Hall Evaluations have been intended to foster spiritual growth,¹⁵² they seem to have contributed to the concern that the dorms were not a safe place for victims to disclose their abuse.¹⁵³ As a victim of sexual abuse explained, “As a student, you are supposed to look perfectly content, happy, and blessed at all times. There is pressure in the dorms to look perfect at all times. For me, it was one more place where there was no freedom to have any questions.”¹⁵⁴

Several witnesses explained that these evaluations had a number of negative consequences for victims of sexual abuse. Specifically, some victims believe that their disclosure of sexual abuse or the effects therefrom impacted their ability to obtain spiritual leadership positions in the dorm, because disclosing any spiritual struggles diminished one’s appearance of being an accepted “spiritual leader.”¹⁵⁵ These evaluations

¹⁴⁸ Reference 420. *BJU Student Handbook* (2014-2015), 46.

¹⁴⁹ See Investigation Findings Appendix 5-2 for explanation of the dorm structure and different student leadership roles therein.

¹⁵⁰ Reference 421. See also the lower right hand corner of the “Dormitory Leadership Peer Appraisal” form, “Growth Guide for Spiritual Leaders,” 20.

¹⁵¹ Reference 422. Dr. Berg stated, “The second semester when we are making choices for room leaders for the next year, there was a form filled out by the room leader on peers in the room and making recommendations or not and why not. That had to go to the RA who knew the room leader or the group leader and from that we would pick who would be the room leaders. It was an attempt at leadership development for the student leaders and it wasn’t so much about rules, it was about initiative, critical spirit, the normal kinds of things that-but what we were trying to do was find out who would be the next leaders and peer recommendations.” Reference 301.

¹⁵² “For residence hall students, an effective Christian testimony, mature social and residence hall adjustments, along with strong interpersonal relationships with others, are key indicators of how well individuals are growing spiritually and how well they are progressing in developing Christlike character.” *Student Handbook* (2014-2015), 42.

¹⁵³ A former student who was victimized at BJU stated, “I remember my senior year [1988-89] they started ranking spirituality-like a spiritual report card.” Reference 423.

¹⁵⁴ Reference 424.

¹⁵⁵ A victim of childhood physical and sexual trauma explained her abusive home life. She stated that she was depressed and suicidal at the age of 13 and “desperately wanted to escape.” Reference 425. Once she arrived at BJU in

also silenced some victims from disclosing abuse at all out of fear that either they would not obtain leadership positions or would lose their status as a spiritual leader.¹⁵⁶

2. Code of Conduct

In describing the purpose of discipline, the university's current student handbook states, "BJU is interested not merely in a student's compliance to specific regulations but ultimately in the student's long-term spiritual success."¹⁵⁷ BJU personnel believe strongly that the university's discipline system has been an attempt to help students develop and maintain Christ-like character.¹⁵⁸ In order to accomplish its mission, BJU authorities have

the late 1990s, she continued to worry about her siblings at home and had nightmares that would wake up her roommates. She stated that she approached her Dorm Supervisor and disclosed her history of abuse and her concerns for her family. She reported that her Dorm Supervisor victim advised her that she "needed to pray for a softer heart, for forgiveness for being judgmental [towards her abuser] and to accept that God had placed [her] father in charge of [her] as His representative on earth." Reference 298. The Dorm Supervisor also reportedly told her that she "needed to set a better example for [her] siblings." Reference 294. The victim also stated that "[my Dorm Supervisor] blocked me in the Dean of Women's office from being eligible for a student spiritual leadership role (APC or PC) which affected how much I was able to participate in student organizations- I had suspected that but had it confirmed my junior year by my current dorm supervisor, who was unable to promote me to APC due to [my Dorm Supervisor]." Reference 270. A victim of childhood sexual abuse explained that she had an eating disorder while a BJU student in the mid-1990s. She stated that someone became aware of her eating disorder and consequently she was required to attend counseling with her Dorm Counselor. Reference 426. She explained that her Dorm Counselor "was never harsh with me-it was gentle and done in love" but reported that the disclosure of her eating disorder prevented her from being recommended for a spiritual leadership position until she was a senior at BJU. Reference 314. She stated, "They would have us fill out a form at the end of the year and we would rate ourselves on different 'evidences' of Christian growth, and our roommate would rate us, and she would recommend us to be an Assistant Prayer Captain/Prayer Captain or not. I was a senior before I was recommended because I didn't fit the mold. You have a 19-year-old kid telling you what kind of Christian to be and this checklist really bothers me. They title it as spiritual leadership and you do this for your roommates every year. The more moody you are, the worse it is. The more spiritual you can pretend to be the better off you are. That is not what being spiritual means to me." Reference 427. She remarked, "I feel like the closer you are to the cookie cutter image of a Christian young woman the higher you get in this hierarchy. That might be why I struggled at first because I didn't fit that image." Reference 302. A former student who was not a victim of sexual abuse but stated that she was stalked and harassed by a BJU student in the early to mid-2000s, explained that she became severely depressed and eventually became suicidal. She stated that she met with her Dorm Counselor for her depression while at BJU several times a week. According to the witness, "It ended up costing me because I couldn't hold office in my society and I couldn't have an office on the student government. My prayer captain said that anyone struggling with depression was not a spiritual role model for other women." Reference 428. She further explained, "If you are not recommended to be APC, then you cannot be recommended for student government or leader in society. So by being passed over for an APC position, I was not allowed to do anything because I was told I was not a spiritual role model for anyone." Reference 429.

¹⁵⁶ A victim of sexual abuse who specifically chose not to disclose her abuse to any residence hall staff stated, "Being angry and pissed at God is an expected reaction to the abuse, but survivors at BJ don't have a safe outlet to work through those emotions. Because of the spiritual hierarchy, a student would be terrified to reveal their spiritual struggles, because then they might ... lose their status as an APC [Assistant Prayer Captain], and be ostracized by fellow students." Reference 430.

¹⁵⁷ *Student Life Handbook* (2014-2015), 50.

¹⁵⁸ Dr. Berg stated, "[I]t would be difficult for a teacher to note any progress and development if she never recorded grades. So our demerit system and these kinds of things were a way to track, are we seeing spiritual development in the student and what they are learning. It is sort of like we have all these academic files and the grades and tests and things that teachers are keeping and then there is a character component going on over here. So we have two huge record-keeping things going on. If we didn't care about the students and their progress, then none of this would have happened." Reference 431.

created a discipline system “to which all students submit themselves and hold each other accountable.”¹⁵⁹

Students must read the university’s policies each year, commit to knowing the rules, and adhere to them by signing the “Bob Jones University Student Covenant.”¹⁶⁰ The first paragraph of the Student Covenant states that the student is committing to “Exercise a spirit of humility, love, consideration and forgiveness while living in community with fellow students, faculty and staff; help create a campus environment conducive to spiritual growth through my attitude and actions; and encourage fellow students to keep their commitment to this covenant.”¹⁶¹

The *Student Handbook* also specifically notes how faculty, staff, the Student Life Department, and peers are to be involved in a student’s life, bearing the responsibility for a student’s spiritual growth and discipline.¹⁶² Appendix 5-6 has a brief description of BJU’s discipline system.¹⁶³

a. Informing

Some individuals reported that their practical experience with the university’s discipline system “deputized”¹⁶⁴ members of the campus community, including students,

¹⁵⁹ *Student Life Handbook* (2014-2015), 50.

¹⁶⁰ The Student Covenant in its entirety is on page 86-87 of the student handbook.

¹⁶¹ *Student Life Handbook* (2014-2015), 86. The covenant also addresses a number of other issues such as academics, church involvement, dress, Christian testimony, and engaging in outreach ministries. *Id.*

¹⁶² The university’s student handbook explains, “Faculty and staff along with Student Life are involved in student lives, and students are involved in each other’s lives. The campus community pledges together to help each other grow and hold each other accountable with the goal of encouraging the spiritual success of every individual on campus.” *Student Life Handbook* (2014-2015), 50.

¹⁶³ See Investigation Findings Appendix 5-1 and 5-6.

¹⁶⁴ One such former student and employee noted, “[The Dean of Women] advocated an approach that encouraged students to ‘spy & report’ on other students when you were ‘concerned.’ Never mind that you could be wrong. If you took this kind of lecture to heart, you felt ‘deputized.’ You had permission to observe, scrutinize, and verbalize your suspicions to people in authority.” Reference 432. She also stated that in the 1980s, the Dean of Women had once lectured her “that hindsight is 20/20 and that hindsight should tell me that ANYTIME I observed anything suspicious, I should ‘beat a path to her door.’” Reference 433. Emphasis in the original.

According to the BJU Press’s publication *Standing Without Apology: A History of Bob Jones University*, a former BJU faculty member wrote an article published anonymously in *The American Mercury* in 1940 mentioning these dynamics. See Daniel L. Turner, 73, n. 133 quoting Anonymous [Dorothy Seay], “Accent on Sin,” 16. Dorothy Seay wrote, “These young people- I nearly wrote ‘inmates’- dare not complain when their roof leaks, because complaints are considered sinful; they wouldn’t dare write home about an outbreak of ptomaine poisoning because letters are read in the office and withheld from the mail. Outlandish though this must sound, it is right here in the United States, and I am a member of its faculty. When I accepted the appointment I did not dream that my pedagogical duties would include spying on my students or that I would be plunged into an almost hysterical awareness of Sin...” Seay further alleged, “The rules on griping promote intricate intrigue. Any chance remark, any witticism at the expense of the school, may be reported by a student or a teacher who has overheard it. The students are perhaps too young to understand about the Bill of Rights, and Blank College needs no Gestapo, since every person there is a potential informer.” *The American Mercury*, 19. The article relates a number of other institutional dynamics, which, according to Dr. Turner, Dr. Jones, Jr. referred to the article as “mean and dishonest.”

to report any possible violations of the Code of Conduct to the administration, thereby encouraging students to inform on each other to school administrators.¹⁶⁵

Some of these individuals expressed concerns that various individuals associated with the university (some including medical personnel¹⁶⁶) regularly reported information to the BJU administration.¹⁶⁷ This reported dynamic has created some fear and distrust

¹⁶⁵ Some of the many reports about informing included the following: “There is a culture of telling people that if you don’t report something that you are just as guilty as the person who did something wrong- there is this culture of tattling that is encouraged. That was very strongly encouraged when I was a student. There is this feeling that it is hard to find anybody to trust definitely.” Reference 435.

“You are not only encouraged to – but required to tell on your peers for the most minor of infractions. In fact, if you don’t tell you get in worse trouble. There was a lot of ‘give me your name and ID so I can tell on you.’” Reference 436.

“[T]he administration at Bob Jones knows literally everything. I mean almost everything that goes on. I have seen it evidenced hundreds of times, I mean down to the point that they know people that have had scruff, I mean people that had torn bottoms of their pants. Like people across campus would know to have a look out.” Reference 437.

“...you have eyes everywhere at BJU telling on you.” Reference 438.

“If you step on the grass someone will go report you and you will get reported. That sounds like Dr. Who, I know.... If you didn’t tell something that somebody did wrong and someone found out that you knew then you were equally responsible for that action. If you cheated on a test and I knew and I didn’t tell, then I would get the same penalty as if I cheated on the test. It is a very tattletale society.” Reference 439.

“At BJU there is a strong culture of tattling.... You had to go up the chain of command and report them. There was a chain of command even down to the dorm rooms.” Reference 440.

¹⁶⁶ A victim of childhood sexual abuse who attended BJU in the 1990s stated that she had been on birth control before she ever attended BJU for a common female condition and went to University Medical Associates for a refill. Within a few hours she said she was called in for questioning by the Dean of Women about why she had obtained the pills. Reference 441.

A victim of sexual abuse stated that during her employment at BJU she, “confessed to the campus clinic doctor that I thought I might be gay.” Reference 442. The doctor allegedly reported this information to university representatives and consequently, “[t]here was an emergency meeting called and I was fired and kicked out of University housing.” Reference 443. Emphasis added by investigative participant.

¹⁶⁷ “The clerk at the drugstore knew [a friend] was a Bob Jones student (pretty obvious given the dress code) and called the administration and turned her in for buying a pregnancy test.” Reference 444.

“I remember once that I was working at a restaurant where I had to wear a certain uniform. I got it approved prior. Then one day, I got a note saying I needed to go to the Dean of Students about my outfit. Apparently someone who did not know me reported me. And the way they found out who I was through my parking spot on campus. I was wearing my outfit for work that I had already gotten my work uniform approved by the university, and I remember feeling so objectified that they would stare at a woman.” Reference 445.

“The school assumes students are always doing wrong and breaking the rules. At some point, I began to wonder why I tried so hard to keep the rules. They operate on the assumption that students are always trying to get away with something. There is no ‘innocent until proven guilty.’ It is more like ‘guilty unless you can prove your innocence, and even if you do, surely you are guilty of something else.’ They search rooms when you are out. They chalk mark people’s tires to make sure they do not use their cars without authorization or permission.” Reference 446.

among some of the students, making it difficult to form deep, trusting friendships.¹⁶⁸ Consequently, some have reported feeling isolated¹⁶⁹ and continually monitored.¹⁷⁰ One victim of sexual abuse expressed how things she did were often misconstrued and viewed as suspicious without warrant for such a judgment.¹⁷¹

The “informant” type of atmosphere may make victims of sexual abuse particularly fearful of disclosing abuse at BJU. As a former student noted,

Expulsion was a constant and real fear. Students “disappeared” all the time, expelled and vanquished from campus without even any goodbyes. I can’t really describe it fully. It was like a low cloud always being there over head. Like a “grip” on everything you did or said. It was a real fear with real consequences. It extended to things as simple as cleaning your room and the shoes you wore, but it wasn’t just about physical things, it was about “attitude,” which is where the real meat of the trouble was in my opinion. A wrong “attitude” would get you expelled, or at the very least interrogated. I saw it happen. Grumpiness, sarcasm, skepticism, questioning and even quiet sadness could be seen as “decent” and could lead to “counseling” or even expulsion if they continued. My

¹⁶⁸ “I was easily able to make surface friendships, but I was still cautious not to really trust anyone. There was too much to risk. I did wonder if I could really hurt my parent’s ministry from so far away. I perhaps would have risked it more, but there are also consequences at BJU if you get too close to someone and really develop a trusting friendship. If you tell anyone anything about yourself that’s the least bit questionable, you’re putting your friends in a position of needing to decide whether or not to report you. There’s the possibility that you’ll both be punished. You can’t trust people because if you tell them anything and they don’t report it, then they will get the same consequence, so it’s a life of extreme secrecy and caution. Others had the same dilemma. Everyone always seemed to be weighing and testing each other out to see if there was any possibility of a friendship that wouldn’t result in problems with the school.” Reference 447.

¹⁶⁹ “If you didn’t go there and weren’t raised in it then it is hard to understand what goes on there. They will make you tattle on others. There are lots of rules. I tried to keep to myself and graduate as quickly as possible.” Reference 305.

¹⁷⁰ A former student who was a victim of sexual assault noted a conversation she had with a fellow student about her rules violation. She stated, “She wanted to become an APC. She told me on the phone that ‘my best shot at becoming an APC was to turn you guys in.’ So I said, ‘let me get this straight. To become an APC you are going to turn us in and they are going to kick us out so we can figure out our lives, so you can become an APC?’ So she turned us in, and we got kicked out and she got APC. Then I came back [to BJU a year later]. We have to wear pantyhose. I came back and I was flat broke and so I wore the longest dress I had with the shoes that would not show and I was praying that no one would see. I came up the aisle and she looked at me and said, ‘you are not wearing pantyhose, I am going to turn you in.’ I was shaking.” Reference 452. Another former student noted, “One time [my friend] and I were eating in the dining common, and discussing the merits of car accidents involving deer versus moose, and we were interrupted by two men sitting down the table who asked what we were talking about. Apparently it sounded inappropriate to them when I described how the high central mass of a moose would definitely go through the windshield when hit head-on because moose have such long legs, so they butted in and demanded to know the topic. I explained but was annoyed. People were always watching and listening. Everything was scrutinized. Demerits were the visible sign of sinfulness. Everything on the internet was monitored.... Their rules were meant to keep students from sinning or making mistakes, but when you left, you didn’t know how to make your own responsible decisions.... The year I went to [another school], I read 1984 and it made me very angry, because I got what Winston felt like being watched all the time but I didn’t want to believe that could happen in the world, or that it had happened at Bob Jones.” Reference 453.

¹⁷¹ “I never had to watch my back growing up- I didn’t have to worry about things I said getting misconstrued, but I felt that way at BJ. You had to be careful of everything people said to you and what you said to people. There was a lot of secrecy at BJU.” Reference 454.

point is this: In an environment where depression, sadness or questioning of BJU in anyway could lead to expulsion, how on earth would someone really feel safe reporting a sexual assault? That is my point.¹⁷²

This fear of expulsion for “attitude,” whether real or perceived, impacts the degree to which some feel safe disclosing abuse or reporting some of the challenges (depression, doubt about God, eating disorders, and more) that can be associated with sexual abuse.

b. Sanctions

Some individuals explained that some of the university’s sanctions,¹⁷³ including discipline probation and spiritual/character probation,¹⁷⁴ have had a chilling effect upon the disclosure of sexual abuse, and upon the disclosure of symptoms or effects associated with sexual abuse.¹⁷⁵ For example, one victim of sexual abuse explained, “let’s say a student was drinking over the summer and raped by a boyfriend. Or, was making out with a boyfriend and then he ultimately raped her. A student would be way too afraid of revealing those situations, because she could get kicked out of school for the drink/immorality even if the rape component wasn’t her fault.”¹⁷⁶ Some sexual abuse victims reported fear of expulsion for attempting suicide¹⁷⁷ or struggling with an eating

¹⁷² Reference 455.

¹⁷³ In Investigation Findings Appendix 5-6 for this chapter, we discuss the university’s discipline system and sanctions associated therewith.

¹⁷⁴ The terms spiritual probation and character probation have the same meaning and are sometimes used interchangeably by various members of the BJU community. Under Dr. Berg’s administration, the university used the term “spiritual probation.” Currently, the university uses the term “character probation.” Reference 456.

¹⁷⁵ A student who had been the victim of undisclosed sexual abuse reported that she attempted suicide and was later placed on spiritual probation. She stated that she and her Dorm Counselor went through the book, *A Shepherd’s Look at Psalm 23*. She explained, “The first few sessions with the dorm counselor, I was trying to be open to say what led me to that point [of attempting suicide].” Reference 459. She said that she could tell “pretty quickly.... that the responses for counseling sessions were to say the right things and answer the questions- well my [relative] worked there and I am getting a free education and I valued that, so I decided I will say the right answers. That is what the rest of the semester turned into.” Reference 460.

¹⁷⁶ Reference 461.

¹⁷⁷ A former student who was sexually abused as a child suffered with suicidal ideations while attending BJU in the early 90s. She stated that when she was asked by a professor if she was suicidal, “I said no. I lied through my teeth because I did not want to get kicked out. It is not okay not to be just right. I was scared I would get kicked out. This was my junior year. I would lose all my credit and where would I go?” Reference 462. Another victim of sexual abuse who attended BJU in the 1980s explained that she was concerned she would be “shipped” for her suicide attempt. Reference 463.

disorder.¹⁷⁸ Dr. Berg denied that a student would be expelled for an eating disorder or for attempting suicide, but stated that they had asked students to withdraw for medical reasons on some occasions in the past.¹⁷⁹

Dr. Berg also acknowledged that the dual functions of counselor and disciplinarian may have created apprehension for some students who received counseling by the Dean of Students.¹⁸⁰ He said he recognized that his position as Dean of Students and a student's fear of potential consequences could have prevented some individuals from seeking help if they believed a disclosure could be a violation of school policy, but stated, "Sure, I can see that but at the time that is the best we have to offer."¹⁸¹

In discussing how BJU reportedly handles victims' disclosure of sexual assault, Dr. Jones, III stated, "Well, nobody who is a genuine victim of rape would ever be expelled. She would be dealt with with great compassion and a desire to help her put her life back together. It would not be a discipline matter for the university. She would receive no discipline for that. That would be unheard of."¹⁸² Other BJU officials similarly remarked, "...our intentions have been to help people and not to hurt people."¹⁸³

¹⁷⁸ A sexual abuse victim explained her understanding of university policies and noted, "I knew fairly early on that if people found out I struggled with anorexia, it could result in me being expelled. If someone else found out and didn't report me, that person could also be expelled." Reference 464.

¹⁷⁹ Dr. Berg stated, "We never expelled anyone for anorexia or bulimia. We sent them home if they had to be hospitalized because they needed to be fed IV or we recommended their parents to come and take them because they were not getting any value out of their education because they are so foggy mentally. But we don't—we didn't expel people.... [i]t would be handled as a withdraw." Reference 465. Regarding suicide attempts, Dr. Berg stated, "We have had suicide attempts. I would meet the girl then try to decide: was this attention getting? Sometimes it is. Some girls are very dramatic and they want to make a point. There were a few who were very serious about it and in those cases we would call Mom and Dad and say we cannot provide the ongoing help here in the midst of it. One of the things that is part of that decision is that it is a very fast paced educational system here with a lot of spiritual pressure from chapel. I mean it is an environment of—when I say spiritual pressure I don't mean that in a heavy-handed sense. But if they are not doing well, they are going to feel convicted. But the academics can be very overwhelming to them. Well it is very hard to help someone learn how to swim when he is drowning. Often times those people are drowning academically as well and they have already burned all their bridges in the dorms with their roommates or something like that. And they really needed to go home and work out things there because trying to swim in the pool is going to be harder." Reference 466.

¹⁸⁰ Dr. Berg stated, "I am sure I did not see myself like others did. Sometimes students would sit across from me and their necks would be all blotchy, and I am very comfortable in the room. I like it here so I don't see why anybody else is uncomfortable. I am sure in counseling situations, and sometimes I would say to them 'let me take off my administrator hat and put on my youth pastor hat and let me talk to you as your youth pastor' to try to dispel some of that when I was aware of it. I am sure that made some of them nervous." Reference 467.

¹⁸¹ Reference 468. Dr. Berg explained, "Unfortunately that wasn't the context we were in. I was the only one doing it. That had its limitations. It has its limitations because of that but it also had an advantage for anybody who came and was helped. There wasn't anyone to give them any help before that.... If I was not doing this there would be nothing available for them. I am only saying that to cite the context." Reference 469. Dr. Berg also stated that his role as Dean of Students may have kept some people away from counseling. He stated, "I am sure that conflicted and kept people from coming because maybe what their view of what the discipline was that this would be part of the discipline or something. I am sure that kept people away. There was not another solution at that time." Reference 470.

¹⁸² Reference 471.

¹⁸³ Reference 472.

The university's current "Abuse and Neglect Policy and Procedures" states that "BJU forbids any form of discipline or retaliation for reporting incidents of abuse or neglect, pursuing any claim of abuse or neglect, or cooperating with any investigation of abuse or neglect."¹⁸⁴ In 2010 and in 2011, BJU's policy similarly stated, "No one will be subject to, and BJU prohibits, any form of discipline or retaliation for reporting incidents of sexual abuse or molestation, pursuing such a claim, or cooperating in the investigation of such reports."¹⁸⁵

In addition, several administrators explained that when students confess to breaking a Student Life policy, the disclosure does not result in disciplinary action if the disclosure is made in order to clear their own conscience before God and the matter is not publicly known by others.¹⁸⁶ However, if students are either caught in an offense or if they did not make the confession out of a "true heart conviction," the confession of the offense is insufficient to remove the punishment.¹⁸⁷ Dr. Berg explained that this concept is based upon scripture¹⁸⁸ and stated, "If somebody confessed that we would rejoice in that, that they are wanting to come clean with God."¹⁸⁹

Despite these university policies, in a reported case, a student who disclosed sexual abuse in the mid-2000s still received sanctions when the circumstances violated the university's Code of Conduct. The Dean of Students, who functions as a disciplinarian, stated that he must take into consideration the interests of the victim, but of the alleged perpetrator (if enrolled as a student at the time), and the university

¹⁸⁴ Bob Jones University Abuse and Neglect Policy and Procedures, <http://www.bju.edu/about/answering-questions.php>, retrieved on 9/3/14. See also *Faculty/Staff Handbook* (2012-2013), 21. The 2012-2013 policies were re-published in the *Faculty/Staff Handbook* (2013-2014) and used the same language.

¹⁸⁵ Bob Jones University *Faculty/Staff Handbook* (2010-2011), 28. See also Bob Jones University *Faculty/Staff Handbook* (2011-2012), 28. Reference 473.

¹⁸⁶ Reference 474.

¹⁸⁷ Reference 475.

¹⁸⁸ Dr. Berg stated, "1 Corinthians 11 says if we judge ourselves we won't be judged. Proverbs says in 28:13: 'He that covereth his sins shall not prosper: but whoso confesseth and forsaketh them shall have mercy' and that is what we try to follow." Reference 476. Dr. Berg also offered the following illustration, noting, "If someone was confessing something- I cannot tell you how many times a couple would come into our office and say they need to get right with God and they went home last weekend and they were immoral and they want to get right with God and with me. I can't tell you how happy I was to say, 'well, go and sin no more' and counsel them about the effects of that, and how it was going to affect the relationship, and what they needed to do to change. That was thrilling not to have to deal with that. Now if they were caught, that was a whole different thing." He also explained, "Now, I will tell you that there are some really fine things on that. If a guy comes in and confesses that he was drinking and he is out with 10 or 20 guys drinking, this muddies this water a lot and I am probably going to have to deal with all of them in the same way." Reference 477.

¹⁸⁹ Reference 478.

community as a whole.¹⁹⁰ As a result, a victim who discloses sexual abuse, sexual assault (or in some cases the effects of abuse¹⁹¹) while simultaneously raising a matter of discipline has the potential to receive disciplinary consequences.

In the mid-2000s, a disclosure of a rules violation to Student Life staff resulted in a victim's "withdrawal at the request of the administration." In this instance, 777 disclosed to her Assistant Prayer Captain, the Resident Counselor, and her Resident Supervisor that she "had been abused by her pastor since she was 15 years old and was expecting a child in January."¹⁹² 777's pastor, who was married with children, came to Greenville on several different occasions while she attended BJU. During these occasions, she said they went to Spartanburg and stayed in a hotel together. During one of the pastor's visits when she was 20 years of age, she became pregnant. Upon learning that she was pregnant and believing she would be expelled, 777 began to pack up her belongings in the dorm. The residence life staff confronted her and asked why she was packing and leaving. At that point, she explained to them that the abuse began when she was 15. She also acknowledged to them that she had lied about her whereabouts when she obtained the overnight passes to leave campus.

Consequently, she was asked to withdraw at the request of the administration for lying about the overnight passes.¹⁹³ 777 wrote a letter to her prayer group explaining the reason for her departure, a copy of which was turned over to BJU officials. The letter describes their relationship, as well as the pastor's manipulative use of biblical passages to facilitate and justify the ongoing abuse.¹⁹⁴

¹⁹⁰ Reference 311.

¹⁹¹ Within the investigation, abuse survivors named a number of effects they continue to struggle against including feelings of blame, shame, worthlessness, difficulty with forgiveness, fear, anger, depression, loss of trust, denial, powerlessness, memory loss, blackouts, nightmares, sleeplessness, Post Traumatic Stress Disorder, nausea, flashbacks, panic attacks, eating disorders, substance abuse addictions, cutting, hair pulling, miscarriages, the loss of personal and employment relationships, the loss of libido, pornography addictions, compulsive masturbation, sexual confusion, sexual deviance, physical abuse, prostitution, and attempted suicide.

¹⁹² Reference 479. Hereafter, this individual will be indicated by the witness number 777.

¹⁹³ Reference 480.

¹⁹⁴ Reference 481. She wrote to her prayer group explaining her departure from BJU and many of the emotional dynamics involved. After a brief greeting to her prayer group, the letter begins, "It started when I was 15." At one point in the middle of her letter she wrote, "He said he wouldn't make it if I walked away and he would walk out on his family and the church if I left. So, I stayed and I kept my mouth shut. I still tried to convince him he was wrong and he'd take me back to scripture to tell me he wasn't wrong for loving me. How could my guilt compare with his knowledge of the Bible?"

Due to these dynamics, 777 told GRACE, “I had to break rules to go off campus, but I didn’t feel like I had a choice in the matter.”¹⁹⁵ According to administrative officials, 777 was asked to withdraw at the request of the administration for lying on the overnight passes.¹⁹⁶ Dr. Berg explained to 777 that her withdrawal was required, “because the offense was publicly known and because she did have some ethical responsibility in the matter, even though her pastor was very manipulative.”¹⁹⁷

Several months after 777 left BJU, she called Dr. Berg to ask if she could be allowed to take her final exams since she had been very near the end of the semester. This request was denied. 777 stated that in the letter to her prayer group that she “loved being loved and needed” and “[the pastor] said he wouldn’t make it if I walked away and he would walk out on his family and the church if I left. So, I stayed and kept my mouth shut.”¹⁹⁸ 777 also stated that Dr. Berg said, “it was some sort of consensual relationship,” so he would not allow her to take her finals.¹⁹⁹

Dr. Berg agreed that the situation was “complicated” and “heartbreaking” but nonetheless defended the university’s decision to remove her from school because of the school’s policy about automatic expulsion for lying about overnight permissions.²⁰⁰

¹⁹⁵ Reference 483. The victim explained, “[The pastor] told me that God doesn’t say it is wrong, our culture says it is wrong. He would go to places in scripture about the dude that has two wives: one with children and one without so it was really confusing to me. So he said that when I was feeling it was really wrong, it wasn’t wrong and I don’t agree. He did that a lot. I would be really upset and he would apologize and then say God put me in his life for a reason to fill a hole and he couldn’t go on.” Reference 484. Some of these reported relational dynamics included her enrolling at BJU a year later because the pastor wanted her to stay close to home. The victim further stated, “I had to call him within five minutes of the bell ringing after every class or else I would get interrogated. So I was basically on my phone all the time so I would not be able to meet someone else.” In addition, “He even made me have the phone on when I was in the shower and when I was taking a nap. He started calling the room and waking my roommates up on Saturday morning.” Reference 485.

¹⁹⁶ References 486 and 487.

¹⁹⁷ Reference 488.

¹⁹⁸ Reference 489.

¹⁹⁹ Reference 490. She stated, “end of story, and I can’t take my finals.” Reference 316.

²⁰⁰ When interviewed about this issue in the spring of 2014, Dr. Berg defended the university’s decision and stated, “Overnight permissions to someone other than to a relative is an automatic expulsion thing. The pregnancy complicated many things for her life, but that is not the big issue here in the expulsion. It is a huge issue, and depending on the circumstances of that, we would have to deal with that on an individual basis. There was a great deal of deception here. She is on her own with us for two years under a great deal of spiritual influence and does have a conscience about these things. It is a tough one to call on that, but we did the same thing for her that we would have done with anybody who has overnights without, you know, in a wrong place, lying repeatedly about that. That has nothing to do with the fact that she is a girl or a boy or having sex or pregnant.” Reference 491. Dr. Berg also noted, “If this would have come to our attention five days later- she is the one that decided to pack up and leave. If she would have stayed and kept quiet for about ten more days until the end of the semester or whenever it was, she would have taken her finals and graduated or taken her finals and gotten her credits and we wouldn’t have done anything about it. We can’t take back credit that a student has earned while they are in enrollment. So, there would have been no academic sanctions on that. We didn’t determine the timing of when this came out. She is the one that picked the time of when it came out. Just like in all the other discipline things, I am not in control of when it comes out. God is in control of when it comes out.” Reference

When GRACE brought this case to the attention of Dr. Jones, III, he acknowledged, “Well there is a case that is the kind of thing we wanted to know about that needed to be brought to our attention. Anyway, that is heartbreaking.”²⁰¹

3. Fear of Being Judged or Blamed

Some victims also explained that BJU placed a superficial reliance upon external appearances, and therefore did not feel safe seeking help at BJU.²⁰² Consequently, disclosing problems associated with having been sexually abused within the Residence Life system to Resident Counselors, Resident Supervisors, room leaders (Assistant Prayer Captains), or group leaders (Prayer Captains)²⁰³ raised concerns about being “labeled,”²⁰⁴ and was considered “shameful.”²⁰⁵

492. Dr. Berg also offered to send her some counseling materials which she accepted and reviewed, but she noted her confusion and the mixed signals that the university appeared to send. She stated to GRACE, “It is ‘consensual, but here is a course on child sexual abuse.’” Reference 493. “I can’t wrap my mind around that.” Reference 494. Reference 482.²⁰¹ Reference 495.

²⁰² A victim of sexual abuse explained, “It was about following rules and being in lock step—it was not about what was going on in your heart—it was what was going on in the outside.” Reference 496. A former student stated, “The difficulty was not just because of the rules, though. Every move, every outfit, every comment, every facial expression had to be carefully scrutinized. If you didn’t obsess over your own appearance or behavior, someone else was sure to do it for you. I wanted to be accepted and get along with people, but to do so there—especially as someone from the ‘outside’—required constant self-evaluation and correction. It didn’t matter so much whether you WERE good; it was imperative that you APPEAR good. This is a surprisingly difficult task when people are constantly looking for external clues about the state of your spiritual health. Anything could be brought against you. Did someone overhear you making a critical comment? Did someone notice that day your backpack kept making your dress ride up? Was that a Rich Mullins song you were absentmindedly humming? Anyone could be ready to tattle on you at any time, so you had to be vigilant. That’s when I started having panic attacks.” Reference 497. Emphasis added by investigative participant. As one victim of sexual abuse noted, “The counseling at BJ is not about God at all. There is no room for grace. It is all about works. It is very much YOU have to fix yourself and be good enough for God somehow. You have to repent and be perfect and please God. Everything is about your testimony, how good you look. How good you look on the outside matters way more than what happens on the inside. You can be falling apart on the inside, but it doesn’t matter as long as you look good on the outside, because that is a good testimony.” Reference 498. Emphasis added by investigative participant. Another former student explained, “They really believe that you can codify spirituality. To them, if you are doing these things, then you are going to be a spiritual person and I think that is just garbage. You can do all the right things and still not be a spiritual person.” Reference 499.

²⁰³ See Investigation Findings Appendix 5-2 for an explanation of BJU’s dorm structure. The terms “Prayer Captain” and “Assistant Prayer Captain” have changed and currently these individuals are described as “Discipleship Group Leader” (formerly the PC) and “Assistant Leader” (formerly the APC). See <http://www.bju.edu/admission/admitted-students/your-first-week/places.php>, retrieved 11/22/14.

²⁰⁴ As one individual noted, “if you went to the prayer captain, you were labeled as a bad kid as having spiritual problems.” Reference 600.

²⁰⁵ A victim of sexual abuse explained, “I had thought that I could perhaps sort through my faith a bit while I was there, but that only leads to trouble. There is a room leader in each room who kind of keeps track of whether you are having your daily ‘devotions’ or not. She also reports any perceived struggle you might be having. My freshman year, my hall leader roommate was required to meet with each freshman to determine where they were spiritually. I told her my ‘salvation’ story as required and expected, but somewhere in there, I admitted to having a few questions. I was immediately referred to the dorm counselor. It is considered a shameful thing there to have to meet with the dorm counselor. It mostly happens because someone is under some form of discipline. As soon as I heard her questions and the ‘discipline’ direction they were going, I just gave the ‘right’ answers as I had growing up. I learned very quickly to be silent and not ask questions—it wasn’t a place where questions could be asked safely. Once you are labeled there, you don’t get out from under the label. If you are put on Spiritual Probation, you are under various obligations (or were at that time). You had to sit in the ‘spiritual probation’ section of chapel... You had to meet with the dorm counselor

In addition, some victims did not wish to seek help for their abuse at BJU, because they believed they would be blamed or otherwise held responsible for the abuse. A former student who had been sexually abused by her school principal before entering BJU stated, “There was the underlying question that we asked for it. I was even asked that by my mother-in-law. There was always that quiet line because if you air your dirty laundry you [must] have done something.”²⁰⁶ Other victims also shared their fears of being blamed and fearing disclosure.²⁰⁷ Some victims of sexual abuse expressed concern that the disclosure of sexual abuse had been or potentially would be misunderstood and therefore chose not to seek help at BJU.²⁰⁸

weekly. Anything you told her would be repeated to your roommate who was designated as the APC (Assistant Prayer Captain) or PC (Prayer Captain), the Hall Leader, the Dorm Counselor, the Dorm Supervisor, and anyone else they decided to tell.” Reference 601. Another student noted, “Every year we did spiritual self-evaluations and were evaluated by whoever was one up in the hierarchy (student -> APC -> PC -> Hall Leader -> Dorm Supervisor). In a bit of an act of defiance I answered mine as honestly as I possibly could, no matter what the answers were or what I was afraid people would think. My APC (room leader) looked it over and decided she could not recommend me to be an APC for the next year, even though I was transferring out and the evaluation didn’t matter at all, because I had reported that I didn’t think about God all that often during my day. Usually I was thinking about classes and assignments. Because of that, I had to meet with the dorm supervisor [name] to discuss why I had not been recommended. This was a shameful thing; clearly there was something wrong with me. It was kind of a weird meeting but not too bad. She made some vague noises in the direction of it being good to think about God and recommended some ways to do that more, but didn’t seem overly concerned. Looking back: College students should not be doing this type of peer evaluation. It is not appropriate--not in a roommate situation, not even at a resident assistant level. They had zero training or qualifications for their judgments, which were centered around a messed-up expectation of Christianity as rules, and such an intensely personal evaluation was ripe for abuse.” Reference 602.

²⁰⁶ Reference 603.

²⁰⁷ A former student explained why she did not disclose the sexual grooming behaviors of her youth pastor, noting, “I thought everyone would judge me and look at me differently.... I knew what they believed. I know they would make me feel more guilty.” Reference 604. A victim of sexual abuse stated, “I met this girl and we shared clothes. And at BJU you can’t do that when you live in the dorms, and we had continued sharing clothes when we were both in the dorms as freshman college students. So, we got called in by [name of] the campus pastor. His response was so typical. Everything there is a heart issue. He condemned everything I did. It was the same thing as with my mom. It was a shut-off. I already had that sense that God was punitive and God was holy and I didn’t measure up to what God wanted and definitely not what BJU wanted, so you stuff it. But it was all there inside me. I turned back to compulsive masturbation. I realize nobody did that to me. I did that to myself, but it added to the guilt and the shame and the reason I thought I had killed my baby [The witness reported a miscarriage]. But there was no one to go to. I was wrong. I thought I was the bad one. I was responsible.” Reference 605. And another victim of childhood sexual trauma expressed, “I didn’t tell administrators because I knew I would be blamed. It would be made my fault. I grew up in that environment so I knew what would happen.” Reference 606.

²⁰⁸ A victim of sexual abuse explained, “[T]hey had an online survey where you would have to fill in boxes and if there were things you did over the summer you could not be a student. I had a sexual abuse situation by an adult over the summer, so I lied on the form because I feared getting kicked out... I didn’t want to explain about that and I thought I would not be understood and get kicked out.” Reference 607. She further explained that she decided not to disclose her abuse at BJU: because, “I was afraid if I said things I would be in trouble and that it would not be understood but would be a woman that needed to be watched and not helped.” Reference 608. She also related an incident that multiplied her fears that BJU officials would not understand the complexities of sexual abuse. She stated that she broke her arm while at BJU and had difficulty obtaining permission, “...to go off campus after hours just to go to the hospital for a broken arm. The struggle I had to go through for something physical and the questions I was asked and got in trouble for something so outwards and physical, it made me think about how would they respond to something that was happening on the inside in my heart. A broken arm was not personal to me, but what about something personal? I just do not think that they understood. The counseling made it a bigger deal where you would just get in more trouble and it would not help you.” Reference 609. A student who had been victimized by her youth pastor before coming to BJU noted, “there was a lot of guilt for bringing it up.” Reference 610. She also and she reported concern that no one would believe her.

Part Two: Analysis

For all victims, the response their disclosure of sexual abuse receives is critical. Any victim disclosing abuse desperately needs a zone of safety created around them. By reaching out to someone for help, victims put themselves in a vulnerable position. Generally, in a safe environment for abuse disclosures,

- victims feel there is minimal risk of harm to them for disclosing;
- victims feel that what they reveal will be kept confidential, except on a need-to-know basis;
- victims believe the person to whom they are disclosing is open to hear and believe their disclosure. The recipient does not need to be biased to believe, but must not be openly skeptical;
- victims must believe they will not be blamed or disparaged by the recipient of the disclosure.

In addition, for a Christian institution, there is a high responsibility to show God's great love and compassion for victims of abuse.²⁰⁹

1. Residence Hall Evaluations

As one victim noted, because of the Residence Hall Evaluations, the dormitory felt like "one more place" where it was unsafe to ask questions freely.²¹⁰ Evaluations critiquing various factors such as "spiritual life," "emotional control," and "appearance" can have a negative impact upon some already fragile victims of abuse who suffer with other effects commonly associated with abuse.²¹¹

The use of these evaluations to determine spiritual leadership positions in Student Life further multiplies the difficulty of seeking help. Victims of sexual abuse seek places of refuge. However, for many, Residence Hall appraisals did not encourage, but rather discourage, a victim from feeling safe to express in dorm life normal feelings of doubt, fear, anger, and sadness that accompany the loss and pain of sexual abuse. These and

Reference 611. She stated, "I may have talked to a few roommates that didn't believe me. I don't think they believed me. I don't know. They were my age and didn't want to believe a pastor would do that. They said I must have misunderstood but you don't misunderstand that." Reference 612. Another explained, "I was on the teaching track so I was afraid if I told I would be blamed and lose my possible position as a teacher. Or even be dismissed as a graduate student." Reference 613.

²⁰⁹ Ps. 9:9; Ps. 10.

²¹⁰ A victim of sexual trauma noted, "As a student, you are supposed to look perfectly content, happy, and blessed at all times. There is pressure in the dorms to look perfect at all times. For me, it was one more place where there was no freedom to have any questions." Reference 614.

²¹¹ Growth Guide for Spiritual Leaders, 20.

many other common emotions are often seen as negative traits for a “spiritual leader” in a peer evaluation.

2. Code of Conduct

Codes of conduct are useful and necessary implements in any institutional setting. Peer reviews may also be useful tools of evaluation. BJU takes seriously its mission of helping students grow in Christlikeness²¹² and therefore uses its Code of Conduct and Residence Hall Evaluations as tools to help each other grow spiritually. As the *Student Handbook* notes, “the campus community pledges together to help each other grow and hold each other accountable with the goal of encouraging the spiritual success of every individual on campus.”²¹³

Accountability and helping others grow in faith are biblical principles, and God frequently links messages of accountability with exhortations toward gentleness. In Galatians, Paul says, “brothers, if anyone is caught in any transgression, you who are spiritual should restore him in a spirit of gentleness.”²¹⁴ Again in Ephesians, he urges the believers “to walk in a manner worthy of the calling to which you have been called, with all humility and gentleness, with patience, bearing with one another in love...”²¹⁵

Gentleness and accountability are practices that can and should go hand-in-hand. Jesus demonstrated this when the Pharisees brought Him a woman who was caught in adultery. Jesus’ first response was to create a zone of safety around the woman by sending away her accusers.²¹⁶ If Jesus deals so gently with this woman, how much more gentleness would he extend to victims of trauma? When victims disclose abuse, they need to be heard. They need to feel safe. They need to know that their disclosure will not bring them further harm.

The university asks students to provide accountability in a spirit of humility and love. Though this dynamic is intended to be an aid in spiritual growth, many victims reported that this strong accountability dynamic, in fact, pressured members of the

²¹² The Bob Jones University mission statement states, “Within the cultural and academic soil of liberal arts higher education, Bob Jones University exists to grow Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above.” <http://www.bju.edu/about/mission-statement.php>.

²¹³ *Student Life Handbook* (2014-2015), 50.

²¹⁴ Gal. 6:1.

²¹⁵ Eph. 4:1-2.

²¹⁶ John 8:1-11.

campus community to be “informers.” Consequently, this dynamic reduced the likelihood that a victim would seek help at BJU.

a. Informing

For individuals who have never been the victim of sexual abuse or other significant trauma, these rules of accountability may have no negative effects. However, for those who seek an authentic zone of safety, the perceived and/or actual fear of consequences resulting from BJU’s accountability system and peer evaluations unquestionably impacts victims of abuse who disclose.

The pervasive belief or fear (whether real or perceived) that a student can be reported by anyone in the campus community for even the remotest disciplinary infraction²¹⁷ is frightening to a victim of sexual abuse who already suffers with various problems associated with abuse such as an eating disorder or severe depression. The effect, whether intended or not, of having students and faculty report on each other intensifies the emotional and psychological burdens that victims of sexual abuse already carry. These forms of accountability make the risky decision of disclosing abuse even riskier.

Though the university pledges to hold each other accountable in love, the reported fear that students may suffer consequences for not reporting other violators of the student Code of Conduct, motivates them to report.²¹⁸ It is therefore unsurprising that instead of feeling safe, some victims reported feeling isolated,²¹⁹ scrutinized,²²⁰ and shut down.²²¹

²¹⁷ As one victim of sexual abuse noted, “We have to wear pantyhose. I came back [to BJU] and I was flat broke and so I wore the longest dress I had with the shoes that would not show and I was praying that no one would see. I came up the aisle and [a fellow student] looked at me and said, ‘you are not wearing pantyhose, I am going to turn you in.’ I was shaking.” Reference 615.

²¹⁸ “You are not only encouraged to—but required to tell on your peers for the most minor of infractions. In fact, if you don’t tell you get in worse trouble. There was a lot of ‘give me your name and ID so I can tell on you.’” Reference 308.

²¹⁹ “If you didn’t go there and weren’t raised in it then it is hard to understand what goes on there. They will make you tattle on others. There are lots of rules. I tried to keep to myself and graduate as quickly as possible.” Reference 616.

²²⁰ “I never had to watch my back growing up- I didn’t have to worry about things I said getting misconstrued, but I felt that way at BJ. You had to be careful of everything people said to you and what you said to people. There was a lot of secrecy at BJU.” Reference 617.

²²¹ “You can’t trust people because if you tell them anything and they don’t report it, then they will get the same consequence, so it’s a life of extreme secrecy and caution. Others had the same dilemma. Everyone always seemed to be weighing and testing each other out to see if there was any possibility of a friendship that wouldn’t result in problems with the school.” Reference 618.

b. Sanctions

Dr. Jones, III stated “that nobody who is a genuine victim of rape would ever be expelled.”²²² Likewise, the university policies state, “BJU forbids any form of discipline or retaliation for reporting incidents of abuse or neglect.”²²³ Regrettably, in fact some students who reported sexual abuse or effects associated therewith did receive discipline.

As outlined in the Investigation Findings, 777 is a tragic example of someone who needed compassion and healing but instead received discipline. Her pastor had groomed her from the age of 15. She was completely under the spell of his manipulation and abuse. A 15-year-old is completely vulnerable to such a powerful, spiritual authority in her life. He taught her from the Bible that their relationship was acceptable.

His manipulation and deceit turned all conceptions of right and wrong on their head. This pastor systemically abused her over years. Instead of leading her to spiritual growth, in a vile betrayal, he violated her and used her like a worthless object. Jesus says that people who treat children this way will have to answer with something much worse than having a millstone put around his neck and being thrown into the sea.²²⁴

Because the circumstances of the abuse involved 777 lying to obtain overnight passes and because the offense was “publicly known,” the university expelled her for lying. A counselor without conflicting interests would have instead found the root problem: this pastor’s manipulative and devastating actions. Her abuser intentionally turned right and wrong upside down in her world so he could use her for his own ends. Being subjected to prolonged and acute manipulation makes escaping from these dynamics incredibly difficult.

777’s rules violation needed to be put in its context. She was the victim of a large scale campaign of abuse by a shepherd who preyed on his sheep.²²⁵ She needed compassion and grace but received neither. Though Dr. Berg and Dr. Jones, III each expressed that the situation was “heartbreaking,” sanctioning a victim under these circumstances communicates a concern more for policies than for people.

²²² Reference 619.

²²³ Bob Jones University Abuse and Neglect Policy and Procedures <http://www.bju.edu/about/answering-questions.php>, retrieved on 9/3/14. See also *Faculty/Staff Handbook* (2012-2013), 21. The 2012-2013 policies were re-published in the *Faculty/Staff Handbook* (2013-2014) and used the same language.

²²⁴ Matt 18:6.

²²⁵ Ezek. 34:1-10.

Christian institutions have an opportunity to teach others of the “God of all comfort, who comforts us in all our affliction.”²²⁶ Paul goes on to say that God comforts His people for the very purpose that they might comfort others. God Himself, “comforts us in all our affliction, so that we may be able to comfort those who are in any affliction, with the comfort with which we ourselves are comforted by God.”²²⁷ Christians have a unique opportunity to demonstrate the love and compassion of Christ to those who need Him most in their darkest hours.

3. Fear of Being Judged or Blamed

Several investigation participants identified Residence Hall Evaluations as reasons why they did not disclose their abuse or receive counsel while at the university. Dr. Berg also admitted that his dual role as counselor and disciplinarian probably kept students from disclosing their abuse to him.²²⁸

First John 4:18 says, “There is no fear in love, but perfect love casts out fear. For fear has to do with punishment, and whoever fears has not been perfected in love.” God puts a high premium on compassion, especially for those who have experienced trauma. Compassion is a fundamental component of the call to love our neighbor as ourselves. Jesus’ parable of the good Samaritan sets a high bar of responsibility for a compassionate response to those who have suffered severe trauma.²²⁹

Counselors must remove fear and create a space where the love of God in the gospel casts out any fear of disclosing difficult circumstances. The fear of punishment created by the role of disciplinarian is in direct conflict with this objective. The net result is many students did not receive the counseling they needed, and it is impossible to know how many cases went unreported.

In addition, some did not seek help because of a fear of being judged or blamed. Under most circumstances, disclosing abuse is already a very difficult event. Creating a safe environment is an important part of serving victims of sexual abuse. Because BJU

²²⁶ 2 Cor. 1:3-4.

²²⁷ 2 Cor. 1:4.

²²⁸ Dr. Berg also stated that his role as Dean of Students may have kept some people away from counseling. He stated, “I am sure that conflicted and kept people from coming because maybe what their view of what the discipline was that this would be part of the discipline or something. I am sure that kept people away. There was not another solution at that time.” Reference 620.

²²⁹ Luke 10:25-37.

wants to be a resource and shelter for victims of sexual abuse, it also therefore has the responsibility for cultivating a safe environment that is conducive to victims voicing their abuse and that combats the lies of abuse.

These institutional dynamics have contributed to the concern by many that the university is not a safe place for abuse victims to disclose their abuse. Consequently, victims have not sought help when they needed it. Vulnerable victims need to have confidence that the entire BJU campus community will respond to their disclosure with compassion. Otherwise, many more victims will feel harmed, will not seek help, and will continue to suffer in silence.

CHAPTER SIX

THE REPORTING OF SEXUAL OFFENSES

This chapter addresses how BJU has handled the reporting of sexual abuse disclosures. During the investigation, a number of individuals communicated information about how Bob Jones University handled sexual abuse disclosures. The majority of information that investigation participants disclosed pertained to sexual abuse or sexual assaults that reportedly occurred off campus and usually before the victim was a student at BJU. Some participants disclosed information about sexual crimes to BJU officials that reportedly occurred on campus. This chapter is divided into three parts: Legal Standards (Part 1), Reporting Process Prior to 2010 (Part 2), Reporting Protocol Since 2010 (Part 3).

Part One: Investigation Findings

Legal Standards

Both federal and state laws mandate that particular individuals have a legal duty to report certain types of information to law enforcement or to designated social services agencies.¹ Part One outlines South Carolina's mandatory reporting laws pertaining to child abuse and neglect

¹ Every state has its own mandatory reporting laws. See John E.B. Myers, "A Short History of Child Protection in America," *Family Law Quarterly* 42 (2008-2009): 460-61, accessed November 10, 2014, available at http://www.americanbar.org/content/dam/aba/publishing/insights_law_society/ChildProtectionHistory.authcheckdam.pdf. A federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires that colleges and universities across the United States "disclose information about crime on and around their campuses." See <http://clerycenter.org/summary-jeanne-clery-act>. Bob Jones University became subject to federal laws such as The Clery Act, Title IX and FERPA in 2006-2007 when it became a Title IV school and began to process federal student aid (such as Stafford loans). As a result, Bob Jones University publishes an annual "Security and Fire Safety Report" documenting Clery crime statistics for the current year and the previous three years as required by law.

We also note that BJU became subject to Title IX (a federal law prohibiting discrimination on the basis of sex in federally funded education programs and activities) in 2006-2007. Though Title IX is not considered a federal "reporting" statute, Title IX has implications for schools when handling sexual abuse disclosures. Under Title IX, a school has a duty to conduct a Title IX investigation to resolve complaints "promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence." See *Questions and Answers on Title IX and Sexual Violence*, United States Department of Education, Office for Civil Rights, 4/29/14, page 27. Therefore, when a school knows or reasonably should know of possible sexual violence, Title IX requires that the school undertake an impartial Title IX investigation determining "(1) whether or not the conduct occurred; and, (2) if the conduct occurred, what actions the school will take to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population." *Id.*, 28. However, the Office for Civil Rights also cautions schools to abide by state mandatory reporting laws, noting, "many state and local laws have mandatory reporting requirements for schools working with minors. Recipients should be careful to satisfy their state and local legal obligations in addition to their Title IX obligations..." *Id.*, 4. This "significant guidance document" also notes that schools "may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence..." *Id.*, 28. Accordingly, while BJU (beginning in 2006 and thereafter) must investigate violations of policy subject to Title IX, mandatory reporters must still report information to law enforcement or to DSS in accordance with state law for a proper criminal investigation.

that apply at Bob Jones University.² In addition, Part One outlines applicable regulations and statutorily prescribed authorities, powers, and duties of security officers who oversee the Bob Jones University campus to report crime to local law enforcement officials.

1. Mandatory Reporting Laws

In 1974, Congress passed a comprehensive federal law known as the Child Abuse Prevention and Treatment Act (CAPTA). CAPTA “authorized federal funds to improve the state response to physical abuse, neglect, and sexual abuse. CAPTA focused particular attention on improved investigation and reporting. In addition, CAPTA provided funds for training, for regional multidisciplinary centers focused on child abuse and neglect, and for demonstration projects.”³

Prior to the 1970s, child sexual abuse was not recognized on the national stage⁴ and “lagged behind recognition of physical abuse.”⁵ However, CAPTA introduced a nationwide system of government sponsored child protection initiatives and became influential to states through its inclusion of “sexual abuse” in its definition of “maltreatment.”⁶ And by the 1970s, all states had mandatory reporting laws that required certain professionals to report sexual abuse.⁷

Even before the passage of CAPTA, South Carolina passed its first mandatory reporting law in 1965.⁸ This law stated that medical professionals were required to report any physical abuse and neglect.⁹ In 1976, these mandatory laws were expanded to require reporting by teachers and social workers but did not address the reporting of sexual abuse until 1977.¹⁰ In

² Bob Jones Academy is considered a part of Bob Jones University.

³ John E.B. Myers, “A Short History of Child Protection in America,” *Family Law Quarterly* 42 (2008-2009): 457, accessed November 10, 2014, available at http://www.americanbar.org/content/dam/aba/publishing/insights_law_society/ChildProtectionHistory.authcheckdam.pdf.

⁴ *Id.*, 460.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*, 460-61. See also Leonard G. Brown, III & Kevin Gallagher, *Mandatory Reporting of Abuse: A Historical Perspective on the Evolution of States’ Current Mandatory Reporting Laws with a Review of the Laws in the Commonwealth of Pennsylvania*, 59 VILL. L. REV. TOLLE LEGE 37, 37 (2013).

⁸ South Carolina’s first mandatory reporting law stated, “All physicians licensed to practice medicine, interns, staff members of hospitals and similar institutions and medical officers of the United States on duty in this State who examine or treat any child under the age of sixteen years, having cause to believe that such child has had a physical injury inflicted upon him other than by accidental means, by a parent or person having the care, control or custody shall report or cause reports to be made of such injury to the proper authority of the county having jurisdiction over minors, or to the sheriff of said county.” Act No. 81, Section 1, effective March 1, 1965.

⁹ In 1972, the law was amended to change the age of a child from “under the age of sixteen years” to “under the age of seventeen years.” Act No. 1068, Section 2(a), effective March 24, 1972. This law also broadened the required abuse to be reported from “a physical injury inflicted upon him other than by accidental means” to “has been subjected to physical abuse or neglect.” *Id.*

¹⁰ In 1976, the law was amended to add school teachers and social workers and also changed the age in the 1972 law from “under the age of seventeen” to “under the age of eighteen.” Act No. 624, Section 1(a), effective May 28, 1976. See also Act No. 1068, Section 2(a), effective March 24, 1972.

1977, the law was amended to include school counselors and child care workers in day care facilities or child caring institutions, as well as to expand the scope of the abuse to “physical or mental health or welfare,” which explicitly included sexual offenses.¹¹ The 1977 law stated:

Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher or counselor, social or public assistance worker, childcare worker in any day care center or child caring institution, police or law enforcement officer having reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect is required to report or cause a report to be made in accordance with this section.¹²

This law remained largely unchanged until 1993.¹³ In 1993, the law was again expanded to include additional mandatory reporters¹⁴ and changed the prior language requiring mandatory reporters from “to report *or cause* a report to be made”¹⁵ to require mandatory reporters “to report.”¹⁶ Over the next 10 to 15 years, the law continued to expand categories of mandatory reporters to include principals,¹⁷ assistant principals,¹⁸ substance abuse treatment staff,¹⁹ foster care facilities,²⁰ persons responsible for the processing of films,²¹ computer technicians,²² and members of the clergy.²³ In addition, the law was amended to state that mandatory reporters had to report within their professional capacity.²⁴

¹¹ Act No. 187, Section 5(A), effective June 13, 1977.

¹² *Id.*

¹³ In 1978, the law was amended to include judges as mandatory reporters. Act No. 497, Section 2(A), effective May 5, 1978. In 1981, the entire law was amended. However, this amendment was merely procedural, as it moved the law into its own chapter in title 20 of the S.C. Code of Laws.

¹⁴ Employees of county medical examiner or coroner’s offices, emergency medical services, undertakers, funeral home directors, funeral directors, and employees of a funeral home were included as mandatory reporters in the 1993 amendment. §20-7-510(A) S.C. Code of Laws (1993).

¹⁵ §20-7-510(A) S.C. Code of Laws (1981).

¹⁶ §20-7-510(A) S.C. Code of Laws (1993). Causing another to report was no longer sufficient under the new 1993 law. After the passage of this law, mandatory reporters were required to report the abuse and neglect themselves.

¹⁷ §20-510(A) S.C. Code of Laws (1997).

¹⁸ §20-510(A) S.C. Code of Laws (1997).

¹⁹ §20-7-510(A) S.C. Code of Laws (1997).

²⁰ §20-7-510(A) S.C. Code of Laws (1997).

²¹ §20-7-510(A) S.C. Code of Laws (1997).

²² §20-7-510(A) S.C. Code of Laws (2001).

²³ §20-7-510(A) S.C. Code of Laws (2003). The 2003 amendment also changed the term “day care” to “child care.” *Id.* The 2003 law also substituted “child has been or may be abused or neglected as defined in Section 20-7-490” in place of “child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect.” §20-7-510(A) S.C. Code of Laws (1997). *See also* §20-7-510(A) S.C. Code of Laws (2002).

²⁴ §20-7-510(A) S.C. Code of Laws (1997). This law added, “shall report in accordance with this section when in the person’s professional capacity the person has received information which gives the person” and deleted, “is required to report in accordance with this section.” *Id.* *See also* §20-7-510(A) S.C. Code of Laws (1993) for full reading of the previous law. Both

In 2008, the mandatory reporting law was moved and retitled.²⁵ In 2010, it was amended to become the law as it is known today. The current law provides:

A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.²⁶

The failure of a mandatory reporter to report child abuse is punishable by conviction under South Carolina law.²⁷

The current statute also states that all mandatory reporters, "must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20."²⁸ South Carolina's legal standard ("reason to believe," which requires certain individuals to report information to the Department of Social Services or to law enforcement) has not changed since the inception of mandatory reporting laws in 1977.

§20-7-510(A) S.C. Code of Laws (1993) and §20-7-510(A) S.C. Code of Laws (1997) are located in the Investigation Findings Appendix 6-1.

²⁵ §20-7-510(A) has now been amended and become §63-7-310(A). The Children's Code was originally in one chapter in Title 20. See http://www.scstatehouse.gov/sess117_2007-2008/bills/4747.htm. However, pursuant to HB 4747, the Children's Code was moved to its own title, Title 63 of the South Carolina Code of Laws. *Id.* The amendment appears to be one of form, not substance, in 2008 which added Title 63 entitled, "South Carolina Children's Code" so as to transfer provisions from Chapter 7, Title 20 to Title 63, to include the state policy on children, family court, and family court judges, legal status of children, child protection and permanency, adoptions, children's service agencies, childcare facilities, custody and visitation, paternity and child support, and juvenile justice. See 2008 Act No. 361, Section 2.

²⁶ S.C. Code of Laws §63-7-310(A) as amended in 2010. South Carolina lawmakers amended the law to add new categories of mandatory reporters, including a school attendance officer, a foster parent, a juvenile justice worker, and a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA. *Id.*

²⁷ Current South Carolina law provides: "A person required to report a case of child abuse or neglect or a person required to perform any other function under this article who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both." See South Carolina Code of Laws, §63-7-410.

²⁸ §63-7-310(A), S.C. Code of Laws.

South Carolina law defines a child as a person under the age of 18.²⁹ In addition, the state defines child abuse, neglect or harm as “when the parent, guardian, or other person responsible for the child’s welfare commits or allows to be committed against the child a sexual offense as defined by the laws of this State³⁰ or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child.”³¹

Between 1977 and 2010, South Carolina law specifically provided that “any person” may report in accordance with these laws.³² In 2010, the South Carolina state legislature notably expanded this provision, and the statute now explicitly states that not only may “any person who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse and neglect” report, but the person is in fact explicitly “encouraged to report in accordance with this section.”³³

In South Carolina, the legal standard “reason to believe” required of mandatory reporters applies to information received about the possible abuse or neglect of a child.³⁴ The obligation to report information regarding child abuse or neglect of a person 17 years of age or younger is straightforward. Instances in which individuals, 18 years of age or older, disclose sexual abuse perpetrated upon them as a child typically fall outside of the South Carolina mandatory reporting statute. However, when an adult victim makes a disclosure that gives a mandatory reporter “reason to believe”³⁵ that abuse or neglect may occur to persons under the age of 18, the mandatory reporter must report that information either to the Department of Social Services (DSS) or to law enforcement.³⁶

These scenarios are case specific but may include a disclosure by an adult student that he or she had been the victim of childhood sexual abuse by an alleged perpetrator who still has continued access to children. For example, the alleged perpetrator may live with a minor or may have regular access to minors by virtue of occupational responsibilities or volunteer activities in the community.

²⁹ §63-7-20(3), S.C. Code of Laws.

³⁰ Sexual offenses in the State of South Carolina are defined under Title 16 of South Carolina’s Code of Laws. Sexual offenses include but are not limited to assault with intent to commit criminal sexual conduct, criminal sexual conduct (1st, 2nd, and 3rd degree), criminal sexual conduct with a minor (1st, 2nd, 3rd degree), incest, indecent exposure, obscenity, prostitution, and sexual exploitation of a minor. See <http://www.judicial.state.sc.us/summaryCourtBenchBook/HTML/OffensesC.htm>, retrieved 8/24/14.

³¹ §63-7-20 (4)(b), S.C. Code of Laws.

³² §20-7-510(C) S.C. Code of Laws (language prior to 2010 amendment).

³³ §63-7-310(C), S.C. Code of Laws as amended in 2010. See also 2010 amendment from Act 227 of 2010.

³⁴ §63-7-310(A), S.C. Code of Laws. “Child” is defined as “a person under the age of eighteen.” §63-7-20(3), S.C. Code of Laws.

³⁵ §63-7-310, S.C. Code of Laws.

³⁶ *Id.*

Two exceptions exist under South Carolina law regarding privileges of communication: the attorney-client privilege and the priest-penitent privilege.³⁷ Because the mandatory reporting statute otherwise makes members of the clergy mandatory reporters, the priest-penitent exception narrowly applies only to instances in which the alleged perpetrator communicates information confidentially to an ordained minister, priest, or rabbi who is acting in a professional capacity according to their church's or religious body's usual practices or discipline.³⁸ Therefore, when a victim or an individual other than the alleged perpetrator discloses abuse, this exception does not apply.³⁹

2. BJU's Mandatory Reporters

As an institution that educates children and adults, South Carolina mandatory reporting laws have labeled many Bob Jones employees as mandatory reporters. According to the statute, BJU's mandatory reporters include but are not limited to teachers,⁴⁰ counselors, principals, assistant principals, childcare workers, and as of 2010, school attendance officers. Furthermore, South Carolina law states that any person may report child abuse, and the 2010 law explicitly encourages everyone to report child abuse, even if not legally designated a mandatory reporter. Although Bob Jones University enrolls many students who are not legally defined as a "child" (17 years of age or younger), South Carolina mandatory reporting laws still apply to the university in the circumstances previously noted.⁴¹

³⁷ §63-7-420, S.C. Code of Laws (Abrogation of privileged communication; exceptions). See also §19-11-90 (Priest and Penitent privilege).

³⁸ Experts in the field of mandatory reporting urge caution when individuals seek to apply this limited exception because the statutorily defined exception uses specific terms of art limited by other applicable laws. The Children's Law Center published a useful guide entitled "Information for Clergy as Mandated Reporters" that explains the duties of clergy as mandated reporters and discusses the purpose and application of this limited exception. See "Information for Clergy as Mandated Reporters," Children's Law Center, University of South Carolina School of Law, January 2010, available at <http://childlaw.sc.edu/frmPublications/Clergy%20Mandt%20Rpt%20Info%20Pak%20Mar%202010.pdf>.

³⁹ "Information for Mandatory Reporters," 2-3, Children's Law Center, University of South Carolina School of Law, November 2010, available at <https://childlaw.sc.edu/frmPublications/InformationforMandatoryReportersNovember2010.pdf>. See also S.C. Code of Laws, §63-7-420 (Abrogation of privileged communication; exceptions).

⁴⁰ The law regarding the term "teacher" may be subject to multiple interpretations. Some states have interpreted the term "teacher" to mean those who teach, and college professors are therefore included within the meaning of the statute. South Carolina however does not appear to have settled this issue. For purposes of this report and the analysis contained herein, we have therefore not assumed that college professors are specifically included within this statute. We note, however, that in the wake of the Penn State University scandal, there is a trend to expand mandated reporting by professors and other university employees. For example, in 2011 Wisconsin Governor Scott Walker issued an executive order simply making all university employees mandated reporters of child abuse. See <http://archive.thenorthwestern.com/article/20111219/OSH0101/111219078/Gov-Scott-Walker-uses-executive-order-expand-child-abuse-reporting-requirement-Wisconsin>.

⁴¹ We also note that the Bob Jones Academy enrolls children from birth through grade 12. See <http://www.bobjonesacademy.net/>.

3. Authorities, Powers and Duties of Security Officers

South Carolina law also outlines regulations and statutorily prescribed authorities, powers, and duties applying to security officers who oversee a property they are paid to protect. In the 1970s, the South Carolina Law Enforcement Regulatory Division (SLED) granted security officers, “the authority and power which sheriffs have to make arrest of any persons violating or charged with violating any of the criminal statutes of this State” upon the specific property the officer was hired to protect.⁴²

This well-settled statutory provision has remained largely unchanged and currently provides,

A person who is registered or licensed under this chapter and who is hired or employed to provide security services on specific property is granted the authority and arrest power given to sheriff's deputies. The security officer may arrest a person violating or charged with violating a criminal statute of this State but possesses the powers of arrest only on the property on which he is employed.⁴³

Since at least 1980, the South Carolina Attorney General has repeatedly emphasized, “it is the duty of every security guard to protect the life and property to which he is assigned.”⁴⁴ The state’s Attorney General has also advised since 1980, “[i]t must be said that [private security guards, and sheriffs and deputies] are under a duty to assist each other as well as citizens of the county in the detection, arrest, and prosecution of criminal offenses.”⁴⁵ In 2006, South Carolina’s state legislature reinforced these standards by passing laws requiring that security officers “fully cooperate in the prosecution and disposition of cases resulting from activities of the security officer.”⁴⁶ This legislation prohibits security officers from hindering or obstructing an investigation or failing to cooperate with local police.⁴⁷ The regulations also require security officers to immediately secure the scene of a discovered crime, immediately notify the local law

⁴² §40-17-130, of the 1976 Code. Reference 98.

⁴³ §40-18-110, S.C. Code of Laws.

⁴⁴ S.C. Att’y. Gen. Op. 2-3 (March 16, 2011). This also references S.C. Att’y Gen. Opinion from August 10, 2009 and September 8, 1980.

⁴⁵ S.C. Atty. Gen. Op. 6 (March 16, 2011). This also references S.C. Att’y Gen. Op. from September 8, 1980.

⁴⁶ §73-417, S.C. Code of Regulations; HISTORY: Added by State Register Volume 30, Issue No. 6, eff June 23, 2006; S.C. Code of Laws Section 73-418; HISTORY: Added by State Register Volume 30, Issue No. 6, eff June 23, 2006.

⁴⁷ *Id.*

enforcement agency, and to report suspected criminal activity on the protected property as soon as reasonably possible.⁴⁸

South Carolina Code of Laws Section 59-116-30⁴⁹ regulates campus police officers within a campus security department and requires that these officers comply with two primary obligations. The first provision under this section states that campus police officers have the obligation to preserve peace, maintain order, and prevent the unlawful use of force, violence, or other unlawful conduct.⁵⁰ They must also protect the persons and property within that jurisdiction from injury, harm, and damage.⁵¹ The second provision under this section requires that campus police officers enforce and assist the institution's officials in the enforcement of the laws of the state and in the enforcement of the lawful regulations of the institution.⁵² Campus police officers and departments must also assist and cooperate with other law enforcement agencies and officers.⁵³

4. BJU's Public Safety Officers

BJU's current Department of Public Safety (DPS) became a licensed security company governed by SLED in the 1970s,⁵⁴ and the DPS Chief is known as "the company operator."⁵⁵ Since becoming a Public Safety Department, BJU has consistently utilized full-time and part-time student officers, as well as full-time university employees, to assist with its public safety.

⁴⁸ §73-418, S.C. Code of Regulations. HISTORY: Added by State Register Volume 30, Issue No. 6, eff June 23, 2006. *See also* §73-418, S.C. Code of Regulations; HISTORY: Added by State Register Volume 30, Issue No. 6, eff June 23, 2006.

⁴⁹ This law states that campus security departments must: "(A)(1) preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions and protect all persons and property located there from injury, harm, and damage; (A)(2) enforce and assist the officials of their respective institutions in the enforcement of the laws of the State and county and municipal ordinances, and the lawful regulations of the institution, and assist and cooperate with other law enforcement agencies and officers. Campus police officers shall exercise powers granted in this chapter only upon the real property owned by their respective institutions as defined in item (1) of Section 59-116-10." S.C. Code of Laws, Section 59-116-30 (A)(1)-(2). §59-116-30. S.C. Code of Laws. HISTORY: 1989 Act No. 131, Section 1.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Reference 200. After becoming a licensed security department, the BJU Department of Public Safety and the Greenville Police Department have executed Memos of Understanding for a number of years. Memos of Understanding are very common in jurisdictions across the United States, and they delineate the roles and responsibilities of various law enforcement agencies that might have overlapping areas of jurisdiction. The Memo of Understanding executed between these two jurisdictions currently provides that BJU's Public Safety Department may handle traffic accidents not involving serious injuries or death and issue traffic citations at their discretion. *See* Memo of Understanding executed between Greenville Police Department and Bob Jones University Department of Public Safety, dated 8/31/09, at No. 1 and No. 5. The current Memo of Understanding also states, "BJUDPS can investigate most crimes such as larcenies on the campus property. Because the BJUDPS does not have access to more technical expertise and equipment with investigating crimes such as motor vehicle break-ins, some types of burglaries, internet, phone and email crimes, major felonies, etc. GPD will provide assistance with investigations and submitting evidence upon request of BJUDPS officers." *Id.* at No. 2.

⁵⁵ Reference 232.

BJU's Department of Public Safety employs full time and part time officers who are trained and registered through SLED and possess the authority conferred by SLED regulations.⁵⁶ In addition, Public Safety has several full-time employees who are certified Class 1 law enforcement officers who have been commissioned as State Constables and have the authorities, powers, and duties prescribed by Title 59, Chapter 116 of the South Carolina Code of Laws.⁵⁷ Therefore, all of BJU's security officers, whether full-time BJU employees trained by the South Carolina Criminal Justice Academy and certified as Class 1 law enforcement officers or whether part-time or full-time officers trained and registered through SLED, have been granted the aforementioned powers and authorities, and the law also binds them to fulfill the statutorily described duties and obligations of their respective positions.⁵⁸

Part One: Analysis

Legal Applications

1. Mandatory Reporters

In the 1960s, the widening discussion of abuse in public discourse led to the enactment of mandatory reporting laws that required the reporting of the abuse of children.⁵⁹ These laws acknowledge that certain adults in society carry a civic responsibility to ensure children's safety and that there are particular adults who, by the nature of their relationship with children, have the ability to assess a child's well-being. By 1977, South Carolina mandated the reporting of not

⁵⁶ BJU publications have published materials about DPS's full-time and part-time officers, as well as their training and certifications for many years. These publications state: "Public Safety employs full-time and part-time officers who are trained and registered through the S.C. Law Enforcement Regulatory Division (SLED). Each officer is registered as a private security officer and has the same authority and arrest powers as a deputy sheriff when they are on the property they are paid to protect. BJU's Department of Public Safety also has several full-time employees who are trained through the S.C. Criminal Justice Academy and are certified Class 1 law enforcement officers and commissioned as State Constables by the governor's office. These officers have the same authority and arrest powers as any other state, municipal or county law enforcement officer on the property owned by BJU and on all public roads contiguous to BJU's property. This authority comes from the S.C. Code of Laws Title 59 Chapter 116. All campus police officers issue state traffic tickets and have scheduled court dates for traffic violations and misdemeanor crimes." 2013 Security and Fire Safety Report, "Campus Law Enforcement," 2.

⁵⁷ 2013 Security and Fire Safety Report, "Campus Law Enforcement," 2.

⁵⁸ Deputy sheriffs in the state of South Carolina are required to swear to or affirm the following oath: "I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me, God." §23-13-20, South Carolina Code of Laws.

⁵⁹ By 1967, all fifty states had passed some type of mandated reporting law. Leonard G. Brown, III & Kevin Gallagher, *Mandatory Reporting of Abuse: A Historical Perspective on the Evolution of States' Current Mandatory Reporting Laws with a Review of the Laws in the Commonwealth of Pennsylvania*, 59 VILL. L. REV. TOLLE LEGE 37, 37 (2013). As previously noted, South Carolina's first mandatory reporting law required physicians to report the physical abuse of children. Act No. 81, Section 1, effective March 1, 1965.

only physical but also sexual abuse for certain categories of professionals.⁶⁰ These state laws require that certain adults report information if there is “reason to believe” that a child (a person 17 years of age or younger) has been abused or may be abused.⁶¹ This statute has a number of important applications.

First, this statute means that a mandatory reporter is required to report *information* regarding abuse or neglect. This standard does not require individuals to possess definitive proof of a crime in order to report any information to the appropriate investigative body.⁶² This low threshold—“reason to believe”—must be reported either to the Department of Social Services or to the law enforcement jurisdiction where the offense reportedly occurred.⁶³ When individuals fail to report suspected abuse by requiring definitive proof of a crime, they not only heighten the legal standard for reporting, but perpetrators of abuse also remain free to continue abusing while victims remain in continued danger.

Second, South Carolina’s mandatory reporters are required to report information when there is reason to believe that a child has been or may be abused. Therefore, when a mandatory reporter receives information that gives them any reason to believe a child is being abused or neglected, the requirement is straightforward: report the information. When a victim of abuse is 18 years of age or older at the time the information is disclosed, a legal duty to report may still exist if the information gives the mandatory reporter “reason to believe” that any other child may be abused. Furthermore, this mandatory reporting law does not prohibit a person from reporting information about a sexual crime to the police, regardless of the victim’s age at the time of the disclosure. However, individuals who are subject to state and federal laws or other ethical standards prohibiting a report clearly must follow the law as well as any and all ethical standards required of these individuals.⁶⁴

⁶⁰ Act No. 187, Section 5(A), effective June 13, 1977.

⁶¹ §63-7-310(A), S.C. Code of Laws.

⁶² We also note that South Carolina also employs a “good faith” provision for persons who report. This statute states that a person acting in good faith is immune from civil and criminal liability. § 63-7-390, S.C. Code of Laws.

⁶³ §63-7-310(B), S.C. Code of Laws. The report must be made either to the Department of Social Services if the alleged offender is a family member or to the law enforcement jurisdiction where the offense reportedly occurred if the alleged offender is a non-family member.

⁶⁴ GRACE encourages each and every individual within the university community to take account of what their official title and role is and how this role applies to state and federal reporting laws as well as any other ethical standards required by law. For example, counselors in South Carolina are obligated to report abuse under the mandatory reporting statute. However, counselors also have the obligation to maintain confidentiality except within limited exceptions (including mandatory reporting situations). See §40-75-190, S.C. Code of Laws. Furthermore, Title IX (federal law) has been interpreted by some individuals as possibly prohibiting certain university employees (under some circumstances) from reporting a sexual abuse disclosure to law enforcement if the adult victim does not authorize such a report. Again, GRACE strongly encourages BJU and each individual employee to understand these laws and all ethical standards relating to each person’s responsibilities and to obey these laws and

Third, this South Carolina law explicitly encourages all individuals, regardless of the person's status as a mandatory reporter, to report information regarding suspected child abuse or neglect to the proper investigative authorities.⁶⁵ Whether South Carolina law identifies a person as a mandatory reporter or not, reporting information about child sexual abuse to law enforcement and/or to DSS representatives who are trained in investigation is far more advisable because these professionals are often better equipped to investigate and to determine whether an alleged perpetrator may have continued access to children.

Fourth, mandatory reporters should not investigate crimes before reporting the information, nor should they interfere with the work of law enforcement or DSS representatives who are trained to investigate these allegations. Because the law requires mandatory reporters to report suspected child abuse information, these mandatory reporters must contact the appropriate investigative unit (law enforcement or DSS). After a report is made, trained individuals may conduct a proper criminal investigation, follow-up on the possibility of other previous victims, and work to protect future victims from potential harm. Mandatory reporters have a duty to contact the investigative body so that God ordained civil authorities with proper training and expertise may undertake an impartial investigation into any child sexual abuse allegations.

Last, a mandatory reporter has an individual responsibility by law to report the suspected abuse or neglect of a child—regardless of whether or not other individuals within the institution report information. The failure to report as required by law is punishable by conviction.⁶⁶

2. Security Officers

In addition to the South Carolina mandatory reporting laws requiring certain individuals to report information to law enforcement or to DSS, security officers in the state of South Carolina have a legal obligation to report suspected criminal activity to the appropriate law enforcement jurisdiction.⁶⁷ Some security officers who work within BJU's Department of Public Safety are classified as law enforcement officers and are, therefore, statutorily defined as mandatory reporters. In addition to mandatory reporting obligations, these law enforcement

standards, keeping in mind that federal and state laws (and the interpretations thereof) are subject to change at any time. However, even in circumstances which might be interpreted as limiting a report, BJU must do everything possible to encourage and assist the victim to report the crime. See the following article for a very recent discussion of the Title IX issue: <http://time.com/3612667/campus-sexual-assault-uva-rape-title-ix/#3612667/campus-sexual-assault-uva-rape-title-ix/>, retrieved 12/1/14.

⁶⁵ §63-7-310(C), S.C. Code of Laws.

⁶⁶ §63-7-410, S.C. Code of Laws.

⁶⁷ §73-418, S.C. Code of Regulations.

officials have the duty to detect and enforce criminal laws, and a victim's age is not a factor in the administration of these duties.

Security officers have the duty to “protect the life and property to which he is assigned”⁶⁸ and “to assist each other as well as citizens of the county in the detection, arrest, and prosecution of criminal offenses.”⁶⁹ Although the mandatory reporting statute arguably may not apply to security officers who are not law enforcement officers, South Carolina law still requires security officers to report any suspected criminal activity on the property to local law enforcement.⁷⁰ These laws dictate how these individuals must respond to knowledge of suspected criminal activity occurring on campus under minimum legal standards.

Moral Applications

Christian institutions have the obligation to know and to follow the law. In addition to these civic responsibilities, Christians have a sacred responsibility to protect human life and pursue truth and justice in their communities. Everyone at a Christian institution, regardless of whether or not they are mandatory reporters or public safety employees, ought to be guided first and foremost by basic Christian principles of caring for the abused, promoting their community's safety, reporting alleged crimes to the proper legal authorities, and pursuing justice. Therefore, Christians have both a civic duty to comply with reporting laws and a sacred duty to report sexual crimes to the legal authorities.⁷¹

1. Civic Obligations

Christians have a legal obligation to obey the civil authority's laws.⁷² The Bible declares that God establishes the civil authorities so that they might promote justice and restrain evil. Security officers who have been charged with the responsibility of protecting life and property have a heightened responsibility to care for the abused by virtue, at a minimum, of their occupation. Security officers who do not faithfully respond to knowledge of suspected sexual crime are derelict in their duties, hurt victims, permit the continuation of crime, and diminish trust in their profession.

⁶⁸ S.C. Atty. Gen. Op. 3 (March 16, 2011).

⁶⁹ S.C. Atty. Gen. Op. 6 (March 16, 2011).

⁷⁰ §73-418, S.C. Code of Regulations.

⁷¹ Again, GRACE strongly encourages BJU to know and obey all state and federal reporting laws, keeping in mind that these laws (and the interpretations thereof) are subject to change at any time. However, even in circumstances where a law might be interpreted as limiting a report, BJU must do everything possible to encourage and assist the victim to report the crime.

⁷² Rom. 13:1-7; 1 Pet. 2:13-15.

God expects His people to give glad and respectful obedience to the government's laws, because God established the state and gives it authority. Paul gives a stern warning to any Christian who would set aside the civil authority's law. When the civil authorities adopt godly laws that are in line with biblical principles, Christians have even greater reason to rejoice and cooperate with these laws in every way possible. Mandatory reporting laws clearly align with God's priorities.

The Bible speaks directly to God's love for children and to principles of justice that align with mandatory reporting laws. The Bible recognizes the dignity of all people and their need for protection, especially children.⁷³ God loves children, welcomes them with blessing, and calls others to welcome children in His name.⁷⁴ He calls children a gift⁷⁵ and says they are made in His image.⁷⁶ Jesus strongly rebukes anyone who harms a child.⁷⁷

God also instructs His people in regard to the power differential between the abuser and the abused, saying, "Again I saw all the oppressions that are done under the sun. And behold, the tears of the oppressed, and they had no one to comfort them! On the side of their oppressors there was power, and there was no one to comfort them."⁷⁸ The oppressor has power over the oppressed. Someone must intervene on a victim's behalf. If not, victims are left alone with their tears. Mandatory reporting laws reflect God's desire to intervene on behalf of the oppressed, especially beloved children.

Reporting laws also recognize that sexual crimes often go unreported for various reasons, including that some victims have little power or voice to speak out against their abusers. Abusers silence their victims. Another aspect of this silence is that some adults, who could intervene, may be unlikely to risk involvement in an abusive situation. It takes courage to upset the status quo in any relationship, family, or institution. Sexual assault is one of the most under reported crimes,⁷⁹ and reporting laws help respond to these challenges.

⁷³ Matt. 18:5-6; Gen. 1:26-28.

⁷⁴ Mark 9:36-37; Mark 10:13-16.

⁷⁵ Ps. 127:3.

⁷⁶ Gen. 1:27.

⁷⁷ Matt. 18:6.

⁷⁸ Eccl. 4:1.

⁷⁹ According to RAINN ("Rape, Abuse, and Incest National Network", the nation's largest anti-sexual violence organization), "Sexual assault is one of the most under reported crimes, with 60% still being left unreported." See <https://www.rainn.org/get-information/statistics/reporting-rates>, retrieved 11/12/14. RAINN cites the Justice Department's *National Crime Victimization Survey: 2008-2012*. The RAINN website reports, "The majority of sexual assault are not reported to the police (an average of 60% of assaults in the last five years were not reported. Those rapists, of course, will never spend a day in prison. But even when the crime is reported, it is unlike[ly] to lead to an arrest and prosecution. Factoring in unreported rapes, only about 3% of rapists will ever serve a day in prison." See <https://www.rainn.org/get-information/statistics/reporting-rates>, retrieved 11/12/14. The

2. Sacred Obligations

As noted, South Carolina's mandatory reporting law does not mandate the reporting of sexual crimes perpetrated against adult victims, unless the circumstances indicate that a child may be in danger of being abused. Furthermore, not all adults are legally designated as mandatory reporters.⁸⁰ In instances where there is no civic obligation to report sexual crimes, God still calls His people to a sacred obligation to seek justice for victims and report child abusers and adult sexual offenders. God understands that abuse's power differential applies to both child and adult victims of sexual crimes. Therefore, He encoded in His people's laws a stern warning against any who would exploit someone sexually, at any age. Sinful humans can and will take advantage of one another. God calls His people to work against this sinful and all too common dynamic.⁸¹

Instead of participating in exploitation or standing by while it happens, Christians should reflect God's own heart to report child sexual offenders and protect vulnerable victims, regardless of a legal obligation to do so. South Carolina's mandatory reporting laws reflect a desire that all adults, whether defined by law as a mandatory reporter or not, can and should go above and beyond the letter of the law.⁸² How much more so does God expect His followers to seek justice for any victim of a sexual crime?

A reporter of abuse stands in a sacred position in God's eyes. A reporter has the ability to intervene as God's instrument of compassion to help deliver victims from the horrific reality of abuse. Reporting abuse can also begin to fight the lies of abuse. Reporting says to a victim, "I believe you;" "you can be safe again;" "you are not worthless;" and "God answers your cries for help." Reporting also communicates to perpetrators and to the community that sexual abuse is seen clearly for what it truly is when exposed to the light of justice: a horrific, sinful, criminal act that should never be relegated to the most minimal of standards.

God asks His people to intervene proactively and promote justice for all victims.⁸³ Reporting sexual crimes to the civil authorities is a natural way to promote justice for all victims

statistical chart on this website states "Out of every 100 rapes, 40 get reported to police, 10 lead to an arrest, 8 get prosecuted, 4 lead to felony conviction, and 3 rapists will spend even a single day in prison." *Id.*

⁸⁰ South Carolina's reporting statute does not make all BJU employees mandated reporters. As previously noted, a number of BJU employees would be considered mandatory reporters, such as teachers, assistant principals, principals, counselors, and school attendance officers.

⁸¹ Exod. 22:22-24; Deut. 10:18-19; Deut. 24:17-22; Deut. 27:19.

⁸² See §63-7-310(C), S.C. Code of Laws as amended in 2010. See also 2010 amendment from Act 227 of 2010.

⁸³ Ps. 10; Ps. 82; Job 29:7-17.

of sexual offenses.⁸⁴ Reporting aligns those with power—civil authorities—with the vulnerable, for their protection. Those who report sexual crime stand in a sacred place before God as His instrument of truth and justice in this world.

⁸⁴ GRACE unquestionably acknowledges and respects that a number of victims of sexual offenses do not wish to report these crimes to law enforcement for a variety of complex and understandable reasons. Readers should keep in mind that reporting to law enforcement does not automatically result in an investigation, and even much less so an arrest, prosecution, or conviction. Victims still have complete authority to inform law enforcement officials that they do not desire to participate in an investigation. We also note that the reporting process may bring to light for some victims that they are not the only victim of the same alleged perpetrator, and therefore do not stand alone in the investigative process.

Part Two: Investigation Findings

Reporting Process Prior to 2010

In 2010, Bob Jones University adopted a policy entitled, “Sexual Abuse and Molestation Prevention Policy.”⁸⁵ The following chapter will outline how BJU handled the reporting of sexual abuse disclosures before 2010. During the course of the investigation, GRACE noted instances in which BJU officials reported information regarding abuse disclosures to the Department of Social Services (DSS) or to law enforcement officials since the passage of mandatory reporting laws. The investigation also raised evidence indicating that information pertaining to some sexual abuse disclosures was not reported to DSS or to law enforcement officials.⁸⁶ Some pre-2010 case examples have been included in the Investigation Findings Appendix 6-2 and 6-3.⁸⁷ BJU witnesses provided four primary reasons for failures to report sexual crimes: ignorance of mandatory reporting laws, misidentification of sexual crimes, inadequate training, and the reporting of sexual crimes by the Department of Public Safety to BJU administrative officials rather than to local law enforcement.

1. Awareness and Understanding of Mandatory Reporting

As previously discussed, South Carolina’s mandatory reporting law was initially enacted in the 1970s. GRACE found some instances in which a BJU mandatory reporter who received information about an allegation of child sexual abuse reported that information to law enforcement or to DSS, and some instances in which the information was not reported.

Before the creation of the position of the Dean of Students, sexual abuse counseling and disclosures were handled informally by any number of individuals

⁸⁵ *Bob Jones University Faculty/Staff Handbook* (2010-2011), 27-28. Reference 199.

⁸⁶ Throughout this chapter and this Appendix, GRACE has identified several disclosures that raise some questions about whether BJU mandatory reporters fully complied with mandatory reporting laws. As noted earlier in this report, this investigation and the findings resulting therefrom are necessarily limited by the totality of available information which is determined by the cooperation of voluntary witnesses, restrictions on the university’s ability to produce some records that are governed by FERPA protections, and the availability of some types of information, such as law enforcement records. Therefore, we draw no legal conclusions about whether any individual has actually violated any federal or state laws as these judgments are reserved exclusively for legal professionals who must apply governing laws to the specifics of any particular case. Furthermore, nothing in this report should be construed as offering any legal advice, opinion, or judgment regarding any legal matter contained within this report.

⁸⁷ The case examples provided reflect some offenses that fall within the mandatory reporting statute and some which do not.

including counselors, professors, academy officials, and/or university administrators. Dr. Berg served Bob Jones University as Dean of Students from 1981 until 2010. His role not only included counseling responsibilities but also investigative, adjudicative, and punitive decision-making responsibilities. As a result, most disclosures of sexual abuse during this timeframe came across Dr. Berg's desk.

Several different BJU authorities, including President Stephen Jones, appear to have relied heavily upon Dr. Berg's knowledge and expertise in handling the majority of BJU's child sexual abuse disclosures between 1981 and 2010.⁸⁸ A former top cabinet official explained, "Now, it was through [Dr. Berg] that I became aware that in certain cases, because of age and family and so forth, that those cases need to be reported to the authorities. To the best of my knowledge, he did that if that was warranted."⁸⁹

Dr. Berg described how he became familiar with any updates in handling abuse disclosures, saying, "whatever we did find out about this whole area, I had to go find, I got an inkling somewhere through a circular, something I read or a conference I went to, that there is something we need to be doing that we are not doing. Every advance we have made on that has come that way. It was not where it ought to be even when I left Dean of Students."⁹⁰ Dr. Berg said he first became aware of mandatory reporting laws in 1992 when he attended Dan Allender's "Wounded Heart" conference.⁹¹ Dr. Berg explained:

... we were fairly isolated from educational- well, I never had any interaction with other student life in other colleges. I didn't know what existed or what they had to offer- we were not in public education so we were not getting flyers from the board saying that we need to put these policies in and carry out these state and federal laws. I received none of that....This was 1970 and 1980 when I came in...I can tell you, as soon as we found out about something it went into policy and it went into effect, but it was very, very slow in coming. I think mainly because our interaction

⁸⁸ President Stephen Jones discussed a 2009 report of abuse with GRACE and noted, "[Dr. Berg] was the primary one who in the early 90's realized that we were behind the curve in how we were dealing with it; and he was the one who read up on it and tried to get the counselors trained in it. Being a dorm supervisor, I remember him dealing with it in August before the students came back. He would say, 'Here are hypotheticals. What do you do?' He was the one who at that point would have been cognizant of and practicing what was current and 'here is best practices' for dealing with that situation by 2009 for sure. I know it was early 90s when he realized that and initiated on his own to get up to speed and to get his people up to speed." Reference 224.

⁸⁹ Reference 225.

⁹⁰ Reference 231.

⁹¹ Reference 236.

with the outside in these areas was very small. Before I didn't even know-I could have found information about that in the library, but I didn't know to ask about that.⁹²

Dr. Berg said he then implemented this new knowledge, informing others whom the information affected. Dr. Berg explained that when he returned from the Allender conference in 1992, he told the BJU Provost, “[W]e don’t have any policies in place...we need to have something in place for our elementary, junior high, and high school.”⁹³ Consequently, Dr. Berg said that the Provost notified academy officials, “If you have anything like this, you need to call Jim Berg. He will call the attorney and find out what to do.”⁹⁴

Dr. Berg also reported his initial understanding that his mandatory reporting responsibilities did not extend to abuse or neglect that happened away from BJU’s campus. He reflected, “I was under the impression that my reporting responsibility was to report sexual abuse that was going on under our roof with our workers.”⁹⁵ Dr. Berg also said he later realized that the location of the offense has no bearing upon a mandatory obligation to report.⁹⁶

When counseling adult victims, Dr. Berg acknowledged that there were some occasions where he did not ask appropriate follow-up questions about an alleged perpetrator’s access to other children.⁹⁷ Dr. Berg reiterated, “I was not at that time, I was not avoiding it, but I was not even thinking to ask about that. I am focused on this person and that is- I look back at that now with what I know now and I think, ‘Oh man, I really dropped the ball there.’”⁹⁸ He continued, “But in our collective circles, in our small circle, and I wish I would have done a better job in all of these things, but at least here on campus...I am trying to figure out how to help these people, how to comply.”⁹⁹

Dr. Berg said he remembered two occasions when he became directly aware that other minors may be in danger, and he responded by calling the pastor of the alleged

⁹² Reference 227.

⁹³ Reference 221.

⁹⁴ Reference 219.

⁹⁵ Reference 208.

⁹⁶ Reference 216.

⁹⁷ “So I didn’t ask if her father was doing this to her sisters, or is your brother doing this to your sister- I never even thought to ask that. I really was focused on this and what to do with her next.” Reference 245.

⁹⁸ Reference 283.

⁹⁹ Reference 260.

perpetrator and asking the pastor to call the police.¹⁰⁰ On these occasions, the alleged perpetrator still lived in the home with other minors. Dr. Berg reflected, “In those two cases, the people came in because they were concerned about a younger child at home. So that is what brought it to my attention. I made those calls, but I called the pastor to call the local police.”¹⁰¹ Approximately three to four years ago,¹⁰² Dr. Berg said he became aware that asking a pastor or another person to report abuse is legally insufficient.¹⁰³ He stated that he now advises pastors, “to go down to the police station and ask to see if there is a report and see if there is even a report and if there is not, you wait until there is one and then you get a copy of it. You do not walk away until this is handled.”¹⁰⁴

BJU Press published a counseling book in 1996 that similarly encourages individuals to report sexual offenses initially to the pastor, “who will in turn contact the mother or the parents and handle the case in a scriptural manner.”¹⁰⁵ The author also tells counselors that some cases “may involve reporting the incident to civil authorities”¹⁰⁶ and to “check with local authorities in the community in which you serve to find the specifics of laws governing the reporting of such cases.”¹⁰⁷

GRACE received a few reports that Dr. Berg had discouraged victims of sexual abuse during counseling sessions from contacting the police. These participants said that Dr. Berg either implied that the offense was “an internal issue to be handled by the school”¹⁰⁸ or explicitly stated that the victim should not contact the police for various reasons that could upset internal family dynamics.¹⁰⁹ Dr. Berg adamantly denied all

¹⁰⁰ “...I would call the pastor and tell them to call the police.” Reference 263. Dr. Berg further noted that one such occasion occurred in 1996.

¹⁰¹ Reference 267.

¹⁰² The reference to “three to four years ago” refers to three to four years before Dr. Berg’s interview with GRACE, which took place in the fall of 2013.

¹⁰³ Reference 257.

¹⁰⁴ Reference 226.

¹⁰⁵ Walter Fremont and T. Fremont, *Becoming an Effective Christian Counselor: A Practical Guide for Helping People* (Greenville, SC: BJU Press, 1996), 153.

¹⁰⁶ *Id.*

¹⁰⁷ Fremont and Fremont, 153. “When children report sexual abuse, they should be taken seriously and an investigation instituted, no matter how bizarre the story sounds or who may be involved. An investigation and appropriate action should be instituted at the lowest level possible. Start by reporting it to the pastor. To be safe, check with local authorities in the community in which you serve to find the specifics of laws governing the reporting of such cases.” *Id.* at 152. In evaluating the problem of incest, the author offered “Solutions” for dealing with incest. The author’s last step in this category of “Solutions” for incest states, “Deal with the perpetrator of the sin by reporting the situation to the pastor, who will in turn contact the mother or the parents and handle the case in a scriptural manner. In some cases this may involve reporting the incident to civil authorities. (Again, check with local authorities in the community in which you serve to find the specifics of laws governing the reporting of such cases.)” Fremont and Fremont, 153.

¹⁰⁸ Reference 303.

¹⁰⁹ Reference 304. *See also* Reference 198.

allegations that he had ever implicitly or explicitly discouraged anyone from contacting the police, stating, “If I know something belongs to the state, I am not going to usurp that authority. At least God’s minister to execute wrath and it doesn’t bear the sword in vain,¹¹⁰ I really believe in that.”¹¹¹ Dr. Berg also pointed to his 1992 counseling training video sessions wherein he states that he encouraged counselors to report disclosures of sexual abuse at that time.¹¹²

Several victims expressed deep hurt that the crimes perpetrated against them were not reported to the legal authorities.¹¹³ Dr. Berg acknowledged there have been some failures to report some sexual crimes. However, he noted, “A failure to report, especially early on, was not an attempt to cover up anything- it was pure ignorance of what to do.”¹¹⁴ When discussing some of the reports GRACE received, alleging that BJU officials had “swept things under the rug,” Dr. Berg stated,

Honestly, it looks that way. The facts are what they are. It was not handled the way it should have been handled. The motive is not obvious to people and they can put any motive they want onto the facts. If they have a beef with us or even if they don’t and they

¹¹⁰ Dr. Berg said he is referring to Romans 13:1-4, and this is verse 4 paraphrased. Reference 238.

¹¹¹ Reference 249.

¹¹² In Dr. Berg’s 1992 training videos he stated, “The only thing I want to say about legal issues here; I am only going to say a couple of things because I am not a lawyer, alright? I just will basically say here check with your attorney in your state because state laws vary from state to state about what you have to do and who has to report and under what circumstances. In South Carolina, even Christian schoolteachers and Christian school administrators have to report. They are not counted clergy with penitence and there is in South Carolina an exclusion clause for a clergyman with a penitent. That is where a person comes to you and confesses to you that he did something. That does not cover you when a child comes to you and says, ‘My daddy is abusing me.’ It only covers you when the dad comes to you and says, ‘I have been abusing my children, and I need some help.’ Then you are not required to report, but otherwise you are. And it gets rather thorny and rather nasty. So, I would advise a couple of things: make sure your attorney understands state laws in this. I would also advise you to get well acquainted with somebody in the social services department or the juvenile division of your police department or something before this stuff comes up in your town, especially if you are pastoring, and find out what to do from their standpoint. I know many situations where when the pastor has made those contacts ahead of time, when there has come a problem and he has gone to that social services person or to the juvenile detective, they have said, ‘Look, as long as she is under your care, we don’t have to get involved. We will let you handle it.’ And they have been able to handle that case, but that would not be that way if they had not made, built bridges ahead of time to those civil authorities. Remember, that is the law. I would point you to a couple of things: one is this book *Christian Counseling and the Law* by Steve Levicoff. That is in your resources and in your sheet here dealing with many areas that the pastor intersects with the law and there is a whole chapter here on abuse and reporting and telling you to get with your attorney and find out your state laws. Then the other thing I would encourage every pastor to do is subscribe to the Church Law and Tax Report, and I have put the address in there. That comes out every other month and gives you update on what litigation is pending against churches and Christian schools and daycare centers with respect to taxes, and properties, and child abuse, and hiring practices and all of this. It is a wealth of information for you. We use that here at the university to alert us to a lot of things so that we can be one-up on it before it happens and very, very helpful.” Crisis Counseling, Session 6, Part 1, *Understanding and Biblically Overcoming Childhood Sexual Abuse* (Video), at 58:30 to 1:01:17.

¹¹³ Reference 285. A family member of an alleged perpetrator also told GRACE, “If Bob Jones University had handled this situation properly and gotten the law involved, it would have saved our family from a lot of sorrow and heartache.” Reference 297.

¹¹⁴ Reference 244.

hear about other situations where there are intentional cover-ups, it can look like that is our motive but that is not our motive. The facts are those things were not handled well. They were handled with what we knew, but they were not handled with what we should have known and I can guarantee you that it would be handled differently today. That does make us open for criticism about cover up, but that is not why it was handled that way.... Today we would have aggressively involved police. It is not a plan to cover it up. We have not suddenly come to a fear driven response, oh we have to make sure we do this now because we have been covering and we are about to be exposed. It is not that. Every time we figured out more to do, we did that. But I know how it looks.¹¹⁵

Dr. Berg also stated, “There is not a culture here to protect BJ image. We will go to the Supreme Court over something we believe and we don’t care what people think about it. And if we have done wrong, when we finally realize it, whether it was on our inter-racial dating thing, we will say it.”¹¹⁶

GRACE also asked Dr. Jones, III how he responds to complaints raised by some that the university has not reported some cases out of fear that a report might affect the reputation of the university. Dr. Jones, III stated that the university does not involve the law when it is unnecessary to do so, but will when an issue is “deserving of the law’s attention or mandated by the law to do [so].”¹¹⁷

GRACE also discussed mandatory reporting laws with Dr. Jones, III, who reported that he first became aware of these laws approximately 10 to 12 years ago.¹¹⁸ When asked about allegations that some cases had not been reported as required by law in light of his remarks in a November, 2011 chapel service,¹¹⁹ Dr. Jones, III remarked,

¹¹⁵ Reference 218.

¹¹⁶ Reference 258.

¹¹⁷ Reference 269. “Well naturally, you don’t want unnecessary negative attention to be brought. But we have historically, if somebody has stolen, if somebody is a shoplifter, anything like that is taken to the police. Anything that requires the law to be involved, the law is involved in. Not just about sexual abuse, but about anything. Where a law has been broken, we deal with the law enforcement. If a student is involved in drunken driving, they go to jail; they are arrested, and they go to jail. Mother and dad have to come down and get them out and get involved. You are always going to handle something short of the law if you can in good conscience and there is no demand of the law for something to be handled by the law. But anything that is deserving of the law’s attention or mandated by the law to do, you turn it over to the law.” Reference 170.

¹¹⁸ Dr. Jones, III stated, “I would say 10 or 12 years ago. It would have been since then at least, from then until now.” Reference 175. GRACE met with Dr. Jones, III in the spring of 2014.

¹¹⁹ At a BJU chapel service in 2011, Dr. Jones, III told BJU students, “Before I come to the message I’d just like to say one more thing because I think in times like these it’s necessary for the university to be on record. You have probably heard the last week about the scandal at Penn State. Joe Paterno, their venerable coach, has been involved in it. I saw a little blurb yesterday that said it’s possible that he might even face criminal charges in this. One of their people in their athletic department, years ago, molested, he was a sexual pervert, he is accused of being a sexual pervert and molesting

“Well I can answer each one if I know anything about it, I can answer each one that makes such an allegation. They might have thought it should have been reported, but that doesn’t necessarily mean that it was mandated that we do.”¹²⁰

When GRACE told Dr. Jones, III that mandatory reporting laws had been in place since the 1970s, he stated, “Okay. Well from that time onward if there was mandatory reporting requirements, then obviously they should have. If it didn’t get reported, that is bad. It may not have been deliberate; they may have just not have realized it.”¹²¹ Dr. Jones, III also stated that, because he does not handle these kinds of “things in the file on a day-to-day basis, those people are expected to know those things, and I expect them to follow the requirements of the law.”¹²² Dr. Jones, III further commented:

Did a case fall through the cracks? Maybe so. In fact, Stephen and his administration were so sensitive to this, as you are well aware, they engaged GRACE because they wanted to take the lead among Bible Christians to say, “This is the way things have to be done. We want to set a standard. We want to give a wake up call to the Christian community,” knowing in the process of making ourselves vulnerable like this. We didn’t do this because anybody charged us with anything. We did it voluntarily because we wanted to know: Did something fall through the cracks? If so, we want to know.... If we cause that pain, if we can do anything in retrospect to ease that pain, we are ready; we want to....It is not a perfect campus, but it is the best we know how. If our best has not been good enough, then we want to hear from those that we failed with so we can make it right the best we know how. That is where we are. That is us.¹²³

some boys. And the charges are that the president of the university and the vice president, I think, and the athletic department including, Joe Paterno, knew about this, swept it under the rug, did nothing about it. If that is true, it is shameful and there should be some criminal actions taken against those, not only the man who did those things, but the person who covered in doing those things. I just want to tell you for your own peace of mind, Bob Jones University doesn’t do that. There’s an elementary school here, a high school here, a university here, a graduate school here. Physical molestation, sexual molestation, it will not be swept under the rug. It never has been. It’s not the way we operate. It’s always reported to the authorities. There are some very clear guidelines written for anybody employed here, including student workers who work with children about what will happen, what we will do, what this institution will do if there is such activity as that. Nothing is swept under the rug. Nobody would be kept here who did despicable deeds like that. Nobody would be kept on the board or on the faculty or on the staff who did such things as that, swept things like that under the rug. It’s just not the way we do it. And so I just want you to know that because this was another educational institution, and it’s much talked about. I just want you to know that, you can just tell anybody who might say anything to you, that that’s not the way, by the grace of God, the institution I attend does not function that way. It never has. And I know I speak for the President and all the officers of this institution, it never will.” See BJU chapel sermon “Clothing Worth Bragging About” given by Dr. Bob Jones, III on November 15, 2011, at 8:48 to 11:24 published at <http://www.sermonaudio.com/sermoninfo.asp?SID=111511141150>.

¹²⁰ Reference 180.

¹²¹ Reference 185.

¹²² Reference 105.

¹²³ Reference 107.

2. Identifying Sexual Crimes

On a number of occasions, sexual abuse and sexual assault appear not to have been reported to law enforcement or DSS officials because they were mislabeled and not identified as sexual crimes. BJU officials, on multiple occasions, identified sexual crimes as only moral offenses and disciplined the offender for a moral offense instead of reporting the offense as a crime. Dr. Berg stated that in some instances where sexual abuse or assault had been disclosed, “It never crossed my mind that it was a crime- it was not just that it was not clear; it never crossed my mind.”¹²⁴ Dr. Berg explained that some offenses were not recognized as sexual crimes because of an inaccurate understanding of the terms “sexual assault” or “rape.” He stated:

But I will tell you, even at that point [in approximately 2006 or 2007], I am still thinking of crimes as- I would definitely look at this that way, but I am thinking of forcible rape. I am thinking about crimes in that sense. I am not thinking about an 18 year old and a 15 year old having sex together when both of them want to do this. I am not thinking [sic] those terms as crime. I do now. I am not Dean of Students anymore, but I would certainly ask ages. That would make a difference in how the world sees this as a crime and what our responsibilities are that way. We were very strong in the moral and Biblical things and the ethical things and probably a whole lot stronger than a lot of people would think was reasonable. But in framing that as a legal and a criminal thing was not part of the package of thinking...I am not excusing it; I am just explaining it, okay? When I look at that, I am- like in some of these other things, I am totally embarrassed. I have no defense except ignorance. And I know ignorance of the law is no excuse. I am just throwing that out. So there is very little- there is a great deal of concern we have about God’s moral law, but I am not out there looking for, ‘What does the secular law say about this too?’ We are not required as an educational institution to be attending seminars on things as a public institution might. And we probably should have been aware of that, but weren’t. I know I wasn’t.¹²⁵

Dr. Berg acknowledged a failure to recognize sexual crimes in several different scenarios prior to the mid-2000s. In one case, the alleged perpetrator touched an adult

¹²⁴ Reference 242.

¹²⁵ Reference 217.

victim's private parts without her consent while he believed she was sleeping.¹²⁶ Dr. Berg reflected, "We were looking at this as a moral offense, not a criminal offense. Hopefully today we would see that. I know that never even crossed our mind as a criminal activity."¹²⁷ He continued, "What I am saying is, when I look at this today, I look at this as somebody who is taking sexual opportunities with a person who is not able to defend herself in any way or even resist. Well that is a criminal effect. That is a criminal thing. That would have never been a thought [at that time]."¹²⁸ In some instances, Dr. Berg acknowledged a failure to identify certain types of sexual crime that involved sexual contact by an adult upon a minor.¹²⁹ In these instances, Dr. Berg said that the actions were considered to be highly immoral, but he admitted that he did not interpret the reports in light of criminal laws.¹³⁰ Throughout the course of this investigation, GRACE learned that other BJU administrators had similarly failed to identify some types of disclosures as sexual crimes.¹³¹

3. Training

Prior to 2010, the university does not appear to have enacted any written policies or provided any training for employees on how employees should handle disclosures of sexual abuse. As a result, BJU employees had very limited knowledge about abuse reporting procedures and obligations. A former employee who taught in the elementary school at BJU in the 1970s and 1980s told GRACE, "There was no reporting [to law enforcement]. There was no training at BJU or the Wilds. It was not something that was

¹²⁶ This case involved two adults who had no prior dating relationship. Though the case did not implicate the mandatory reporting statute, it nonetheless highlights a failure to recognize some offenses as sexual crimes. See Investigation Findings Appendix 6-3, Case # 2 for additional details.

¹²⁷ Reference 280.

¹²⁸ Reference 276. Dr. Berg reiterated a failure to identify this offense and other non-forcible sexual assaults as crimes at other points in the interview stating, "If someone was forcibly raped, obviously that is so obvious it would be. But this was not obvious to me as a crime and to the way we thought at that time as a crime. I say we didn't even weigh it as, 'Well it is not this so therefore it is not a crime.' There wasn't even a weighing of that. There just was not any consciousness that it even entered into that realm. We just knew we had a very, very immoral guy, and he needs to go home and bear the responsibility for what he did." Reference 279.

¹²⁹ In an alleged report, an adult college student reportedly touched a minor's private part outside of the clothing. Reference 274. In another alleged scenario, Dr. Berg admitted a failure to recognize a report of consensual sexual contact between an adult and a minor as a crime. Reference 277.

¹³⁰ Reference 241. Reference 243.

¹³¹ Reference 99.

discussed.”¹³² She further noted that, when an abuse disclosure did arise, the matter was reported to the pastor rather than to the police.¹³³

An employee with a long history at BJU through the 2000s reflected upon this lack of training, saying, “Never. Never. Not even as a faculty member. I never got a thing. It was not until I had [a child] I realized what is supposed to go on- about 2004. Some moms I knew were mandatory reporters (they were counselors) and explained it to me.”¹³⁴

A former employee, whose tenure at BJU spanned two decades through the late 2000s, does not remember the university addressing sexual abuse disclosures through any policy or in faculty trainings.¹³⁵ This former faculty member stated, “...I don’t ever remember being told or reminded in an in-service, ‘Reporting sexual abuse is a priority. This is a different day and time, and we can’t take this lightly, and here is what we want you to do.’”¹³⁶

Furthermore, another former faculty member employed during the 1990s reported, “[Calling the police] never would have crossed my mind at that time.... Because we didn’t talk about it. We didn’t know that we were supposed to.... They would have told [a victim] to talk to Dr. Berg. They would never have been encouraged to tell the police.”¹³⁷

This lack of training appears to have led to various beliefs among faculty and staff as to how to respond properly to abuse disclosures. One former faculty member, who taught at BJU through the late 2000s, said he “would have followed the chain of command which was strictly enforced at the university”¹³⁸ and reported an abuse disclosure to his dean, adding that he “probably would have insisted upon something. It would have been more than just sharing the information with my dean.”¹³⁹

¹³² Reference 296.

¹³³ “...if [abuse] happened they would call the home pastor because the situation is that it is a matter of church discipline and if you call the police and let it be known outside your circles it was considered to bring shame on the church. If other people think we are doing this we are hurting Christ and that would be bad.” Reference 271.

¹³⁴ Reference 203.

¹³⁵ Reference 202. “Well I don’t remember if the university even had a policy about reporting sexual abuse. If they did, then it must have been buried very deeply in the faculty handbook.” Reference 240.

¹³⁶ Reference 310.

¹³⁷ Reference 288.

¹³⁸ Reference 292.

¹³⁹ Reference 305.

A retired BJU faculty member, who taught from the early 1970s through the late 1990s, reported that she never encountered a situation where someone disclosed abuse, but if she were to encounter an abuse disclosure, it was her understanding that her first obligation was to report it to the administration.¹⁴⁰ She further explained her belief that, if the alleged perpetrator were an employee, the employee should first be confronted before the matter would be taken to the Dean. She added that she would likely have advised a sexual assault victim to report the crime to the police only if the dean or administration did not handle the matter appropriately.¹⁴¹ And a former Bob Jones Academy employee, employed at BJA from the 1980s to the 1990s, explained, “[We] got the pastor involved.... We didn’t talk about it then- this was back in the 80s. That is how it was handled back then. I am not saying it was right.”¹⁴²

A student employee, who worked part time for DPS in the 2000s, also expressed concern that he was inadequately trained regarding abuse reporting protocol. He noted,

I was not trained in any way as regards to sexual abuse, sexual harassment, prevention etc. I do not even recall a mention of it in any way. We were trained on reporting and documenting crimes (theft, physical assault etc.) and even disaster and terrorist attack preparedness, complete with scenarios and role-playing, but not one single mention of sexual assault etc.... I do not feel that I was adequately trained as to sexual abuse prevention and reporting, as I received no training whatsoever. At all. Not to my recollection.¹⁴³

Some victims of sexual abuse reported the impact of this lack of training. One such victim of child sexual abuse reported that she sought help from a professor she trusted and also disclosed her abuse to a few friends. She explained, “Fellow students were supportive, but of course had no idea what to do. We merely shared each others’ secrets. The prof[essor] I did talk to was supportive, but never mentioned anything about reporting the abuse.”¹⁴⁴ The former student remarked, “to be fair, [the abuse occurred in] another state and the [statute of limitations] may have expired.”¹⁴⁵ However, she regretted that the professor did not suggest reporting the abuse, nor did he have the resources to

¹⁴⁰ Reference 248.

¹⁴¹ Reference 251. “And if the dean doesn’t do anything about it, then if I were you I would go to someone higher up in the administration, and then go to the police if they don’t do anything about it.” Reference 311.

¹⁴² Reference 255.

¹⁴³ Reference 265.

¹⁴⁴ Reference 293.

¹⁴⁵ Reference 309.

refer her to someone who could help.¹⁴⁶ Another victim of sexual and physical abuse reported that she told her Dorm Supervisor in the late 1990s about her abuse and was extremely concerned about her younger siblings who were minors still living at home with the alleged perpetrator.¹⁴⁷ The victim explained that she told her Dorm Supervisor her concerns, but the Dorm Supervisor simply gave her Bible passages to read and other spiritual advice about forgiveness.¹⁴⁸

4. DPS's Reporting Process

The Department of Public Safety (DPS) is a department within BJU's structure, whose workers are "employed by the university and are under the university's administration."¹⁴⁹ Consequently, the DPS Chief reports directly to BJU cabinet level officials and to the President. Two prior chiefs who were interviewed explained that during their tenures (which collectively spanned from the 1970s to 2011), top administrators, including the President, the Dean of Men, the Dean of Women, and the Dean of Students, each received copies of DPS incident reports, including reports related to sexual assault.¹⁵⁰ Dr. Berg similarly affirmed, "Unless it is a traffic ticket, if it involved some sort of behavioral thing it would come across my desk."¹⁵¹

A former DPS Chief, who worked at BJU from 1976 to 1991, explained DPS's protocol for handling sexual offenses. He stated that DPS first notified the university, "to see what they wanted to do about it," and DPS then made suggestions about what would be an appropriate way of handling the offense.¹⁵² During his time, he stated that DPS worked closely with the Dean of Students.¹⁵³ Another former DPS Chief and Director, who served from the mid-1980s until 2011, said that the university administration made

¹⁴⁶ Reference 290.

¹⁴⁷ Reference 197.

¹⁴⁸ Reference 193. She also stated that after she arrived at BJU in her first semester that her 12 year old sister informed her that she had to put a lock on the bedroom door to prevent the alleged perpetrator from coming in the room in the middle of the night. The BJU student reported that she was having nightmares that woke up her roommates and made an appointment to see her Dorm Supervisor about her fears for her younger siblings still at home, and her own worries of returning home during the holidays. Reference 192.

¹⁴⁹ Reference 223.

¹⁵⁰ Reference 191. Reference 190.

¹⁵¹ Reference 264.

¹⁵² Reference 210.

¹⁵³ "The Dean of Men, the Dean of Women, and the Dean of Students, which was Jim Berg, we worked closely together, and I basically knew what was going on." Reference 214.

decisions about how serious offenses such as sexual assaults were handled.¹⁵⁴ The former Chief noted that sexual offenses were not necessarily reported to DPS, because the offenses were often “reported directly to one of the administrators like the Dean of Men and Dean of Women. [DPS] would not necessarily ever be notified about [the disclosure].”¹⁵⁵ This former chief indicated that this reporting protocol appears to have improved in recent years, and GRACE will discuss these changes in Part Three.

Part Two: Analysis

Instances of Non-Reporting

In a number of cases prior to 2010, BJU officials did not report or even encourage the reporting of known instances of sexual abuse.¹⁵⁶ BJU officials stated that they never intended to harm a victim by not reporting as required by law. They alleged a number of reasons for these failures: an ignorance or misunderstanding of mandated reporting laws, misidentification of sexual crimes, internal reporting structural dynamics, inadequate training, or simply a desire not to report offenses for which there is no legal requirement to report.

These reasons do not reverse the harm done to those whose lives have been ravaged by sexual abuse and the consequences of non-reporting. Regardless of intent, the university caused students and children to be more vulnerable to dangerous perpetrators by failing to report or even encourage the reporting of sexual crimes.

1. Understanding of Mandatory Reporting

BJU’s reported ignorance of mandatory reporting laws for nearly 20 years after the passage of these laws appears to be the result of the institution’s exclusive reliance upon one individual—Dr. Berg. The university relied upon Dr. Berg to determine the law and apply it accordingly to sexual abuse and assault disclosures. All individuals have a responsibility to know and follow the law, and placing a burden upon one person, particularly upon one who is not an attorney, can be especially dangerous. In addition,

¹⁵⁴ Reference 215. “...it would have been up to the Dean of Men, Dean of Women if they were a dorm student because it was the dorms, they were kind of like the parent, they would make the decision if local law enforcement was brought in or not.” Reference 250.

¹⁵⁵ Reference 289.

¹⁵⁶ Some case examples are noted in the Investigation Findings Appendix for this chapter. These case examples include some instances which mandated a report by law and some instances that did not mandate a report by law.

Dr. Berg noted that BJU was “fairly isolated” from student life divisions in other colleges. He stated, “our interaction with the outside in these areas was very small. Before I didn’t even know- I could have found information about that in the library, but I didn’t know to ask about that.”¹⁵⁷

Even after learning of mandatory reporting laws, the institution’s application of these laws to disclosures of abuse appears to have evolved slowly over time. Dr. Berg said that he initially believed wrongly that the statute applied only to reporting crimes that occurred on campus.¹⁵⁸ BJU continued to misapply or misunderstand the statute by engaging in the investigation of suspected crimes before reporting them. In some situations, Dr. Berg said he requested that other individuals, such as a pastor, fulfill the duty to report. And until 1993, a mandatory reporter was permitted by law either “to report or cause a report to be made.”¹⁵⁹ However, from 1993 forward, mandatory reporters in South Carolina have been required to report abuse themselves. Despite the passage of this law in South Carolina, the BJU Press published Dr. Fremont’s book in 1996 wherein he recommends that counselors initially report sexual crimes to the pastor.¹⁶⁰ After 1993, mandatory reporters were required to report abuse themselves, rather than “caus[ing] a report to be made.” Unfortunately, Dr. Berg said he was not aware of the individual requirement to report until approximately 2009 or 2010.¹⁶¹ He also indicated that he failed to follow-up on some disclosures about other minors who may have been in harm’s way.¹⁶²

2. Misidentifying Sexual Crimes

Misidentifying or failing to recognize some sexual disclosures as crimes has also been the cause of some non-reporting. In the pre-2010 era, BJU appears to have largely defined sexual assault merely as “forcible rape.”¹⁶³ Therefore, a number of alleged sexual crimes were unrecognized, such as a nonconsensual sexual offense by an adult BJU

¹⁵⁷ Reference 189.

¹⁵⁸ “I was under the impression that my reporting responsibility was to report sexual abuse that was going on under our roof with our workers.” Reference 266.

¹⁵⁹ Compare §20-7-510(A) S.C. Code of Laws (1981) with §20-7-510(A) S.C. Code of Laws (1993).

¹⁶⁰ Fremont and Fremont, 153.

¹⁶¹ Reference 188.

¹⁶² Reference 100.

¹⁶³ “I will tell you, even at that point [in approximately 2006 or 2007], I am still thinking of crimes as- I would definitely look at this that way, but I am thinking of forcible rape. I am thinking about crimes in that sense.” Reference 150.

student upon a sleeping victim,¹⁶⁴ the molestation of a minor over the clothes by a young adult alleged perpetrator,¹⁶⁵ consensual sexual contact between an adult and a minor,¹⁶⁶ as well as the potential offense of soliciting a minor.¹⁶⁷ The inability to recognize sexual crimes undoubtedly contributes to failures in reporting.

3. DPS's Reporting Process

The Department of Public Safety's reporting protocol also contributed to BJU's failure to report offenses. Two prior DPS chiefs, whose tenures spanned from the 1970s through 2011, explained that they reported criminal offenses to the university administration who made the final determination about whether or not the police would be notified.¹⁶⁸ The reported failure of BJU's Department of Public Safety to notify the appropriate law enforcement agency in the case of Witness #1 in Appendix 6-2 is a particularly disturbing illustration of the institution's failed response to an on campus sexual crime.

4. Inadequate Training

Forming appropriate policies and properly training employees are integral components of reporting sexual offenses. While policies themselves cannot prevent abuse from occurring, they aid those who interact with victims or persons accused of these offenses in responding to abuse or assault disclosures correctly.

Before 2010, BJU did not have a written policy for responding to abuse disclosures. Dr. Berg stated that the university's informal protocol was to call BJU's lawyer whenever disclosures arose. Faculty and staff appear to have been mostly untrained and/or unaware of any standardized reporting policy. As a result, the university responded to a number of abuse disclosures inconsistently and inappropriately. The absence of policies may also reflect BJU's isolation from other institutions and thus their lagging behind other models of best practices. Consequently, some faculty and staff were not able to aid victims sufficiently in handling disclosures. Positive advances the university has made in addressing this issue will be discussed in Part Three.

¹⁶⁴ See Investigation Findings Appendix 6-3, Case # 2 for additional details.

¹⁶⁵ Reference 125.

¹⁶⁶ Reference 110.

¹⁶⁷ See Investigation Findings Appendix 6-3, Case # 3 for additional details.

¹⁶⁸ Reference 291. Reference 282. Reference 286.

But apart from cases where there is a clear legal responsibility by BJU employees to report suspected criminal activity or other information regarding abuse and neglect to the proper authorities, Dr. Jones, III appears to have taken the position that sexual abuse need not be reported to the police when it is not mandated by law to be reported.¹⁶⁹ Unfortunately, this position has resulted in needless suffering by those who came to university officials for help. For instance, one victim of sexual abuse continued to be vulnerable to sexual abuse in her home and eventually attempted suicide.¹⁷⁰ Another victim of adult sexual assault continues to contemplate her self-worth, her faith in God, and has panic attacks.¹⁷¹ Another adult victim of a sexual offense has concluded that BJU officials believe she is a liar and suffers with depression.¹⁷² Reporting sexual offenses should be based upon more than legal principles driven by a legislative mandate. For many students, BJU was a place they called home. Reporting sexual crime, therefore, should be driven by an unsurpassed compassion and love for others who are desperately in need of protection, justice and affirmation.

Legal and Moral Obligations

Regardless of whether there is a legal obligation to report, Christians have a sacred and moral obligation when confronted with abuse. God commands Christians to give obedience to the state in passages such as Romans 13:1-7. Yet this is by no means all that God requires of Christians. The verses that follow Paul's exhortation to submit to the civil authorities are also a call to love neighbor as self.¹⁷³ Doing everything possible to facilitate the reporting of sexual crimes demonstrates this love for others.

God requires that Christians obey the civil authorities, but this obedience is only the minimum of what God expects. The command to love as God loves and to love neighbor as self is far more than what is required by the law.¹⁷⁴ God demonstrated the

¹⁶⁹ Dr. Jones, III stated that victims "might have thought it should have been reported, but that doesn't necessarily mean that it was mandated that we do." Reference 109. He further stated, "You are always going to handle something short of the law if you can in good conscience and there is no demand of the law for something to be handled by the law. But anything that is deserving of the law's attention or mandated by the law to do, you turn it over to the law." Reference 316.

¹⁷⁰ Reference 333.

¹⁷¹ Reference 97.

¹⁷² Reference 999.

¹⁷³ Rom. 13:8-10.

¹⁷⁴ John 13:34-35; John 15:12-13; Matt. 22:36-40.

amazing height of His love by the sacrifice of the Lord Jesus, so it is certainly an understatement to say that there is no limit to the love Christians can show others.

As previously noted and subject to any legal prohibitions otherwise, the laws of South Carolina stipulate that anyone may take up the role of a mandatory reporter if they so choose, even if the law does not mandate a report.¹⁷⁵ The Bible affirms a deep moral obligation to report crimes, even when Christians do not have a legal obligation to do so because God is a stronghold for the oppressed.¹⁷⁶ God hears the cries of the afflicted and the abused, and he takes action to intervene so that the oppressor may not strike terror anymore.¹⁷⁷

In cases where university officials did not report abuse or do everything possible to encourage and assist the victim to report the crime, they failed to show victims God's love. Moreover, in clear cases where Christians are mandatory reporters, ignorance of the law is no excuse. Christian institutions have an obligation to know and follow the law, and institutions that teach the Bible have no excuse because scripture clearly teaches about God's heart for the abused and His people's responsibility to intervene. The Bible continually brings up the urgent need to protect the vulnerable.¹⁷⁸ The Bible repeatedly affirms God's heart for the oppressed.¹⁷⁹ And the Bible repeatedly insists that God's people have a duty to stand up for the weak.¹⁸⁰

The alternative is that victims are left alone in their terror and their tears. Christians, in particular, should be burdened by the disclosure of sexual crimes and do everything possible to condemn abuse, to show compassion for victims, and to pursue justice for all involved. As the Old Testament writer notes, "He has told you, O man, what is good; and what does the LORD require of you but to do justice, to love kindness, and to walk humbly with your God."¹⁸¹ The Lord requires His people to seek justice, and under His law, doing what is just is never optional.

¹⁷⁵ § 63-7-310(C), S.C. Code of Laws (2010).

¹⁷⁶ Ps. 9:9.

¹⁷⁷ Exod. 22:23-24; Ps. 10:17-18.

¹⁷⁸ Exod. 22:22-24; Exod. 23:8-9; Lev. 19:11-19; Lev. 19:23-25; Deut. 24:14-22; Deut. 27:19; Ps. 94.

¹⁷⁹ Deut. 10:18; Ps. 9:9; Ps. 10; Ps. 22:24; Ps. 68:5; Ps. 72:12-14; Ps. 103:6; Ps. 140:12; Ps. 146:9.

¹⁸⁰ Deut. 10:19; Job 29:7-17; Ps. 72:4; Ps. 82:2-4; Prov. 31:1-9; Is. 1:17; Jer. 22:3; Ezek. 22; Zech. 7:9-10; Luke 10:29-37; James 1:27.

¹⁸¹ Micah 6:8.

When God's people are passive, victims may be left without hope and may suffer in the clutches of the abuser who they cannot repel in their own strength. Reporting is important for both child and adult victims of sexual crimes. The manipulative relational dynamics at play, particularly in situations involving chronic sexual abuse or sexual assault, are usually unimaginable to non-victims. Dynamics such as fear, power, control, and blame are but a few mechanisms that abusers use first to commit sexual crimes and then to prevent them from being revealed.

The Bible calls Christians to use the power they have to intervene and bring their power to bear on behalf of the abused. This is the example of Job, a man who was both powerful and godly. Job points out how he holds a large amount of power and influence in his land.¹⁸² Then Job goes on to point out that, as one who fears God, he uses that power to intervene on behalf of the oppressed. Job delivered those who were vulnerable and had no one else to help.¹⁸³ He broke the fangs of the oppressor who used the vulnerable for prey.¹⁸⁴

Again and again, the Bible commends the use of power for the sake of those without power, "Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked."¹⁸⁵ And again, "Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy."¹⁸⁶ When Christians are passive in the face of abuse, whether intentionally or not, they take the side of the abuser. Inaction benefits the oppressor because it maintains the status quo—allowing the abuser to exploit the difference in power. If Job were not a righteous man who pro-actively sought out to stop oppression, the weak would have been left without hope.

Oppression is all the more distressing when the weak one is a child. Jesus used perhaps his harshest words for those who exposed children to sin and harm, saying, "but whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depth of

¹⁸² Job 29:7-10.

¹⁸³ Job 29:12.

¹⁸⁴ Job 29:17.

¹⁸⁵ Ps. 82:3-4.

¹⁸⁶ Prov. 31:8-9.

the sea.”¹⁸⁷ Reporting is an important tool in helping to keep both children and adults safe.

BJU has an incredible amount of power in the lives of its students and in countless homes, churches, and communities. Those who lead and teach have a heightened level of accountability to others and to the Lord.¹⁸⁸

¹⁸⁷ Matt. 18:6.

¹⁸⁸ James 3:1.

Part Three: Investigation Findings

Reporting Protocol Since 2010

Part Three outlines how BJU has handled sexual abuse disclosures since the time it first enacted a written policy addressing the handling of abuse disclosures in 2010. Case examples from 2010 and thereafter have been included in the Investigation Findings Appendix 6-4 and 6-5.¹⁸⁹ Part Three discusses three areas of importance arising since 2010: BJU’s policies regarding the handling of abuse disclosures, issues associated with the implementation of these policies, and training.

1. Reporting Policies

In 2010, BJU adopted its first written policy for handling sexual abuse disclosures, entitled, “Sexual Abuse and Molestation Prevention Policy.”¹⁹⁰ This original policy can be found in the Investigation Findings Appendix 6-6. The university re-published the same policy for the 2011-2012 academic year in the *Faculty/Staff Handbook* with minor changes in wording.¹⁹¹

Some witnesses expressed concern that this initial “Sexual Abuse and Molestation Prevention Policy” directed employees to report sexual abuse offenses initially to BJU authorities, rather than to report such offenses to law enforcement immediately.¹⁹² One childhood abuse victim and former BJU student wrote to administrators and implored them to change the policy, stating, “the policy implies that the university maintains the right and leeway to conduct an internal investigation of any alleged abuse in order to determine the credibility of the accusation.”¹⁹³ This former student also expressed concern that a delay in reporting crimes to law enforcement merely “plays into the hands of the abuser”¹⁹⁴ and that “*any* allegation should be reported immediately to the police *before* any such investigation on the part of the university begins.”¹⁹⁵

¹⁸⁹ The case examples provided reflect some offenses that fall within the mandatory reporting statute and some which do not.

¹⁹⁰ *Bob Jones University Faculty/Staff Handbook* (2010-2011), 27-28.

¹⁹¹ Two changes were noted between the 2010-2011 edition and the 2011-2012 edition of the *Faculty/Staff Handbook*. In 2011, the first sentence of paragraph 3, amended the title “chief human resources officer” to “Director of Human Resources,” and in the third sentence of paragraph 4, the word “either” was struck. *Bob Jones University Faculty/Staff Handbook* (2011-2012), 28-29.

¹⁹² Reference 284. Reference 312. Reference 294. Reference 270.

¹⁹³ Reference 302.

¹⁹⁴ Reference 256.

¹⁹⁵ Reference 299. Emphasis added in the original. This individual related to BJU administrators that her life experiences before coming to BJU taught her that predators, “...find it easy to hide behind institutions, be it the family unit, church, school, or yes, Christian college. I know whereof I speak—I lived it.” Reference 301. She also urged administrators to “Please prayerfully and immediately change the policy so that it is not only in accordance with the law, but in accordance our Lord’s commandment to

BJU significantly amended the initial policy and re-titled it, “Abuse and Neglect Policy” in the 2012-2013 publication of the *Faculty/Staff Handbook*. The policy also added legal definitions, clearer statements about the reporting process, added contact information for local law enforcement, formulated a university policy requiring “any employee or volunteer who learns of or has reasonable suspicion of abuse or neglect of a child under 18 years of age—regardless of where the abuse or neglect occurred—to report the abuse,”¹⁹⁶ and added a statement that the university would encourage and assist a victim who wishes to make a report to the legal authorities. BJU’s “Abuse and Neglect Policy” that remained in effect from the fall of 2012 through the summer of 2014 can be found in the Investigation Findings Appendix 6-7.

The 2012-2013 “Abuse and Neglect Policy” remained largely unchanged until the recent publication of the 2014-2015 *Faculty/Staff Handbook*, when a number of substantive changes were made. The current policy for the 2014-2015 school year can be found in the Investigation Findings Appendix 6-8.¹⁹⁷

2. Policy Implementation

Several BJU representatives indicated that BJU officials have improved the reporting of sexual abuse disclosures in the last several years.¹⁹⁸ Dr. Berg reported, “I know uniformly in the pre-college division now, in the university division, the policy being carried out is to instinctively contact the police.”¹⁹⁹ Dr. Berg further stated that regardless of how the involved parties feel about reporting, “that is the law, and it is for a greater good and it protects many

protect the least of these who are harmed, especially at the hands of those who claim to know Him, or hide behind churches and schools who are more concerned for their reputation than for those who are abused.” Reference 259.

¹⁹⁶ *Bob Jones University Faculty/Staff Handbook* (2012-2013), “Abuse and Neglect Policy,” 19.

¹⁹⁷ These policies can also be found online at <http://www.bju.edu/life-faith/abuse-neglect-policy.pdf>.

¹⁹⁸ Several individuals noted positive changes in handling abuse disclosures. The current Dean of Men who has worked in Student Life at BJU since the early 1990s stated, “In counseling, I think the thing that is really become much more of a front burner approach in my mind in the last few years, I would say 3-5 years, is the legal obligation that you have in these situations. I don’t know that was ever stressed. It’s not that I sensed anyone was trying to cover that up like it wasn’t a big deal but maybe some of it was because I didn’t have an immediate connection with legal authorities myself. But what we have all become much more aware of, through the Do Right protest and a lot of other things that have gone on is that we have an obligation not only to be concerned and compassionate with how we deal with these situations and try to help them take the next step in life but we also have some legal obligations that supersede. I think the thing that I have begun to be much more aware of is just my own responsibility, as carefully and with as much discretion as possible, probe into these situations and really understand ages and specific activities. You know if somebody says I touched him, well that certainly means a whole bunch of things and we have to find out what that means or I touched her. With that more specific information, assess what my legal responsibility is here. Again, I don’t sense that is ever something that people were trying to sweep under the carpet like we didn’t about it [sic], but I think this campaign that some of our naysayers have gone on recently has been helpful in that it has just raised an awareness among us about our obligations.” Reference 237.

¹⁹⁹ Reference 115.

more people than just this person that doesn't like you now. That is standard protocol now.... [as of] the last two to three years.”²⁰⁰

The Bob Jones Academy is a ministry falling under the umbrella of Bob Jones University, and its policies, therefore, are driven by the university administration. With regard to reporting, a top academy official noted, “So, now, we have been clearly instructed, ‘if you have issues of mandatory reporting, you do not run it through your boss (or the BJU administration), you think it is there, you are to call them (DSS/law enforcement) directly and let them decide if the issue needs attention.”²⁰¹ In addition, the Chief of Public Safety noted that he has a good rapport with the academy personnel and stated that they routinely call about various issues. He explained, “If it was something that needed to be reported to an outside agency like social services, I am confident that I would be contacted right away.”²⁰²

In addition, the Women’s Counselor acknowledged that uniform policies for reporting all sexual abuse disclosures, regardless of victim’s age, would be helpful.²⁰³

3. Identifying Crime

Though many BJU employees throughout the duration of the investigation indicated a higher rate of reporting sexual abuse disclosures in recent years, some issues may still remain, including the recognition of some types of sexual crime and the investigation of some disclosures as crimes before contacting law enforcement.

²⁰⁰ Reference 120. Dr. Berg maintained throughout the interviews, “I am just telling you the reality. I am not defending that reality. I am just saying, that was the reality here. But, what I will defend is that this was not ever an effort to keep this from being reported as a crime. Never. Once we understood something as a crime, it went down as a crime.” Reference 130.

²⁰¹ Reference 252.

²⁰² Reference 228.

²⁰³ GRACE discussed with the Women’s Counselor what the impact of her work would be if the university had a simple, straightforward policy that required all sexual abuse disclosures, regardless of the ages of the victim or the alleged perpetrator, to be reported to the police or to DSS. She responded, “From my standpoint, I think that would be helpful or something like that would be because in my realm, starting this new position, yes, I have been given some direction, I think I will be given more as time goes on and I want that and I welcome that. There are times I sit there and think, I really can’t believe that it is up to me to try to help give direction in these things when this is not my realm, this is not anything I have studied, I don’t have expertise in this, I don’t have training, I mean real training in this. That is why I would be quick to pick up the phone and call someone because I know this is not my realm. I would welcome that personally because I don’t ever want to underserve someone unknowingly because I don’t have all of the legal puzzle pieces. I don’t ever want to do a disservice to someone because I don’t have all of the information, and I know I don’t. I don’t think that, well I can’t speak for victims, I don’t know. Like you were suggesting, if this became just standard procedure, in time, maybe that edge it would wear off and I know it would help me because I don’t believe I have all of the puzzle pieces to always know the right thing and I feel a little emotional about that. I don’t ever want to do that. I don’t ever want to underserve someone because I don’t know and it is not my realm and I don’t always know what is the best thing for that person at the time because they don’t know, because sometimes they may look to me saying, ‘Should I do that? Should I make a report?’ Because they are scared, they don’t know what will happen as a result. Sometimes I don’t know either. It is awful just to say, ‘I am here to support you but I can’t really give really good direction other than if you want to, great I will help you and if you don’t, ok.’ I don’t think that is enough because these are just such dear girls that have been through so much and they are all at such different points in the journey of healing, and I want to do the best thing for wherever they are at, and I would benefit from direction greatly.” Reference 234.

Some evidence was raised that, in the last few years, BJU officials have failed to identify some sexual offenses as crimes, particularly those relating to same gendered sexual assaults. Dr. Berg stated that it has been approximately within in the past three years that the university has begun to recognize same gendered sexual assaults as crimes, saying, “Honestly, to that level, probably since I have left Dean of Students. I am talking about the last three years.”²⁰⁴

In 2012, a male sexually assaulted another male on campus, and the Chief of Public Safety explained that Student Life officials did not appear to understand that the sexual offense was a crime.²⁰⁵ In 2013, Student Life officials approached the current Chief of Public Safety²⁰⁶ for advice on helping a student who had been the victim of a same gendered sexual crime off campus.²⁰⁷ The Chief related that, though he was grateful the Student Life representatives asked the Chief for advice and wanted to help the victim, there was some question about how to handle the sexual report. The Chief stated, “That is the kind of naivety there is. I don’t know why, particularly if it is same-sex offenses, I think there is a lack of clarity. You and I would not think so, but in some groups there is.”²⁰⁸

4. Reporting Crime

Some evidence was raised since 2010 that BJU administrators had taken some significant investigative action on information about child and adult sexual abuse disclosures prior to informing law enforcement of a possible criminal report. In 2010, after BJU officials became

²⁰⁴ Reference 135.

²⁰⁵ Reference 235. After learning what had occurred, the Chief said he discussed the matter with BJU officials. The Chief explained, “I was talking with the Dean of Women and she said that she didn’t know that was a crime. I said, ‘You didn’t know that was a crime?’ . . . I said, ‘If a male came into your women’s residence hall and started groping one of the females, would you report that to the police?’ She said, ‘Well yeah.’ I said, ‘There is no difference.’” Reference 220. The Chief told GRACE, “I think for so long that team in student life views things in various degrees of appropriateness or inappropriateness maybe is a better word as opposed to what constitutes crime.” Reference 268. See Investigation Findings Appendix 6-4, Case # 2 for the case example.

²⁰⁶ The current Chief of Public Safety was hired at BJU in 2011 and has had over 30 years of prior law enforcement experience outside of Greenville, South Carolina. Reference 295. See Investigation Findings Appendix 6-5, Case # 4 for the case example.

²⁰⁷ In this case, the adult victim was able to push the alleged perpetrator away and then reported the offense to his Residence Hall Supervisor, but remarked that “he didn’t have the money to sue him.” Reference 300. During the next administrative conference meeting, the residence life staff approached the Chief of Public Safety, explained what had occurred, asked him what he thought, and inquired about what to do. The Chief said he stated to the Dorm Supervisor, “What do you mean you don’t have the money to sue him? This is a crime!” Reference 211. The Chief reported that he asked the Dorm Supervisor, “Would he have thought if the guy had stuck a gun in his face and took his wallet, what would I do? You would call the police. He is a victim of a crime, you call the police.” Reference 212. The Chief reported that the Dorm Supervisor agreed and said, “That is what I told him.” Reference 213. The Chief also explained that it was important for the Dorm Supervisor to encourage the victim to report the offense not only for himself, but because it could help others from possibly being victimized in the future as well. Reference 207. The Chief noted, “But I think by and large our biggest obstacle to overcome is plain ignorance in the realities of life. Most of the people who are resident hall supervisors and the assistant to student life, they have come up through many of the same environments that fit in this culture. They struggle with being naive and routinely ask me what to do.” Reference 278.

²⁰⁸ Reference 201.

aware of an allegation of sexual abuse, an administrator interviewed a minor victim of sexual abuse and family members on one occasion, and the alleged perpetrator on two occasions before contacting the police.²⁰⁹ In 2011, an administrator interviewed the alleged perpetrator as BJU's Department of Public Safety was still in the process of collecting information to turn the matter over to legal authorities.²¹⁰ And in 2012, Student Life officials became aware of a report of an alleged sexual assault of an adult victim and removed the alleged perpetrator from campus before notifying its Department of Public Safety or outside law enforcement.²¹¹ In addition to the concern that BJU officials may be investigating alleged sexual crimes before reporting them to law enforcement, some indication exists that some students have been informed not to involve law enforcement or DSS about allegations of child abuse unless they are "sure" that the offense occurred.²¹²

²⁰⁹ After becoming aware of a report of alleged criminal sexual conduct of a minor, the Dean of Men interviewed the minor victim and family members on one occasion and then the alleged perpetrator on two occasions. Though the victim's family did not wish to pursue criminal charges, the Dean of Men contacted law enforcement and reported the offense. Reference 196. See Investigation Findings Appendix 6-5, Case # 1 for the case example.

²¹⁰ In this case, the Department of Public Safety had begun the process of collecting information to forward to law enforcement. While BJU's DPS was collecting information to turn over to law enforcement, the Assistant Dean of Men proceeded to interview the alleged perpetrator and then school officials expelled the alleged perpetrator. The Chief of Public Safety immediately reported the offenses to law enforcement so the police could investigate the matter before the alleged perpetrator (who was an international student) left the jurisdiction during the upcoming holiday break. See Reference 195. Reference 206. See Investigation Findings Appendix 6-4, Case # 1 for the case example.

²¹¹ In this case, the alleged perpetrator who was visiting campus as a prospective student reportedly sexually assaulted a BJU dorm student in the middle of the night. Reference 313. According to BJU's Chief of Public Safety, the offense was reported to Student Life officials who did not immediately notify law enforcement of the offense and instead sent him home with his sponsor. Reference 306. The Chief of Public Safety learned about the offense after BJU officials had already made decisions about removing the alleged perpetrator from campus. The Chief stated that he was displeased that he had not been immediately notified. Reference 275. He also explained, "They didn't call Public Safety. Had they [the alleged perpetrator] would not have been allowed to leave and we would have gotten the police to respond right away and dealt with it immediately." Reference 314. The Chief added, "we did the best we could after the fact to get the police involved. They contacted the folks up there. I don't think it ended up going anywhere. It may have had a different outcome had our folks recognized it correctly and accurately, but it just was not handled the way it should be. It is changing quickly. Some of it has to do with plain ignorance." Reference 298. See Investigation Findings Appendix 6-4, Case # 2 for the case example.

²¹² BJU's Dean of the Undergraduate School of Religion explained that it is important to report offenses to law enforcement, but he noted that they teach students that it is important to first be confident that an offense occurred before reporting it to law enforcement. He stated, "I mean if you know it is really happening then and the person is saying, it is happening right now, a child, well I would say, one of the first things you need to do is try to get them out of that environment immediately until the law has checked into it. You don't just send them home and say, ok we will have the law take care of it and hope all goes well. I would think you would need to immediately do your best. Again, I realize there are legal things when you are dealing with somebody's children. We try to caution the students, you do want to be careful, you don't want to get the Department of Social Services involved needlessly. In other words, you don't want to be a loose screw, just, oh I bet there is sexual abuse going on here, let's call them and let them sort out the facts. You don't want that for sure....you need to be very careful if you are going to accuse somebody of something that you know what you are talking about and you don't get unsaved government employees, if you will, involved and as nice as they want to be, you just don't call them needlessly and say, well they can sort it out. You do have a legal obligation but you want to be sure that you go to the kind of people that are really the right, should I say, the right kind of people to deal with an issue." Reference 272.

5. Training

During the course of the investigation, GRACE observed several measures taken by BJU officials to provide training for students and employees. In September of 2013, BJU retained MinistrySafe²¹³ to provide sexual abuse awareness training for “all students involved in Outreach Ministries and in Education, Nursing and Ministerial majors.”²¹⁴ Training sessions were also made available for all faculty, staff, and students in November and December of 2013. BJU has also publicly stated that it will continue to provide sexual abuse awareness training to all students, faculty, and staff in the future.²¹⁵ Some BJU employees expressed that these efforts to improve the handling of abuse disclosures in recent years have been commendable, and they desire additional training.²¹⁶

Apart from training, GRACE also noted an expressed desire by various individuals within the administration to make use of outside resources such as the Julie Valentine Center,²¹⁷ attendance by some individuals at outside training opportunities,²¹⁸ strengthened relationships with law enforcement agencies, and a generalized commitment by various administrators, faculty, and staff to adhere to “best practices.”²¹⁹

²¹³ MinistrySafe is an organization “dedicated to sexual abuse awareness and prevention.” See <https://www.ministrysafe.com/about>, retrieved on 7/19/14.

²¹⁴ See Timeline of Events, September 27, 2013, “Required Training and Certification for Student Outreach Begins,” available at <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14.

²¹⁵ “In the near future, we will release an ombudsman’s report, provide a comprehensive Child Safety Workshop for local church leaders, and continue to improve our care for the hurting and abused.” See <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14.

²¹⁶ Reference 261. Reference 194. Reference 253. Reference 307. Reference 209.

²¹⁷ Several individuals, including members of Student Life, expressed a desire to collaborate or partner with The Julie Valentine Center. Reference 204. Reference 315. Reference 222. The Julie Valentine Center is a local Greenville community resource center whose mission is “to stop sexual violence and child abuse.” See <http://www.julievalentinecenter.org/our-mission/>, retrieved on 7/19/14. The center works directly with law enforcement, prosecutors, licensed therapists, forensic interviewers, victims’ advocates, trained social workers, and other experts in the field of sexual trauma to provide support, treatment, training and education for individuals who are recovering from sexual assault and childhood sexual abuse.

²¹⁸ Some BJU employees reported that they attended the “Open Your Eyes” conference hosted by North Hills Community Church in Greenville, SC in the summer of 2013 on the topic of childhood sexual abuse and the church’s response. In addition, a student life employee stated that he “received a certificate of training for mandatory reporters by the Children’s Law Center at USC Columbia and then I attended the USC Upstate Center for Child Advocacy Studies, their annual conference, which was not only eye opening, but very, very helpful.” Reference 262.

²¹⁹ Reference 205. Reference 229. Reference 254. See also <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14 stating that BJU revised its “Abuse and Neglect Policy” and that “South Carolina’s reporting requirements and reporting and prevention ‘best practices’ helped shape this document.” This statement was taken from the “Timeline of Events” portion of this page dated August 13, 2012.

Part Three: Analysis

In 2010, the university first instituted a “Sexual Abuse and Molestation Prevention Policy.”²²⁰ Creating and implementing a policy was a significant and positive step. Though policies alone can never prevent abuse or molestation from occurring, BJU admirably recognized the need to articulate written policies that respond to disclosures of abuse when they occur. Notably, BJU has responded to feedback and made a number of important updates to this original policy that significantly improved it. BJU should continue to strengthen its current policy by reporting all known sexual offenders to the civil authorities where permitted by law, regardless of mandatory reporting requirements. And in instances that prohibit a report by law, the university should do everything in its power to encourage and assist victims in making a report to law enforcement.

Legal Reporting Obligations

BJU’s initial 2010 policy raised a number of critical issues relating to reporting processes. BJU commendably addressed these issues with significant updates. The 2010 policy, which was republished again for the 2011-2012 school year, appears to communicate the process BJU authorities had instinctively used at least through 2010 upon learning of abuse. That process involved reporting information about abuse to university officials first. At that point, BJU officials then would initiate an internal investigation to decide whether there is a “reasonable basis to believe that sexual abuse has been committed.”²²¹

This policy did not clearly communicate the importance of a mandatory reporter’s obligation to report information about sexual abuse to the proper authorities (and the policy was later amended). In addition, this 2010 policy appeared to direct employees to report suspected abuse to supervisors who would complete an internal investigation who then “may” report the information to the authorities. Unless required by law, institutional authorities should never institute internal investigations as a substitute for contacting law enforcement or the Department

²²⁰ *Bob Jones University Faculty/Staff Handbook* (2010-2011), 27-28.

²²¹ “All employees who learn of sexual abuse being committed are to report it immediately to their supervisor, department head or the chief human resources officer. If the victim is an adult, the abuse will be reported by this designee to the local or state Adult Protective Services (APS) Agency. If a child is the victim, the designee will report it to the local or state Child Abuse Agency. Appropriate family members of the victim are to be notified immediately of suspected child abuse. We take allegations of sexual abuse seriously. Once the allegation is reported, we will promptly, thoroughly, and impartially initiate an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. Our investigation may be undertaken by either an internal team, or we may hire an independent third party. We will cooperate fully with any investigation conducted by law enforcement or other regulatory agencies, and we may refer the complaint and the result of our investigation to those agencies.” *Bob Jones University Faculty/Staff Handbook* (2010-2011), 27-28.

of Social Services.²²² Furthermore, failing to report may violate the law, regardless of the institution's internal findings. In addition, delays in reporting alleged sexual offenders to trained authorities only embolden offenders and place additional victims at risk.

More importantly, Christian institutions should operate under a higher moral standard and advocate and seek justice for all persons sexually abused by reporting all known sexual offenders to law enforcement, regardless of whether the law mandates reporting under particular circumstances. This 2010 policy omitted any call to lawfully report all known sexual offenders to the proper authorities.

In 2012, BJU revised and renamed its initial policy with a number of much needed changes. This policy was republished in the 2013-2014 school year without any substantive changes. The university should be commended for adding definitions of abuse, clarifying directives regarding the reporting process, adding the contact information for local law enforcement, and a statement about the university's encouraging and assisting a victim in making a report to the authorities. But the most important change to the 2012 policy was the provision clarifying that employees must report child sexual abuse directly to law enforcement.²²³

GRACE identified two other areas of concern in the 2012 policy. The 2012-2013 policy stated, "BJU believes that a victim of abuse or neglect is not to be blamed for the abuse foisted on him or her."²²⁴ The term "foist,"²²⁵ however, suggests, "force" or that a person has an obligation to push back or resist. The failure to resist may, for some victims of sexual abuse, suggest that a person who does not resist is at fault. After pointing out this concern to a BJU administrator,²²⁶ the policy was changed with the most recent publication of this abuse policy in the 2014-15 *Faculty/Staff Handbook*.²²⁷ BJU is to be commended for its willingness to refine its policies to better reflect the dynamics of abuse.

²²² As previously noted in footnote 1 of this chapter, beginning in 2006, BJU is required to conduct a Title IX investigation when it knows or reasonably should know of possible sexual violence. A Title IX investigation however does not relieve an institution or individuals who have legal reporting obligations from reporting sexual crimes as mandated by state law. See *Questions and Answers on Title IX and Sexual Violence*, United States Department of Education, Office for Civil Rights, 4/29/14, pp. 4, 27-28. Therefore, criminal investigations and Title IX investigations can and do occur simultaneously in many cases.

²²³ This new provision reads "any employee or volunteer who learns of or has reasonable suspicion of abuse or neglect of a child under 18 years of age—regardless of where the abuse or neglect occurred—to report the abuse." *Bob Jones University Faculty/Staff Handbook* (2012-2013), 19. The subsequent paragraph states that the report must be made to Greenville County Department of Social Services or a law enforcement agency. *Id.*

²²⁴ *Bob Jones University Faculty/Staff Handbook* (2012-2013), 19.

²²⁵ Merriam Webster's Dictionary defines "foist" as, "to force someone to accept (something that is not good or not wanted)."

²²⁶ Reference 233.

²²⁷ The handbook now reads, "BJU believes that a victim of abuse is not to blame for the abuse experienced." See 2014-15 "Abuse and Neglect Policy."

The 2012 policy also appeared to suggest that mandatory reporters were not obligated to report abuse disclosed by individuals 18 years of age or older to law enforcement.²²⁸ This statement is confusing in light of the fact that the South Carolina law requires the reporting of abuse when there is a “reason to believe that” any child “may be abused.”²²⁹ In other words, an adult student may disclose being sexually victimized as a child by an adult within the home and then further disclose concerns about minors currently living in the home with the alleged perpetrator. GRACE noted that the language was clarified in the most recently published version of these policies.²³⁰

Moral Reporting Obligations

The 2014-2015 version is the most improved abuse and neglect policy that BJU has published. These improvements are highly commendable and signal an increased awareness of mandatory reporting laws. The abuse policy should take the critical step of reporting all known sexual offenders, regardless of the victim’s age and regardless of mandatory reporting obligations unless otherwise prohibited by law.²³¹ It is hard to imagine anyone arguing that serious offenses such as burglary, robbery, or murder not be immediately reported to law enforcement. Sexual assault offenses are no less serious and should be similarly reported, even if not required to do so by the law.

As a BJU graduate who now pastors aptly noted, “Christians should be leading in this area. As a pastor, when a wife is being abused, even if she says that she is not going to turn her husband into the police, as a shepherd I have a responsibility to protect her because she is in a

²²⁸ “While there is no legal requirement to report abuse of a student or other person 18 years old or older, in the event an employee or volunteer learns that a person 18 years old or older has been abused, a report should be made to his or her supervisor or cabinet officer.” *Bob Jones University Faculty/Staff Handbook* (2012-2013), 20.

²²⁹ §63-7-310(A), S.C. Code of Laws.

²³⁰ BJU added a section entitled, “When the report relates to an individual 18 years of age or older, but a minor at the time of the alleged abuse.” See 2014-15 “Abuse and Neglect Policy and Procedures.”

²³¹ As previously noted, GRACE encourages each and every individual within the university community to take account of what their official title and role is and how this role applies to state and federal reporting laws as well as any other ethical standards required by law. For example, counselors are obligated to report abuse under the mandatory reporting statute. However, counselors also have the obligation to maintain confidentiality except within limited exceptions (including mandatory reporting situations). Furthermore, Title IX (federal law) has been interpreted by some individuals as possibly prohibiting certain university employees (under some circumstances) from reporting a sexual abuse disclosure to law enforcement if the adult victim does not authorize such a report. Again, GRACE strongly encourages BJU and each individual employee to understand these laws and all ethical standards relating to each person’s responsibilities and to obey these laws and standards, keeping in mind that federal and state laws (and the interpretations thereof) are subject to change at any time. However, even in circumstances which might be interpreted as limiting a report, BJU must do everything possible to encourage and assist the victim to report the crime. See the following article for a very recent discussion of the Title IX issue: <http://time.com/3612667/campus-sexual-assault-uva-rape-title-ix/#3612667/campus-sexual-assault-uva-rape-title-ix/>, retrieved 12/1/14.

particularly vulnerable place. I believe the same is true of a Christian school.”²³² BJU must go beyond its legal obligation and fulfill its moral obligation by reporting all known sexual offenders to legal authorities, unless otherwise prohibited by law.

Why is reporting to law enforcement so critical? Reporting is significant and helpful for a multitude of reasons. First, reporting is critical because law enforcement officials cannot investigate crimes for which they have no report. Unless these authorities are notified of a disclosure, sexual crimes cannot be addressed by those who have the expertise, authority, and the responsibility for seeing that sexual offenders are held accountable for their crimes.

Second, reporting sexual abuse or sexual assault demonstrates that deeds of darkness will be exposed for what they are: horrible crimes and sin against God and man. Reporting these crimes and sins to law enforcement takes the reality of these offenses and those who commit them very seriously. Perpetrators thrive in environments of naïveté and ignorance. The failure to report offenders only enables and emboldens perpetrators in the continued commission of these crimes. Reporting these crimes swiftly protects victims and sends a strong message to perpetrators of abuse who are constantly watching to see how institutions handle these offenses.

Third, reporting affirms and protects victims. Though the vast majority of abuse victims do not relish the idea of repeating their abuse story to law enforcement, prosecutors, counselors, court officials, and others, shining the light of truth upon these ugly realities often helps to bring some measure of healing and closure to victims of abuse. In addition to aiding known victims, the process of reporting can also protect many other potential victims from being harmed. This is especially true on a college campus.

Fourth, reporting sexual offenses may assist other victims who otherwise feel too frightened to report. Many victims do not report offenses because of fear of not being believed. All too often, sex offenders commit offenses against more than one victim. Therefore, reporting often gives courage and hope to victims who otherwise feel too fearful to come forward, believing that they are alone.

Fifth, the lawful reporting of all known sexual perpetrators as a standard procedure, regardless of the age of the victim, greatly simplifies the reporting process for reporters.²³³

²³² Reference 246. The pastor then went on to say, “I love what someone said about the Jerry Sandusky case: yes we need to fulfill our mandatory reporting obligations but there is a love behind this that motivates us to do more than the law would require. I think because many churches have a negative view of the law—we are very slow to move in that direction. We don’t understand that Romans 13 says that they are ministers of God. We have tried to change that culture in our church.” Reference 247.

Determining whether or not to report information, and in what circumstances, can sometimes be challenging to those who do not regularly handle these matters. Reporting all known sexual perpetrators removes these uncertainties from the equation.

Sixth, reporting sexual crime strengthens institutional transparency, decreases the potential for liability by reporting offenses to external and independent authorities, and promotes an institutional ethos of good faith. Though some argue that reporting sexual crime to law enforcement brings shame upon the name of Christ, the failure to report crime out of fear or concern for reputation is far more damaging to the name of Christ than is the shame of the crime itself. Christ shed His blood and hung on the cross in complete ignominy for humanity's sins. Exposing crime by reporting it is in itself an acknowledgement of Christ's unfathomable power to overcome the darkest of sins.

Last, BJU leads and teaches other institutions by example. As one investigative participant noted, "BJ is the hub and what is done at the hub, all the other places around the country imitate it. There are pastors everywhere imitating that philosophy."²³⁴ BJU has the opportunity to set a new standard that other Christian institutions will follow.

Policy Implementation

Since the publication of its first written policies on reporting abuse in 2010, BJU has worked to improve the implementation of these policies. Before these written policies existed, BJU officials reported that they traditionally contacted their attorney to determine how to handle a report of abuse.²³⁵ After their publication, Dr. Berg stated, "the policy being carried out is to instinctively contact the police."²³⁶ He explained, "That is standard protocol now.... [as of the] last two to three years."²³⁷ BJU's instinctive response in the last few years to contact the police is a positive step in response to disclosures of abuse. Moreover, the recent hiring of BJU's Chief of Public Safety appears to have aided BJU officials in recognizing and reporting sexual crimes quickly.

²³³ The Women's Counselor stated that she would welcome a change in policy requiring the reporting of all sexual abuse disclosures. Reference 230. Any policy change of course must be subject to relevant legal and ethical standards required for those who handle abuse disclosures.

²³⁴ Reference 273.

²³⁵ "If you have anything like this, you need to call Jim Berg. He will call the attorney and find out what to do." Reference 145.

²³⁶ Reference 155.

²³⁷ Reference 160. Dr. Berg maintained throughout the interviews, "I am just telling you the reality. I am not defending that reality. I am just saying, that was the reality here. But, what I will defend is that this was not ever an effort to keep this from being reported as a crime. Never. Once we understood something as a crime, it went down as a crime." Reference 165.

1. Identifying and Reporting Crime

Identifying and reporting crime has evolved over time at BJU. While BJU appears to have improved its recognition and reporting of sexual crimes, some BJU officials who regularly deal with reports of abuse seem to have had a slower recognition of some types of sexual crimes.²³⁸ Some BJU representatives continue to struggle with identifying sexual crime, including same gendered sexual offenses and offenses where males are sexually victimized.

For many victims of abuse, the occurrence of a same gendered crime can be especially traumatic and challenging to report.²³⁹ The gender of the perpetrator and the victim have no bearing upon the legality of rape. If a man sexually assaults another man or if a woman sexually assaults a woman, the act is always a crime, regardless of the genders involved. The failure to report these offenses only enables perpetrators to continue hurting others. Non-reporting may also communicate to victims of these crimes the lie that they are blameworthy, rather than affirming that they are not to blame and are precious souls, made in the image of God.

As previously discussed, Christian institutions must follow all governing federal and state laws regarding the reporting of sexual offenses to the police.²⁴⁰ BJU must therefore be extremely cautious about investigating any disclosures that relate to child sexual abuse and adult sexual

²³⁸ See case examples in the Investigation Findings Appendixes for this chapter.

²³⁹ For more information on male victimization, see Lara Stemple and Ilan H. Meyer, “The Sexual Victimization of Men in America: New Data Challenge Old Assumptions,” *American Journal of Public Health* Vol. 104 No. 6 (June 2014), 19-26. doi: 10.2105/AJPH.2014.301946. See also French, B. H., Tilghman, J. D., & Malebranche, D. A. Sexual Coercion Context and Psychosocial Correlates Among Diverse Males. *Psychology of Men & Masculinity* (2014, March 17). Advance online publication. <http://dx.doi.org/10.1037/a0035915>. See also “Child Sexual Exploitation in relation to boys and young men” *Reconstruct Research*.

²⁴⁰ As previously noted, BJU became subject to federal laws such as the Clery Act, Title IX and FERPA in 2006. The Department of Education cautions schools to abide by state mandatory reporting laws, noting, “many state and local laws have mandatory reporting requirements for schools working with minors. Recipients should be careful to satisfy their state and local legal obligations in addition to their Title IX obligations...” See *Questions and Answers on Title IX and Sexual Violence*, United States Department of Education, Office for Civil Rights, 4/29/14, p. 4. We further note that current public discourse about sexual violence on college campuses has highlighted the need for clarity of current federal laws. In light of recent cases in the news regarding sexual violence on college campuses, some have pointed out the significant challenges and ambiguities that exist under the current interpretation of Title IX. See “Time to Call the Cops: Title IX Has Failed Campus Sexual Assault”, December 1, 2014. <http://time.com/3612667/campus-sexual-assault-uva-rape-title-ix/#3612667/campus-sexual-assault-uva-rape-title-ix/>. See also 2/28/14 letter from RAINN (“Rape, Abuse and Incest National Network, the nation’s largest anti-sexual violence organization) to the White House Task Force to Protect Students from Sexual Assault requesting that “we find a way to engage and partner with law enforcement, to bring these crimes out of the shadows of dorm rooms and administrators’ offices, and to treat them as the felonies that they are...” RAINN also noted, “The FBI, for purposes of its Uniform Crime Reports, has a hierarchy of crimes — a ranking of violent crimes in order of seriousness. Murder, of course, ranks first. Second is rape. It would never occur to anyone to leave the adjudication of a murder in the hands of a school’s internal judicial process. Why, then, is it not only common, but expected, for them to do so when it comes to sexual assault? We need to get to a point where it seems just as inappropriate to treat rape so lightly. While we respect the seriousness with which many schools treat such internal processes, and the good intentions and good faith of many who devote their time to participating in such processes, the simple fact is that these internal boards were designed to adjudicate charges like plagiarism, not violent felonies. The crime of rape just does not fit the capabilities of such boards. They often offer the worst of both worlds: they lack protections for the accused while often tormenting victims.” *Id.*

assault because doing so may harm a criminal investigation and reduce the possibility that sexual offenders are arrested in a timely manner and successfully prosecuted for their crimes.

Consequently, sexual offenders may go free, and victims are placed in continued jeopardy.

In addition, the Dean of the Undergraduate School of Religion explained that they “try to caution the students” to be “sure” that the abuse has occurred before reporting it to “unsaved government employees.”²⁴¹ This admission is concerning, because a top faculty member admits training future ministers about sexual abuse reporting standards in a manner inconsistent with the legal requirement to report known information to authorities. All university policies, as well as university administrators and its agents, such as professors, must communicate clearly and unequivocally on this issue.

2. Training

BJU’s recognition of and desire for continued training are positive indicators of growth in properly handling reports of abuse. Continued training and development are critical pieces of BJU’s future and must remain a priority for university leaders as it moves forward.

²⁴¹ Reference 239.

CHAPTER SEVEN

SPIRITUAL IMPACT

BJU's purpose is more than simply to offer its students a Christian education. The university "exists to grow Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above."¹ Unquestionably, the university takes the spiritual life and growth of its students seriously.²

Most victims of sexual abuse came to Bob Jones University seeking a refuge from painful experiences, and seeking a deeper and more nurturing spiritual life. However, unfortunately, a number of victims of sexual abuse reported that their spiritual life was significantly harmed at BJU. In fact, during their interviews, numerous victims indicated that the university's mishandling of their disclosures was in fact far worse than the sexual abuse itself. Victims referred to the university's "showcase"³ culture as something that perpetuated significant harm. Regrettably, the university's handling of sexual abuse disclosures appears to be compromising the very mission it set out to accomplish.

Showcase Christianity

Some individuals described the spiritual damage experienced at Bob Jones University as resulting from what they termed the showcase mentality, noting, "there is this emphasis on being perfect."⁴ The showcase mentality has been reported to be a cultural attitude at BJU that emphasizes the importance of external appearances. Those who described the showcase mentality explained how this ideal harms victims, enables perpetrators, and distorts their view of God.

¹ Bob Jones University Mission Statement, available at <http://www.bju.edu/about/mission-statement.php>.

² Turner, Daniel. *Standing Without Apology* (Greenville, SC: BJU Press, 2001), 36. Dr. Turner writes, "[Bob Jones, Sr.] stated that Christianity was the school's primary emphasis, and it was never to be subjugated to the rationalism of intellectuality. He meant business when he said that real education was knowing God first. 'No shoddy work is tolerated.... We believe the spiritual is more important than education.'" Dr. Turner quoted Bob Jones, Sr. from "Editorial," *Bob Jones Magazine* vol. 1 no. 1 (June 1928): cover.

³ A number of individuals mentioned a BJU program that was popular in the 1980s called, "Show My People" and referred to the "showcase" mentality at BJU. As one victim of sexual abuse explained, "We are told that we are the best, we know the Bible the best, people look to us, look at our museum, look at how great our grounds are. It was a showcase mentality. So you couldn't really have problems." Reference 52.

⁴ Reference 78.

1. Harm to Victims

BJU officials affirm that BJU looks at a person's "heart" and does not expect perfection.⁵ However, victims of sexual abuse reported hearing some BJU messages that communicate otherwise. As some victims explained, "[s]urvivors of sexual abuse are not showcase material" and do not "fit the mold" at BJU.⁶ This perfection ideal harms victims by silencing them. Many victims reported the fear of disclosing their abuse to others and not appearing in line with the university's standards.⁷ A former BJU student observed,

[T]here was just an atmosphere of looking good, not only wearing nice clothes and being well put together but having a mask that everything is wonderful. And not feeling safe to say, "I am hurting. Could you pray for me or could you help me?" It is sort of a veneer of perfection. It is such a high level of expectation that most people feel like they are a failure because they cannot meet it. And nobody can because it is not a realistic ideal. And people feel discouraged spiritually because of that.⁸

⁵ The discipline portion of BJU's *Student Handbook* states, "Sanctification is progressive; therefore, BJU does not expect perfection. Instead, while maintaining consistency, BJU takes a personal approach and works with a student based on that student's heart response to correction. Consequences may vary based on sincere repentance versus repeated offenses." *BJU Student Handbook* (2014-2015), 50.

⁶ A victim of sexual trauma stated, "They believe their students and faculty should present a showcase window kind of picture to the world. They want their students to be showcase material—perfect in every way, not people with problems, not people who have been hurt, not people with questions. Survivors of sexual abuse are not showcase material." Reference 55. Some others described how they did not "fit the mold" at BJU. One such victim of sexual abuse explained, "My parents had already gotten divorced, so I was damaged goods. I was 5'10,' [sic] I wasn't tiny, I wasn't a spiritual leader, I didn't fit the mold." Reference 64. Another victim of sexual abuse who had an eating disorder likewise explained she did not "fit the mold." Reference 76. "I realize that I am not the only person that felt that way or that was treated that way. So I really feel that Bob Jones could have done something to help us. They could have taught their teachers that teaching is one thing-but it is more than just a classroom. It is more than just a chalkboard-you are dealing with people's lives. You don't know what they have been through so don't just assume because they are not making A's or because they do not seem to fit into a mold of what a Bob Jones student looks like does not mean that they do not have value. It doesn't mean that we are not worth fighting for-you just have to get to know what is really going on." Reference 92.

⁷ A victim of sexual abuse stated, "I don't believe that they thought that you were allowed to be a Christian and not be perfect. Because if I would have said that I was a child prostitute basically- they would have gasped and said that my father is a deacon. I was scared of that. ... I know that I have suffered so that my heart is tender for those who have been through what I have been through. I would have loved to have someone to talk to. We are supposed to be a good example and we don't deal with the problems-we just ice them over like a cake and I think that is what BJ did.... I don't believe anybody would have believed me seeing that my family was not the perfect tarnished-free image. But BJ is a family and they have an image but they needed to acknowledge that it is not perfect." Reference 84. Another stated, "One of their slogans was 'Show Window.' Everything has to look good and you do your best, but it hides transparency. You don't share because you are afraid you are going to get blacklisted." Reference 70. She further noted, "[At BJU], everyone is at arm's length. I worked with people for years, but I didn't really know them. I loved them, but didn't know them. You would think in a Christian organization you would get to know them. There is a wall up though and it is all superficial. You don't talk about the ugly things because if you do, you might be labeled." Reference 77. A victim of sexual assault gave an illustration of the showcase mentality, stating, "The school was very much about performance. You must look showcase perfect at all times. As a freshman, not knowing completely the unwritten rules, I made a mistake. Every night, we are to have a Prayer Group meeting with three rooms that were linked together as a Prayer Group. At times, they would ask for prayer requests. I had a friend from home (from my Christian School) who had gone missing right after graduation. She was on drugs at the time. The hall leader pulled me aside after that Prayer Group meeting and asked me why I was friends with someone 'like that.' She indicated to me that I needed to choose my friends more wisely. It was considered a bad testimony that I knew someone 'like that.'" Reference 75.

⁸ Reference 147.

Many victims feel especially marginalized in such an environment, because sexual abuse harms far more than a victim's body. Abuse's effects present differently in each victim. Nonetheless, sexual abuse always comes with many different, devastating emotional and physical losses.⁹ Perhaps the most devastating of these effects flow from the profound harm heaped upon a victim's soul. The scars left behind by sexual trauma often appear in the form of depression, difficulty with forgiveness, eating disorders, and a host of other challenges.¹⁰

In a context with pressure to appear perfect, these wounds are often reopened and made worse. Because victims often struggled with symptoms associated with their trauma, victims of abuse reported that they did not "measure up" to BJU's expectations. This sense of inadequacy led to further struggles, instead of healing. When people, who were in a position to help victims, instead caused them to suffer harm, victims reported that this damage was worse than the initial trauma. As a result, some victims internalized their trauma, pain, and suffering, and these were prolonged rather than relieved.¹¹

Jesus' humble entrance into the world as a small baby, His life as a carpenter, and His brutal death on a cross were anything but showcase. Reflecting the hope that Jesus brings to anyone who has experienced sexual abuse's horrific pain and loss requires that Christians learn to empathize with victims in their pain and losses. Loving others and reflecting God's grace toward them requires empathy, patience, and kindness. These are the very traits Jesus demonstrated throughout His life.

⁹ Numerous witnesses described various effects associated with abuse including, feelings of blame, shame, worthlessness, difficulty with forgiveness, fear, anger, depression, loss of trust, denial, powerlessness, memory loss, blackouts, nightmares, sleeplessness, Post Traumatic Stress Disorder, nausea, flashbacks, panic attacks, eating disorders, substance abuse addictions, cutting, hair pulling, miscarriages, the loss of personal and employment relationships, the loss of libido, pornography addictions, compulsive masturbation, sexual confusion, sexual deviance, physical abuse, prostitution, and attempted suicide.

¹⁰ A number of significant studies have documented the impact of sexual abuse and assault. See Ruth A. Lanius, Eric Vermetten, and Clare Pain, eds. *The Impact of Early Life Trauma on Health and Disease: The Hidden Epidemic* (England: Cambridge University Press, 2010), Chapter 8, "The Relationship of adverse childhood experiences to adult medical disease, psychiatric disorders and sexual behavior: implications for healthcare," 77-87 authored by Vincent J. Felitti and Robert F. Anda. See also The Centers for Disease Control and Prevention, Injury Prevention and Control: Division of Violence Prevention, *Adverse Childhood Experiences (ACE) Study* <http://www.cdc.gov/violenceprevention/acestudy/findings.html>, retrieved 11/19/14. See also Centers for Disease Control and Prevention, Injury Prevention and Control: Division of Violence Prevention, *Prevalence of Individual Adverse Childhood Experiences*, <http://www.cdc.gov/violenceprevention/acestudy/prevalence.html>, retrieved 11/19/14.

¹¹ A victim of sexual abuse stated "I already had that sense that God was punitive and God was holy and I didn't measure up to what God wanted and definitely not what BJU wanted, so you stuff it." Reference 57. A victim explained that after her experiences at BJU, she decided not to disclose her abuse at BJU noting, "I did not deal with it until I was in my 40's." Reference 62. Others similarly described these difficulties. A victim who did not share her childhood trauma while attending BJU noted, "I did have some 'close' friends, but each of us had the same struggle and caution about sharing openly. We had come from similar backgrounds, and each of us had our own fears of sharing too much." Reference 74. A victim of sexual abuse who did not disclose abuse at BJU stated, "I am thinking that it never felt safe there to ever talk about anything of any substance." Reference 78.

John summarizes Jesus' life saying, "The light shines in the darkness, and the darkness has not overcome it."¹² Jesus calls Christians to walk in His ways, reflecting His light in the world. He never asks Christians to minimize or hide their struggles for His sake. Quite the opposite, Jesus calls Christians to walk in the light, bringing their struggles out into the open. In the light of honestly naming struggles, God's healing gospel can transform lives. When struggles are minimized, there is no healing. If Christians are made to feel as if they have to appear "put together" all the time, they have to rely upon their own strength instead of God's. Instead, the good news of the gospel is that God loves us as we are.¹³

The narrative that BJU is a showcase institution can easily contradict the gospel's basic principles. Jesus rebuked what could be labeled as showcase Christianity when He said, "Those who are well have no need of a physician, but those who are sick. I came not to call the righteous, but sinners."¹⁴ The Scribes and Pharisees complained that Jesus spent time with the marginalized in a very religious and legalistic culture. These marginalized people were by no means showcase material, but Jesus loved them. Jesus' response challenged the assumptions of the self-righteous Scribes and Pharisees who did not view themselves as "sick" and in need of His mercy.

Jesus desires to create mature disciples, and mature disciples should always be in a posture of great need before Him. Mature Christians do not seek to hide their struggles, but they are honest about them. Mature leaders who are transparent about being "sick" send a strong message that Christians can be open about the darkness in their lives.

2. Enabling Perpetrators

This showcase mentality impacts the community as a whole, because it gives perpetrators of sexual crimes significant freedom to reoffend. A BJU graduate, who is now a counselor, explained how the showcase mentality benefits perpetrators because, "a lot of abuse is covered over because it tarnishes that image of perfection.... I think that breeds abuse and it breeds failure."¹⁵ When abuse is covered instead of dealt with openly, perpetrators never face the full

¹² John 1:5.

¹³ Rom. 5:8.

¹⁴ Mark 2:17.

¹⁵ Reference 148. While this witness did not provide a list of case studies to defend this conclusion, the comment is still relevant to this investigation because it is a typical example of the kind of suspicion and fear which results when victims live in a high pressure showcase context.

consequences of their actions and are emboldened to offend again. When the showcase standard idealizes perfection, sexual offenders also know they can thrive in an environment where victims have symptoms and display behaviors that are considered troublesome. In showcase environments, it may be easier to believe a perpetrator than a victim, because perpetrators often conform to the showcase standards as a cover for their evil actions. Perpetrators feel a sense of safety in an environment where victims are too fearful to disclose abuse or seek help.

Institutions that value a showcase environment as an ideal may also harm the community, because for some, disclosing abuse is considered “a bad witness” for Christ.¹⁶ Consequently, perpetrators again are protected. Institutions that fear disclosures of sexual abuse because it “hurt[s] the name of Christ”¹⁷ actually aid sexual offenders in the perpetuation of their crimes.

The perfection ideal may also result in a naïve belief that abuse does not occur in Christian homes. A victim of sexual abuse, who attended BJU and chose not to disclose her abuse while there, explained, “I think people want to deny what they don’t want to hear that these things happened. I think that people need to be able to accept the ugly things in life.”¹⁸ A BJU faculty member, who also attended the university and eventually counseled victims of abuse, similarly noted that she did not realize that abuse happened in Christian homes. She explained, “I didn’t know it happened in Christian families. It was shocking to me.”¹⁹ The failure

¹⁶ Another victim of abuse explained, “[I was raised] that you never complain to the outside world about any problems within the Bob Jones Christian world. This is taught by Bob Jones as a bad witness. People won’t want to be saved or a part of your religion if we go to them about hurtful abuse, etc. There is a Bible verse about not taking your brother to court that is used in their Bible teaching. [This was told to me] when I tried to make [others] see how hurtful [alleged abuser] was to me, how he abused me. [These people] honestly believe that Bob Jones would not want [them] to disobey God and say anything about it. I still feel brainwashed that I am doing the wrong thing by speaking up and disapproval from my [relatives] who wanted me to drop the issue in the past, but I have prayed about this and have peace that I am doing what God wants.” Reference 53. A victim of abuse also noted, “You are always supposed to ‘protect the ministry’ and protect God. I don’t think that we can protect God. It just seems that that puts us in a position as if we are stronger than God and able to send everyone to hell. That belief doesn’t seem like God is GOD. It is as if we are the ones completely in control of everything.” Reference 73. Emphasis added by investigation participant.

¹⁷ A former BJU student noted, “a perpetrator’s interests are more likely to be aligned with the institution’s. The school doesn’t want negative attention that will ‘hurt the name of Christ.’ And of course, the perpetrator doesn’t want his offense known any more than they do. Therefore, a victim who seeks justice is likely to be seen as an adversary to the institution’s interests, while the perpetrator becomes an ally.” Reference 158.

¹⁸ A victim of sexual abuse stated, “There are people who know that abuse exists, but there is still that misconception that abuse does not occur in Christian homes and if it does occur, it does not affect you for the rest of your life.” Reference 44. She further explained, “I think people want to deny that they don’t want to hear that these things happened. I think that people need to be able to accept the ugly things in life. I just-while I was there I very much got the impression that they understood sin because we all had sin because it was preached against, but there was no Christian counseling or growth on how to change that. I think that [while] we don’t need to dwell on the ugly things in life we need to accept it to deal with it and grow because they do have that walking on their campus. What I hope changes is that while not having to experience what I experienced or [name] experienced, it is true and it is not malicious rumors against Christianity or trying to make God seem mean or capricious, it does happen to individual people and those individual people need help dealing with that. Even not dealing with that per se but knowing that that has happened or existed in their life time other forms of ministry are still possible.” Reference 72.

¹⁹ Reference 103.

to appreciate the reality of abuse makes sexual offenders more comfortable in showcase environments. These dangers cannot be underestimated, as perpetrators feed upon Christian environments that silence victims and idealize the showcase Christian.

Jesus warns about people who will come into His church and seek to destroy it from the inside by looking like a showcase Christian. Jesus calls them wolves in sheep's clothing.²⁰ These wolves come disguised to fit in and hungry to prey upon the vulnerable. Sexual predators have many characteristics similar to these wolves that Jesus describes. When Christian leaders value image more than the people God entrusts into their care, they open the door for wolves to attack. When wolves attack, they wreak spiritual havoc in the lives of those they devour.

3. Views about God

Satan uses sexual abuse to attempt to destroy victims' faith in God²¹ and to remove them from experiencing the true joy of the Lord and worship with His church.²² Tragically some victims of abuse, who needed God more than ever when they first set foot on the BJU campus, did not experience the God of love, comfort, and compassion. Rather, the God they said they encountered at BJU was a God who punishes, blames, and holds victims accountable for imperfections.²³ It is no wonder that so many victims of sexual abuse struggle in their desire to approach such a God. In their own words, here are some of those struggles.

²⁰ Matt. 7:15-20.

²¹ "At this point, I identify as a secular humanist, which is an atheist....The idea of the concept of God as a father is a weird, scary one for me because the Bob Jones idea of God in my mind is abusive and allows pain and allows all kinds of things that he turns a blind eye to." Reference 99. "After I left BJ, I almost left the faith just because of everything that they had done. I was very much in a place where I didn't know what I believed so I didn't want to believe anything at all. I ended up not leaving the faith. I definitely felt like God was showing himself to me through a couple of different things that had brought me back from that. But for a period of time I was questioning everything. I didn't know whether to believe and I didn't know if I wanted to be a part of Christianity whatsoever because the Christian university that I had been to had treated me so wrongly." Reference 151.

²² "I believe in God. I pray. I just don't go to church and this is the reason I don't go to church and didn't raise my boys in a church." Reference 59. "I don't go to church on a weekly basis because during the time I was struggling I didn't feel like that was a welcoming environment for me." Reference 68.

²³ "They have to stop hurting people in the name of Jesus....if that is the Jesus you are presented with why serve some mercurial, vindictive hammer-wielding Thor-creature in the sky that will smash you over the head the first time you step out of line? They have to stop hurting people." Reference 49. A BJU graduate who stated she was not a victim of sexual abuse similarly explained, "I never doubted God but I went through a period where I was angry at Him. I knew God before I knew BJU, but because I heard so much preaching about God hating the sinner, and the way they pictured God, well, I started thinking that God hated me, and that he viewed me the same way BJU did, that I didn't measure up to His standards. I started drinking alcohol, not like socially, but to get drunk, so I wouldn't have to think about the hurt. Even though I knew from my parents that this is not how God is, when every day you are inundated in chapel and classes with this is how God is: that he is vindictive and hateful, I guess I was starting to get that picture of God. I know my junior and senior year I was dealing with depression and anger. I felt like my hope and faith had been shattered, because a lot of the leadership at BJU failed me. I entertained suicidal thoughts. I still have a choice, but my choice to drink and to want to end my life was hugely in part to the preaching I was hearing. When you go and talk to people you respect and they won't listen to you it is very hard. You feel like you have no one on your side. And that is just in the little things, I imagine it is more difficult for those that have been through sexual abuse. It is hard because they are very judgmental. If I did it differently I would not go there for school. When I hear people go there, I ask them why and tell them of my experiences and that it affected me badly in my spiritual walk." Reference 69.

It isn't the abuse itself that is the hardest thing to deal with. It is the fact that they took God away from us. They made God out to be someone to hide from, someone to fear, one who shames and humiliates us, someone who turns his back when children are harmed and then mocks and shames the child further. That god, I still fear. That god, I see turning away when children plead for help. He turns his back when children fear through the nights. He doesn't hear or care. He watches the abuse, yet doesn't intervene. He lets the abusers be honored, while the abused are mocked. I desperately wish I could rid myself of that picture. I know it isn't true, but it was all I knew for so long. When people describe God or Jesus as someone to draw close to like a father, or something like that, I feel physically sick. I feel panic. I want to run and get as far away as I can. I wonder if I will ever really know that God.²⁴

I want nothing to do with their God. But I say that with a caveat...the same God that rescued me from [my perpetrator] and allowed me to graduate university and have my dream job against all odds, that is a God I believe in. The BJU God is a God of words (i.e. do this or don't do that). My God is a God of action. He actually hears my desperate cries and does something. I believe in a God that is good. It doesn't mean what happens is good, but he is good. I would say that my faith in God is bigger than [my counselor's] faith because I have literally walked through hell and I don't think that she can say that. I understand that God loves me despite

²⁴ She stated, "I am learning about God even through all this. On any given day, I would probably give a different answer to this question. Some days, I see a glimpse of what is true. I know God is good and want to be able to really trust him. I see the passage in Ezekiel 34 and hope that Jesus came because he really does care. I see the Jesus of the New Testament and look at who he spent time with—broken people. I see how Jesus suffered and realize that he gets it. He suffered far more and didn't have to. He did it out of love. I don't know if this is exactly theologically correct, but I picture what he did in a way like bridging a gap between broken, hurting, sinful people and hope, love, forgiveness and healing on the other side. These things give me hope and I want very much to trust him. I want to convince others that there is hope and that God loves them, yet I can't feel it myself. I don't know how to 'feel' any of this. The feeling of God being loving is foreign. Other times, I am terrified of God. I remember all that I was taught in the past and can't forget. I hear certain verses or songs and feel panic remembering how they were taught and just remembering memories that I want to forget. Hope just seems to be an illusion and I don't think I will ever escape the past. It isn't the abuse itself that is the hardest thing to deal with. It is the fact that they took God away from us. They made God out to be someone to hide from, someone to fear, one who shames and humiliates us, someone who turns his back when children are harmed and then mocks and shames the child further. That god, I still fear. That god, I see turning away when children plead for help. He turns his back when children fear through the nights. He doesn't hear or care. He watches the abuse, yet doesn't intervene. He lets the abusers be honored, while the abused are mocked. I desperately wish I could rid myself of that picture. I KNOW it isn't true, but it was all I knew for so long. When people describe God or Jesus as someone to draw close to like a father, or something like that, I feel physically sick. I feel panic. I want to run and get as far away as I can. I wonder if I will ever REALLY know that God. Sometimes I want it more than anything in the world, but it is also something I don't know if I can ever really understand or relate to. My biggest fear is that I will never really be able to trust or know God. In my head, I know the things I was taught growing up and at BJU are not true. I hate that my view of him is affected so much by others and by the past. I think it isn't fair to God, yet I still can't control my fear. I try to pray and I vividly see a picture of God turning his back on me and walking away. I can't picture the thought of him turning his face towards me, or looking at me with eyes of kindness. If I could picture it, even if I saw love, that would scare me, too. If I knew, really knew (felt), his love was/is real, then what would I do with it? I want to think there is hope for me to see and really understand these things. Sometimes it seems like it is happening, but I don't know. Maybe hope is really for the next generation, the ones that will hopefully be protected from these things. I'm afraid to really hope. There are people who are looking on (mostly my high school friends) and seeing that the GRACE investigation is taking place, and seeing who you are and what you say, and it's something they don't understand because they have no place to put this in their brain. They think, those GRACE people are Christian, and our experience is that Christians never care about victims, so why would they care about victims? Why are they helping victims?" Reference 66. Emphasis added by investigative participant.

my scars. But no, I did not learn about God at BJ. And, the spiritual abuse I experienced there SIGNIFICANTLY impacts my current walk with God.²⁵

[B]y the time I left BJU, I didn't think God loved me at all. He was throwing lightning bolts at [me].... It devastated me. I held onto fundamentalism as long as I could. In my early 20s I crashed and burned entirely, and then I thought I was a second-class citizen on a good day in church. I stayed in church because I was afraid not to. I had no concept of God.²⁶

[T]he God at BJU was high and mighty, He was way 'up there.' He was punitive. He was high and mighty, standing there with his baseball bat ready to punish me. Especially for sexual sin. Apart from murder, it was the worst sin. It shamed. It separated from God. It made you dirty and unworthy. Those were the thoughts I carried.²⁷

I wanted absolutely nothing to do with this God where all He does is hurt people. It has taken me a long time to get to the point where I can be back in church. I will not ever, ever, ever darken the door of another BJU church again.²⁸

I haven't been to church in years. I have not met a pastor yet that cares any more about his congregation. He cares about his paycheck.... I am really jaded right now. I am sure I will come back. I know God is there. But as far as where I am at spiritually I know he is there but I am not ready to deal with people that are put in a position of spiritual 'authority.' I'm kind of tired of men and their spiritual authority over my life.²⁹

I don't read the KJV. In fact I don't read the Bible at all. If I hear a message on forgiveness, I get dry heaves and I have to leave the room.³⁰

I don't read my Bible anymore because I don't know how to pick it up and read it... [I feel] farther from God. I just don't know what I believe...I don't want to believe in their God and in a way I think that it might help me to re-evaluate what I believe for myself.³¹

I walked away from attending church. But I wouldn't say I have walked away from God. I have been to church maybe four times in the past three years. When I'm ready, I will go back...I know there is a God. I believe in

²⁵ Reference 43. Emphasis added by investigative participant.

²⁶ Reference 65.

²⁷ Reference 56.

²⁸ Reference 50.

²⁹ Reference 60.

³⁰ Reference 67.

³¹ Reference 48.

God. He died for me. Am I worthy no? Is my spiritual life what it should be? Absolutely no, because I see God as I see man, completely untrustworthy. I want to see this stop. I don't know if I will ever have a true vision of who God is because of this. I just don't know, and it is sad. I see these women who have these beautiful relationships with God, and I don't. There is a line I can't get passed it. That is the worst part of all of it is that something that is supposed to be beautiful that God did has been made so ugly... I feel like I will be on this path of healing the rest of my life and my children have struggled as a result.³²

Me and God are not on the same page right now.³³

The Bible again and again presents God as having a heart for the oppressed and lowly.³⁴ God understands suffering and oppression, and He “is near to the brokenhearted and saves the crushed in spirit.”³⁵ God “heals the brokenhearted and binds up their wounds.”³⁶ The living God is full of compassion and comfort for those in need, and He came to earth as a man to suffer and rescue those who suffer.³⁷

Jesus received the weak and marginalized with compassion. The oppressed and suffering all found a gentle and kind home when they approached Him.³⁸ The Prophet Isaiah describes Jesus as “despised and rejected by men; a man of sorrows, and acquainted with grief.”³⁹ Jesus experienced rejection, sorrow, and grief firsthand, just as victims of sexual abuse have. Jesus knows what victims of sexual abuse need; He cares for victims; He loves victims.

As a picture of the gospel, Jesus commands His disciples to welcome the poor, the weak, and the marginalized to their tables to eat with them, as He does.⁴⁰ A great feast illustrates God's kingdom,⁴¹ where God invites and welcomes those who are in need of great mercy to be His guests. God then commands His followers to embody His mercy as they also welcome those who suffer into their company,⁴² as God has already welcomed them in the gospel.⁴³ Jesus is the God

³² Reference 51.

³³ Reference 46.

³⁴ Ps. 138:6; Ps. 9:9.

³⁵ Ps. 34:18.

³⁶ Ps. 147:3.

³⁷ Matt. 9:36; Matt. 14:14; Matt. 15:32 (cf. Is. 40:11; Ez. 34:16).

³⁸ Matt. 12:15-21; Matt. 9:9-13; Is. 42:1-3.

³⁹ Is. 53:3.

⁴⁰ Luke 14:12-24.

⁴¹ Matt. 22:1-14; Matt. 25:1-13; Matt. 8:11; Luke 14:12-24; Rev. 19:7-9; Is. 25.

⁴² Luke 14:12-24; Deut. 14:29; Deut. 16:11; Deut. 16:14; Deut. 26:12-13; Job 31:13-23; Is. 61:1-3; Luke 4:18.

⁴³ Luke 6:27-36; Luke 15:1-32.

“who comforts the downcast.”⁴⁴ Jesus came to bring comfort to those who mourn and restore hope to those who sit in darkness waiting for a rescuer.⁴⁵ All Christians have a sacred charge to comfort those around them with these truths.⁴⁶

Some victims of sexual abuse explained that, through their abuse and through their difficult experiences at BJU, they have learned more about Jesus, the cross, and the message of hope.⁴⁷ As one victim noted,

I guess I have a deeper, more painful understanding of how Jesus loves the little children and it is not necessarily a sweet little thing that He just wants to hold them in his arms but to accept and protect them. So, I think it has helped me to learn that Jesus is okay with broken things and He wants to take that pain and that loss into himself and make us new, not into something perfect but better that reflects how his power, grace, and love can be shown in a life that got messed up.⁴⁸

Sexual abuse is a devastating crime that impacts the personal and spiritual lives of victims forevermore. Disclosures of sexual abuse must, therefore, be handled with great care and wisdom, especially within the Christian community that values both body and soul. If victims are to be well-served, rather than re-victimized upon disclosures of sexual abuse, both the physical impact and the spiritual impact of this crime must be clearly appreciated by Christian institutions. The choice of an idealized showcase culture by BJU has impacted victims of sexual abuse negatively, particularly with regard to their spiritual lives. Ironically, victims see this

⁴⁴ 2 Cor. 7:6.

⁴⁵ Matt. 5:4; 1 John 3:8; Luke 4:18; Luke 1:79.

⁴⁶ 2 Cor. 1:3-4.

⁴⁷ “...I have learned that Jesus Christ is my Friend.” Reference 47. “I love Jesus now more than ever and I understand the true definition of grace. When you go through hardships it puts you in a position of, if there is a God, did this slip by Him and you have to say no because he knows everything. So he knew and He still loves me and I can still trust Him. It has deepened my walk. It has changed my whole ministry. I am working with the women’s shelter and at risk teenage women... But it has been hard. My kids will never be the same. I hurt for my children.” Reference 61. “[The] [s]piritual impact has been huge, but I guess God’s grace has been bigger. I realize that is not God. Someone told me recently that I am the victim, but they are the victims as well. They are victims of Satan because he wants to destroy.” Reference 54. “I wandered in the wilderness for a long time. I almost gave up on God, but he never gave up on me. I found a spiritual home in the Episcopal Church where my faith was nurtured and my gifts flourished. I have always had faith. I have not always had religion, but I have always had faith. That is a gift from God. Some people have the gift of prophesy, etc, but I had the gift of faith. I have always believed in Jesus. BJU almost took that away from me, but He is faithful.... A lot of people I know have never been treasured as spiritual beings or faithful Christian people with a spiritual gift that enhances the life of the worshipping community. They have just been told to follow the rules or they are not a good Christian. They go to Church and hear about how much of a miserable failure they are. That is not the message of God, what the Church is about, or what the New Testament is about.” Reference 63. “I have never meditated on the gospel and my abuse. I guess to a degree I have because I thought what if [the perpetrator] got saved before he died, and he is in Heaven. I thought that if he did then that means that Christ died on the cross and paid for my abuser’s sins against me. That makes Christ’s death more brutal and his grace all the more wild.” Reference 71.

⁴⁸ Reference 45.

chosen culture to be more welcoming and supportive of perpetrators. Change in this aspect of life at BJU could make a real positive difference in the lives of many present and future students.

CONCLUSION

This investigation has given the GRACE team the honor of meeting and listening to many who have or have had an association with the Bob Jones University community. We are grateful to all the men and women who courageously contributed to this investigation.

Among this group who participated in the investigation were victims of sexual abuse who attended BJU from the 1960s to the present day. GRACE would like to thank them. These people courageously spoke about their lives, their experiences, their sorrows, and their joys. They also spoke candidly about their spiritual, emotional, and physical needs that, for many, went substantially unmet during their time at BJU. GRACE commends these victims' courage, because,

Sexual assault is not simply an event that happened to you, ended, and now is over. It can have an impact on every aspect of your life—your faith, your daily attitudes and emotions, your self-image, your relationships, and your sexuality. These are not just past issues but remain very real and current.¹

Most of those interviewed expressed their love for BJU and did not wish ill upon the university. Instead, they desperately want the university to appreciate where it went wrong in responding to cases of abuse and to chart a path that will better serve victims in the future, as well as more accurately reflect the teaching of our Lord.

GRACE would like to thank Bob Jones University for taking unprecedented and proactive steps by voluntarily requesting this independent investigation. Jesus said that our love for him is reflected in our response to the needs of the suffering.² At this moment in history, Bob Jones University has been given an exceptional opportunity to be a voice of hope, compassion, and love that many victims of sexual abuse so desperately need(ed) and desire(d) during their time on campus. If Bob Jones University responds to these expressions of pain and loss with

¹ Holcomb, Justin and Lindsey Holcomb. *Rid of My Disgrace: Hope and Healing for Victims of Sexual Assault* (Wheaton, IL: Crossway, 2011), 37.

² “Then the King will say to those on his right, ‘Come, you who are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.’ Then the righteous will answer him, saying, ‘Lord, when did we see you hungry and feed you, or thirsty and give you drink? And when did we see you a stranger and welcome you, or naked and clothe you? And when did we see you sick or in prison and visit you?’ And the King will answer them, ‘Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me.’” Matthew 25:34-40.

repentance and a genuine commitment for substantive change, it will begin to comfort the afflicted while reflecting a love for the One who is able to heal and transform both individuals and institutions.

Respectfully submitted this 11th day of December, 2014.

GRACE

FINAL RECOMMENDATIONS

When confronted with evidence of harm done to others, mature Christians (and institutions) display godly sorrow, which leads to active, self-sacrificial attempts to make restitution.¹ For example, Zacchaeus joyfully repents by giving back beyond what the law required.² In a similar spirit, Paul commands believers to do more than stop harming others. He also commands believers to work for the good of the entire community.³ This kind of repentance—a turning away—requires the mind of Christ about the offense committed. True repentance must then be founded in truth and humility if it is to have integrity. Offenders must first tell the truth: the truth of the offense and its impact on others. Admittedly, it is humbling to make such a clear admission of wrongdoing. But the Holy Spirit enables Christians to acknowledge lack of wisdom and discernment and to submit to others who can reveal evidence of error.

Repentance, when founded on truth and humility, is best illustrated by: 1) empathy for those who have been wronged and damaged by sin and failures, 2) an awareness that the offense is against the goodness and holiness of God, not merely a behavior that hurt others, and 3) a desire to make restitution.⁴ Words of apology, though good and necessary, are not sufficient evidence of a true turning away from prior wrongdoing. Authentic repentance will be demonstrated by an equally authentic transformation where individuals and institutions work to ensure future behaviors no longer harm others.

The following recommendations will assist BJU in continuing the journey of repentance that demonstrates Godward sorrow, invites God to transform the institution, and brings healing to the hurting.⁵ These recommendations are divided into two large categories of repentance, *Godward Sorrow For Past Offenses* and *Institutional Transformation*.⁶ GRACE submits these recommendations with the prayerful hope that, from feeble thoughts, God will work.

¹ 2 Cor. 7:10.

² Luke 19: 1-10.

³ Eph. 4:28.

⁴ This definition is adapted from an article written by Diane Langberg. See “An Inward Look (Part One and Part Two),” *Christian Counseling Today* Vol. 9 No. 2 (2001).

⁵ It is important to note that reconciliation may not always be the result of repentance. “Since reconciliation requires at least two parties to agree, it makes for a bad objective since we can’t guarantee that the other will be willing, able or ready to reconcile.” For more helpful insights about reconciliation, See “Why Reconciliation Isn’t the Best Objective” by Dr. Phil Monroe (<http://www.biblical.edu/faculty-blog/96-regular-content/677-why-reconciliation-isnt-the-best-objective>).

⁶ In interviewing the abuse survivors, families, and friends, as well as many current and past employees of BJU, GRACE concluded each interview by asking the witness if they had any recommendations for the GRACE team or BJU. Although

Godward Sorrow for Past Offenses

1. Public Apology

Due to the public nature of this independent investigation's scope, many of the former BJU students who are abuse survivors and were hurt by the university's response to their disclosures have expressed a desire for a public apology.⁷

2. Recovery Assistance

It is recommended that BJU work with qualified third parties that provide professional assistance to sexual abuse victims to determine the best methods to provide funding assistance for counseling to former BJU students who were abuse survivors and were hurt by the university's response to their disclosures. Such assistance could include the funding of a counseling position at a Greenville counseling center to provide former, current, and future students as well as the community with expanded access to counseling resources.

3. Degree Completion/Tuition Assistance

During the investigation, GRACE identified a handful of former BJU students who are sexual abuse victims that left the school prior to completing their degrees. It is recommended that BJU consider funding the completion of their degrees.

4. A Time to Listen

a. It is recommended that BJU publicly offer to make personal contact with every known survivor of sexual abuse who was hurt by the university's response to his or her disclosures. During this process, BJU should listen to experiences of each victim and acknowledge its responsibility for and repentance of its failed response to their disclosures of sexual abuse. GRACE will communicate this offer directly to the former students on BJU's behalf.

GRACE received many thoughts and suggestions, not all of the suggestions were compatible with one another or were within the scope of this investigation. The survivors, for example, had different thoughts on financial assistance, curriculum and personnel changes, as well as how to strengthen the counseling program for survivors.

⁷ A survivor made the following observations to GRACE regarding such an apology: "The number one thing I would like to take away from this whole interview process and review is to be believed, validated, and apologized for the way I was treated...That's what Jesus would do." Reference 12.

b. It is recommended that BJU send a letter to all known BJU graduates and former students that encourages contact from those who did not participate in the investigation and believe that the university did not respond properly to a prior disclosure of sexual abuse.

c. Within 90 days of the report delivery, BJU should begin working with victims to develop the specifics and parameters of the above referenced process and letter.

d. BJU should allow the individual victims to set the time frame, understanding that this process may take several years.

5. File Review

Within 90 days of the report's delivery, it is recommended that BJU commission a review of the files of all former students who reported a criminal sexual offense for the purpose of identifying any disclosures that are mandated to be reported to law enforcement. An attorney licensed to practice law in South Carolina who has prior experience prosecuting sexual abuse offenses should conduct this review.

6. On-Campus Memorial

In future years, it is recommended that BJU obtain input from former students who are sexual abuse survivors to develop an on-campus memorial. Such a memorial will demonstrate BJU's commitment to honor sexual abuse survivors as well as be a reminder of the fundamental importance of protecting students and serving abuse survivors with excellence. At the time of the memorial's completion, BJU should invite all former students who are sexual abuse survivors to attend a public dedication ceremony.

7. Update on Progress

It is recommended that within five years of this report, the Abuse Response Task Force shall reconvene and prepare a written update on the progress of the adopted recommendations within this report.

Repentance: Institutional Transformation

1. Policies and Training

These recommendations prioritize making BJU a safer and more welcoming environment for abuse survivors, both past, present, and future. A former BJU student and victim put it best when she remarked, “One thing I would like to see happen is for BJU’s abuse report policy to come up to par. Not so much for myself, but for any future students; they need to be protected...”⁸

These recommendations are also designed to ensure that victims who report abuse are connected with competent counseling services, and that they receive any other needed assistance that will enable and foster authentic healing.

a. Updating Policies

Within 60 days of this report’s delivery, GRACE recommends that BJU should engage outside child protection and assault prevention experts⁹ to review and revise all current BJU policies and procedures related to sexual abuse prevention, response, and reporting.¹⁰ These same experts should be retained to work with BJU on a yearly basis to review, revise, and improve such policies and procedures. In addition to these outside experts, it is recommended that BJU seek input regarding sexual abuse prevention, response, and reporting policies from former BJU students who are survivors of sexual abuse and were negatively impacted by BJU’s response to their disclosure.

It is recommended that Bob Jones Academy (BJA) undergo this same annual review and revision process.

b. Annual Education and Training

It is recommended that all BJU faculty and staff receive annual training on their respective policies and procedures related to sexual abuse prevention and reporting.¹¹

Every BJU Board Member should receive an abbreviated training on policies and procedures related to sexual abuse prevention, response, and reporting. BJU Board Members

⁸ Reference 31.

⁹ Recommended experts: The Julie Valentine Center, National Child Protection Training Center, or MinistrySafe.

¹⁰ As part of any revision, GRACE recommends BJU consider adopting a method for students to file sexual abuse complaints online.

¹¹ This training must cover areas related to law, mental health, and theology that support good care.

should also be briefed annually regarding any changes or updates made to these policies and procedures.

c. Outside Organizations

It is recommended that BJU develop a long range plan to encourage and assist outside organizations associated with the university to develop and implement best practice standards related to sexual abuse policies and response protocols.

d. Reporting and Cooperation Requirements

In future years, it is recommended that BJU publicly encourage all faith-based organizations to report all known, alleged adult and child sexual offenders. It is also recommended that BJU publicly encourage all faith-based organizations to fully cooperate with law enforcement in any subsequent criminal investigations.

2. Sexual Abuse Awareness and Resources

In order to minimize the opportunities for sexual abuse to occur at BJU, it is critical that the school develop a greater awareness of this offense within its student body. It is also necessary for the university to make available to students a wide-range of professional resources for those who have been sexually victimized.

a. Outsource All Sexual Abuse Counseling

It is recommended that BJU refer all counseling for sexual abuse victims attending BJU to outside licensed and trained trauma counseling such as the Julie Valentine Center. BJU should also work with these outside counseling organizations to develop a list of individuals and other resources that are qualified to assist victims with spiritual questions relating to abuse.

It is recommended that BJU also provide victim assistance information that provides abuse victims opportunities to seek direct help. Such resources should be provided to students during orientation and be publicly posted throughout campus.

b. Redirect Resident Mentors¹²

It is recommended that Resident Mentors be prohibited from providing any form of counseling related to sexual abuse. However, Resident Mentors need to receive ongoing

¹² These positions were previously identified as Dorm Counselors and Resident Counselors.

training¹³ on how to comfort victims and to connect them with the services such as those provided by the Julie Valentine Center.

c. Adopt Strict Confidentiality Standards

It is recommended that BJU adopt standards for student disclosures that provide confidentiality from any other individual/party unless required by law or if there is a threat of harm to oneself or others.¹⁴ This should include the development of proper Informed Consent policies so that those who come for counseling or seek to disclose abuse histories will know what will happen and who will find out. Informed consent enables victims to understand the limits of confidentiality.¹⁵

Such standards will encourage students who have been sexually victimized to make an initial disclosure to a BJU counselor or mentor without fear that the matter could be reported to other university representatives for a possible disciplinary matter.¹⁶

d. Relocate Women's Counselor's Office

It is recommended that the office of the Women's Counselor be relocated to a different building on campus. The location should be private, relaxed, and accessible. This office should not be located in the same area as any office that addresses disciplinary matters.

e. Discontinue Resident Hall Evaluations

It is recommended that BJU no longer engage with the practice of "Resident Hall Evaluations." These evaluations discourage transparency and encourage isolation and silence. These evaluations have the effect of making many sexual abuse victims feel like they have to be "showcase perfect," even in the privacy of their resident hall rooms. These evaluations are used to identify the "spiritual leaders" in the resident halls.¹⁷ This process encourages sexual abuse victims who are struggling to either hide deep-seeded struggles or simply become growingly isolated and silent. Either option is extremely shameful and can have devastating consequences to abuse victims.

¹³ It is highly recommended that this training be conducted by the Julie Valentine Center.

¹⁴ This is consistent with the ethics of professional counseling. Though most of the student mentors at BJU are not licensed, this policy will ensure confidentiality and consistency with the existing professional standards.

¹⁵ Such informed consent policies must be developed in cooperation with an outside professional trauma therapist such as someone from the Julie Valentine Center.

¹⁶ There will still be occasions when initial abuse disclosures will be made to a BJU representative that may include a violation of a BJU policy. Policy violations disclosed in conjunction with abuse disclosures should be held in strict confidence.

¹⁷ These evaluations have additional student life consequences that add to the hurt and shame of sexual abuse victims. For example, they can prohibit a student from being president of a society or a leader in student government.

f. Receive Annual Training

It is recommended that all BJU counselors, resident mentors, counseling professors, seminary professors, deans (including academic deans), and all BJA faculty and staff receive ongoing training from external experts related to responding to sexual abuse disclosures and understanding the boundaries and differences between counseling and providing support and resources.

All student life leaders (RA and above) should receive additional and ongoing victim advocate training.

g. Hire a Victim Advocate

It is recommended that BJU hire a third-party victim advocate who shall be available to assist any and all sexual abuse complainants.¹⁸

h. Host a Sexual Abuse Awareness Week

It is recommended that BJU set aside one week during each academic year to focus on sexual abuse awareness. This should include, but not be limited to, a weeklong program focused upon issues related to sexual abuse, panel discussions, student town hall meetings, and outside speakers¹⁹ that will provide students with information related to sexual offenders, reporting abuse, common myths about sexual abuse and those who abuse, on and off campus resources, and how to love and serve abuse victims properly. It is highly recommended that Sexual Abuse Awareness Week be organized with the assistance of sexual abuse victims who are former BJU students and the Julie Valentine Center. The ultimate objectives of such an annual program are to raise proper awareness of sexual abuse, and to show abuse survivors they are publicly supported and loved by the BJU community.

3. Hurtful Teachings, Organizations, and Individuals

It is recommended that BJU take steps to disassociate from any teachings, organizations, and individuals which have demonstrated to be directly or indirectly hurtful to sexual abuse victims.

¹⁸ This part-time position should be a professional with extensive experience addressing sexual abuse matters and should be made in consultation with the Director of the Julie Valentine Center.

¹⁹ At least one program each year should include an abuse survivor who shares his/her experience.

a. Remove Certain Sermons

During the investigation GRACE identified BJU sermons that included statements that are insensitive or hurtful to sexual abuse victims. It is recommended that BJU remove these sermons from public access. Furthermore, BJU should remove any other sermon it determines to be insensitive or hurtful to sexual abuse victims.

b. Remove Hurtful Materials

It is recommended that BJU remove any and all materials that have demonstrated to be insensitive and hurtful to sexual abuse victims²⁰ from its online/on campus bookstore and from any other BJU controlled entity. This includes, but is not limited to the following:

- Any and all counseling related materials, books, teachings, or curriculum associated with Bob Wood, Walter Fremont, and Jim Berg.
- Removal and prohibition of all endorsements and recommendations by BJU or any of its representatives of any and all counseling materials, teachings, or curriculum associated with Bob Wood, Walter Fremont, and Dr. Jim Berg.

c. Review Curriculum/Teaching

It is recommended that within 6 months of this report, BJU consult an outside expert to review the content of all materials, curriculum, and teachings related to sexual abuse and victimization with the goal of ensuring that curriculum is not harmful to sexual abuse victims.²¹ This review should be in association with an outside expert on sexual abuse and trauma.

It is further recommended that BJU work with outside experts to develop some form of curriculum for seminary, elementary education, nursing, and criminal justice students that properly equips them to understand the various issues and dynamics related to sexual abuse.

d. Disassociate from Certain Individuals

It is recommended that BJU prohibit any individuals it knows to have been convicted of a sexual offense from being on campus. It is also recommended that BJU work with outside sexual abuse prevention experts to develop a process for not allowing sexual offenders to have access to the campus. Lastly, it is recommended that any individual BJU knows to have made insensitive

²⁰ *Id.*

²¹ The expert shall be made in consultation with GRACE.

or harmful public or private statements related to sexual abuse or sexual abuse victims be addressed prior to a decision allowing them to speak to the BJU student body.²²

e. Personnel Recommendations

A healthy institution will constantly evaluate the performance and behavior of its employees to ensure consistency with the institutional mission and values. As an institution that desires to transform its understanding and response to issues related to sexual abuse, it is recommended BJU address the concerns regarding the teachings, conduct, and overall disposition of certain employees regarding sexual abuse matters. The following recommendations are made to that end.

- 1) Employee Personnel Review: GRACE recommends that within 90 days of the Final Report's delivery, BJU administration officials shall meet with GRACE representatives to review a list of employees identified during the investigation as individuals who have caused hurt to sexual abuse survivors through their teachings, conduct, or overall disposition. The purpose of this review will be to determine what, if any, individual personnel action should be taken with these employees.²³
- 2) Robert (Bob) Jones, III: As President of BJU during much of the time that was the subject of this investigation, Dr. Jones, III is ultimately responsible for many of the difficult findings of this investigation. Dr. Jones, III has also repeatedly demonstrated a significant lack of understanding regarding the many painful dynamics associated with sexual abuse. Due to the central role Dr. Jones, III played in the many issues outlined within this report, it is recommended that the university impose personnel action upon Dr. Jones, III.²⁴
- 3) James Berg: As the most influential member of the BJU community regarding the many issues related to the counseling and discipline of sexual abuse victims, Dr. Berg bears a responsibility for much of the pain caused by BJU's failure to understand and respond adequately to matters related to sexual abuse. It is recommended that as long as Dr. Berg is employed by BJU, he no longer be authorized to teach on any issue related to sexual abuse or victimization. It is recommended that Dr. Berg also no longer be allowed to provide any counseling and/or discipleship on or off campus. It is also recommended that Dr. Berg not be allowed to speak or consult on any issue related to counseling on or off campus.

²² BJU shall review any such statements in consultation with a trained mental health counselor approved by an expert such as the Julie Valentine Center in determining whether such are insensitive or harmful.

²³ "Personnel action" includes, but is not limited to, termination, suspension, probation, transfer, remedial education and training, or any other form of corrective action consistent with transforming the employee's teaching, conduct, or overall disposition regarding sexual abuse matters.

²⁴ *Id.*

Though these recommendations require much effort and sacrifice by the university, each one is designed to assist BJU in exhibiting a repentance that demonstrates sorrow and a long-term commitment to better protecting all students and to focus on loving and serving the abuse survivors in its midst. Such a transformative response will enable BJU to meet its own mission, “to grow Christ like character that is Scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above.” BJU will lead the way in modeling honest self-appraisal and willingness to examine failures to love and serve the “least of these” among the student body.

Appendix 1-1

Positive Improvements at BJU Since 2011

Initiating the GRACE investigation has not been BJU's only step forward in providing a more effective response to disclosures of sexual abuse. This section briefly highlights a number of other positive steps BJU has taken place before and during the pendency of the GRACE investigation.

In December 2011, Dr. Stephen Jones and the Board of Trustees announced the formation of a committee to review BJU's sexual abuse policy and its application. In April 2012, that committee submitted a report that recommended the university A) enhance the current sexual abuse policy; B) communicate publicly the university's philosophical position on abuse; C) periodically train employees and students and D) appoint an independent ombudsman to review BJU's response to abuse cases. The leadership of BJU accepted and implemented each of these recommendations.¹

During the investigation, GRACE observed a number of positive improvements at BJU as it relates to understanding, preventing, and reporting sexual abuse. These building blocks will aid BJU as it seeks to focus its efforts to better serve those who have been abused and who suffer deeply with the long-lasting effects of sexual trauma while attending BJU.

Abuse and Neglect Policy

Since the publication of the university's first abuse policy in 2010, BJU has continued to revise, update, and strengthen its policies that improve the university's response to victims of sexual abuse. In 2012 and again in 2014, the university published a revised "Abuse and Neglect Policy and Procedures" benefitting victims of abuse by providing greater clarity and instruction on abuse reporting. Consequently, a number of BJU employees were able to share with GRACE a clearer understanding of their roles and responsibilities as mandated reporters, particularly in the last few years. Importantly, the university also raised the bar internally to require every BJU volunteer and employee to be a "mandatory reporter" for disclosures of abuse that fall within the South Carolina statute.

¹ See "Findings of the Committee that Reviewed BJU's Sexual Abuse Policy and Its Application," published May 25, 2012.

Outside Training and Resources

BJU has encouraged faculty and staff attendance at outside conferences such as the “Open Your Eyes” conference for church leaders on the topic of childhood sexual abuse held at a local church as well as attendance at other outside conferences, such as the USC Upstate Center for Child Advocacy Studies annual conference and the seminary summit sponsored by the National Child Protection Training Center.² In addition, several top BJU employees reported a willingness to “partner with” the Julie Valentine Center, a local resource for victims of sexual violence.³ In 2013, BJU also contracted with MinistrySafe to provide Sexual Abuse Awareness Training for all faculty, staff, and students.⁴

Counseling Practices

Student Life has increased the training and supervision of Resident Counselors (now called Resident Mentors) and Resident Supervisors and has implemented improved confidentiality protections for students who are counseled within the Student Life system. The university has also helped to create a new zone of psychological safety for those who wish to pursue counseling with the Women’s Counselor by moving her office out of the Administration building.

Personnel

In 2011, the university hired an experienced Chief of Public Safety from outside the BJU community who communicated his clear commitments to best practices in the field of law enforcement. In 2012, BJU hired a dedicated female counselor to handle counselees that require more extensive counseling. The Women’s Counselor also communicated a sincere desire to continue her training and to use outside resources in learning more about sexual trauma. A number of BJU personnel with whom GRACE met also professed a desire to receive additional training and exhibited gracious attitudes, with humble and teachable spirits.

² Several BJU employees reported attending the “Open Your Eyes” conference. See <http://www.nhcconline.com/open-your-eyes-conference-video-and-powerpoint/> from summer 2013. BJU attendees came to the National Child Protection Training Center in Winona, Minn. in May, 2012. A top BJU employee in Student Life attended the USC Upstate Center’s annual conference. See http://www.uscupstate.edu/academics/arts_sciences/childadvocacy/Default.aspx?id=30242

³ See <http://www.julievalentinecenter.org/>

⁴ “We provided 19 sexual abuse awareness training sessions for all 3,950 faculty, staff and students and will continue to provide sexual abuse awareness training to all students and employees in subsequent semesters. Training was held Nov. 11-13 and Dec. 3-4, 2013.” See <http://www.bju.edu/about/answering-questions.php#Process>.

Since the close of the investigation, GRACE has also observed ongoing indications that the BJU leadership is committed to making additional improvements in the handling of sexual abuse disclosures. The university will have the opportunity to demonstrate this commitment during the coming months through the adoption of the recommendations that are made in this report. Neither word nor deed are independently able to communicate sufficiently an intent to change, but these steps of progress evidence a dedication to improved institutional responses to those who have been sexually abused.



GRACE Independent Investigation Announcement

On January 10, 2013, GRACE begins a comprehensive independent investigation into any and all complaints related to sexual abuse disclosures made to representatives of Bob Jones University and Bob Jones Academy. First and foremost, please understand that GRACE is not a representative of Bob Jones University or Bob Jones Academy, but is working independently from all parties involved. This is a necessary and critical component of any credible third party investigation. Second, though the subject matter of this investigation may be very difficult and painful for many, GRACE respectfully requests every effort be made to read this announcement in its entirety.

GRACE was formed in 2004 by a group of widely respected experts from various disciplines, who have spent their lives advocating for the protection and safety of abuse survivors. GRACE believes it is critical that the Christian community understand the evils and complexities of sexual abuse and how it must be confronted at all cost. During the past eight years, GRACE has primarily focused on two areas related to abuse: prevention and response. GRACE works with churches and other Christian organizations on how to minimize opportunities for abuse to occur within their environments. We also train and equip the Christian community to understand the vital importance of responding to abuse disclosures in a manner that demonstrates knowledge of the issues, adherence to the law, and compassion to those involved.

In recent years, GRACE has worked with various Christian institutions and abuse survivors in addressing allegations regarding past abuse disclosures. Understandably, the survivors of such abuse oftentimes do not trust the institution to internally investigate and evaluate such claims. As a result, GRACE has been retained to act as a third party investigator and provide an open and objective analysis of the facts, along with recommendations.

A few months ago, GRACE was asked by Bob Jones University to investigate any and all complaints made to representatives of Bob Jones University or Bob Jones Academy related to sexual abuse. Bob Jones University/Academy indicated that the purpose of such an investigation is to identify any areas where either institution may have failed to adequately respond to sexual abuse disclosures, or may have conveyed inappropriate information regarding sexual abuse. The Bob Jones University/Academy leadership has communicated to GRACE that acknowledging and understanding any recognized failures will better equip both Bob Jones University and Bob Jones Academy to demonstrate authentic repentance to those who have been harmed, while also making the necessary institutional changes to insure that such is never repeated. In order for this process to achieve its purpose and maintain credibility, it is fundamental that GRACE work wholly independent from Bob Jones University/Academy and that the GRACE Final Report be

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published to the public in its entirety. GRACE agreed to conduct this investigation upon the assurances of

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the Bob Jones University/Academy leadership of its commitment to such independence and its promise to fully cooperate with the GRACE investigative team.

Scope of Independent Investigation

The scope and purpose of this independent investigation is to address the responses of Bob Jones University and Bob Jones Academy to instances of [adult or child] sexual abuse disclosed or otherwise known to the institution or employees or other agents of the institution. GRACE will also investigate complaints of any inappropriate statements made by Bob Jones University/Academy representatives related to [adult or child] sexual abuse.

Although this investigation is focused on matters related to sexual abuse, GRACE recognizes that many sexual abuse victims are also physically and/or spiritually abused or neglected. Accordingly, GRACE will receive evidence as to all forms of alleged maltreatment inflicted upon sexual abuse victims.

For the purpose of this independent investigation, sexual abuse includes both child sexual abuse and adult sexual assault defined as follows:

Child sexual abuse is any sexual activity--verbal, visual or physical—upon a minor (a person 17 years of age or younger). The minor is considered unable to consent due to developmental immaturity and an inability to understand sexual behavior. Such activity may be perpetrated on the minor by an adult or another minor, or the minor may be required to perform any or all of the above.

Adult sexual assault is any type of sexual contact of an adult (a person 18 years of age or older) where consent is not freely given or obtained, and it is accomplished through pressure, force, intimidation, violence, coercion, manipulation, threat, deception, or abuse of authority. An adult who is mentally or physically incapacitated is not capable of giving consent.

Please note that the scope of this investigation includes any and all instances of [adult or child] sexual abuse disclosed or otherwise known to the institution, involving members of the Bob Jones University community as either victims or alleged perpetrators.

The Process

GRACE is not a governmental agency and therefore does not possess subpoena power to require the participation of witnesses. Thus, in order for this investigation to be thorough and comprehensive, GRACE must rely on the voluntary cooperation and assistance of any and all individuals who possess relevant information. We acknowledge and understand that some of you may be reluctant to come forward for various reasons. Please know that GRACE will work with each and every potential witness to make the process comfortable, informal, and confidential. Without the willingness of individuals to step forward and provide information to our team, it

Investigation Findings Appendix 1-2

will be impossible to uncover the necessary truths that are so fundamental to the purposes of this investigation.

The GRACE Investigative Team, led by former prosecutor Charissa Sloan Dvorak, is seeking input from any individual with knowledge relevant to this investigation. If you or anyone you know has any information that you believe may be helpful to this independent investigation, GRACE asks that you complete brief confidential survey. This confidential survey is one of the most critical components of this investigation, because it will provide the GRACE team with

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some basic and necessary facts about the information you possess. The completed surveys will be used by the GRACE team in determining what further evidence must be examined. As of now, this confidential survey will be available online until April 30, 2013. Thus, completing the survey as soon as possible will greatly assist the GRACE team in pressing forward with the investigation. Lastly, please note that the identities of those who participate in this survey will be kept strictly confidential and will only be voluntarily accessible to the GRACE investigative team.

Although we anticipate that many will be able to help us in this process, we also realize that experiences are deeply personal and that some may not want to discuss or in any way re-visit these experiences. Please know that the GRACE team completely understands if some choose not to participate in the online survey or any other aspect of this investigation. Your physical and emotional well-being must come first.

There are a number of individuals who may have information relevant who may not be aware of this investigation. Please forward this announcement to anyone you know who may have helpful information but is not aware of this investigation. The GRACE team very much wants to establish contact with everyone who may information helpful to this investigation.

In closing, the GRACE team is very sensitive to the fact that this investigation may uncover very painful memories of deeply hurtful experiences. We are prayerful that this difficult but necessary process may be able to bring a new dawn of hope and healing for hurting souls, along with positive institutional changes for both Bob Jones University and Bob Jones Academy.

We look forward to hearing from you. Please direct any investigation questions and inquiries to grace.bobjones@netgrace.org.

Boz Tchividjian, J.D. Executive Director, GRACE

Go to online confidential survey

Updates to this investigation will be available on the GRACE website at Bob Jones University Investigation.

www.netgrace.org

Investigation Findings: Appendix 2-1

CONFIDENTIAL GRACE QUESTIONNAIRE

This confidential questionnaire is part of an independent investigation to examine the response of Bob Jones University and Academy to issues related to sexual abuse. The purpose of this questionnaire is to collect information that will assist the GRACE Investigative Team in the scheduling of follow up in- person interviews. Survey respondents shall be kept confidential and will not be voluntarily disclosed to any third parties without the written permission of the individual survey taker.

Please note prior to taking this survey that it is the policy of GRACE to report to the proper authorities any disclosures of child sexual abuse where the identity of the alleged perpetrator is provided.

As it relates to this investigation and survey, sexual abuse includes both child sexual abuse and adult sexual assault defined as follows:

Child sexual abuse is any sexual activity--verbal, visual or physical—upon a minor (a person 17 years of age or younger). The minor is considered unable to consent due to developmental immaturity and an inability to understand sexual behavior. These may be performed on the minor, or the minor may be forced to perform any or all of the above.

Adult sexual assault is any type of sexual contact of an adult (a person 18 years of age or older) where consent is not freely given or obtained, and it is accomplished through force, intimidation, violence, coercion, manipulation, threat, deception, or abuse of authority. An adult who is mentally or physically incapacitated is not capable of giving consent.

During the course of this survey, an asterisk identifies a question that requires an answer. Please note that the GRACE Investigative Team requires that any person taking this survey provide their name and a form of contact information at the end of the survey in order for the survey to be submitted. In addition, please note that you may go back and edit your answers. However once you exit the survey, your answers may no longer be edited. Thank you for your participation and assistance.

***1) I understand the scope of this investigation and wish to proceed with the online survey.**

_____ Yes

_____ No

***2) What is your relationship to Bob Jones University/Academy? (Check all that apply)**

Current or former student of (check all that apply): Bob Jones University
 Bob Jones Academy

Current or former Staff/Employee of (check all that apply): Bob Jones University
 Bob Jones Academy

Current or former Faculty/Administration of (check all that apply):

Bob Jones University Bob Jones Academy Current or former Board
Member of (check all that apply):

Bob Jones University Bob Jones Academy Friend or family member of
current or former student of (check all that apply):

Bob Jones University Bob Jones Academy Friend or family member of
current or former staff/employee of (check all that apply):

Bob Jones University Bob Jones Academy Friend or family member of
current or former faculty/administration of (check all that apply):

Bob Jones University Bob Jones Academy Other (Explain)

Section A

This first set of questions asks about specific personal experiences relating to sexual abuse and Bob Jones University/Bob Jones Academy.

***3) Please answer this question based upon your own experience or your knowledge of another's experience of sexual abuse (Check all that apply):**

I am a survivor of child sexual abuse. I am a survivor of adult sexual assault.

I know someone who is a survivor of child sexual abuse/adult sexual assault that had/has a connection with Bob Jones University or Bob Jones Academy.

I have first hand information relating to the teachings and/or practices by Bob Jones University or Bob Jones Academy about child sexual abuse and/or adult sexual assault.

***4) If you checked any of the boxes in the previous question, to the best of your knowledge, when did the sexual abuse occur? (Check all that apply)**

Before the survivor of child sexual abuse/adult sexual assault became associated with Bob Jones University/Bob Jones Academy

During the time the survivor of child sexual abuse/adult sexual assault was associated with Bob Jones University/Bob Jones Academy.

_____ During the time the perpetrator of child sexual abuse/adult sexual assault was associated with Bob Jones University/Bob Jones Academy.

_____ Other (Explain)

***5) Was the sexual abuse known by anyone associated with Bob Jones University/Academy?**

_____ No. The child sexual abuse/adult sexual assault was never disclosed to anyone associated with Bob Jones University/Bob Jones Academy.

_____ Yes.

***6) Were the teachings and/or practices by Bob Jones University/Academy relating to sexual abuse a factor in the decision not to disclose this information to anyone associated with Bob Jones University/Academy?**

_____ Yes _____ No

***7) Which of the following individuals associated with Bob Jones University/Academy had knowledge of the sexual abuse? (Check all that apply)**

_____ University or school counselor

_____ Faculty member, teacher, coach, or other staff member

_____ Administrator/Board Member of Bob Jones University/Bob Jones Academy

_____ Bob Jones University medical staff (Barge Memorial Hospital)

_____ Public safety

_____ Resident assistant (RA)

_____ Fellow student

_____ Other (Please specify)

***8) What best describes the response by representatives of Bob Jones University/Academy to the knowledge of this sexual abuse? (Check all that apply):**

_____ Very supportive

_____ Somewhat supportive

_____ Neutral, no response

_____ Somewhat hurtful

_____ Very hurtful

_____ Encouraged and/or Assisted victim to report to the legal authorities.

_____ Discouraged victim from making a report to the legal authorities

_____ Directed victim not to make a report to the legal authorities.

_____ I have no knowledge about this.

_____ Other (Explain)

***9) Was the sexual abuse ever reported to law enforcement: (Check all that apply):**

_____ Yes, to Law Enforcement (this does not include Bob Jones Public Safety Officers) If yes, name of law enforcement agency: _____

_____ Yes, to Bob Jones University/Bob Jones Academy Public Safety _____ No _____
Unknown _____ Other (Explain)

10) If you reported the abuse to a law enforcement agency other than Bob Jones University/Academy Public Safety Officers, please name the law enforcement agency the abuse was reported to.

Section B

This second set of questions asks about specific personal observations related to sexual abuse and Bob Jones University/Academy reactions and attitude to such abuse.

***11) How would you describe the general attitude toward victims of child sexual abuse communicated by representatives of Bob Jones University/Academy such as administrators, faculty members, and other staff members? (Check all that apply).**

_____ Loving and compassionate _____ Indifferent _____ Blaming and disparaging _____
Other (Paragraph)

_____ Don't know

***12) The response provided in the previous question is based upon (Check all that apply):**

_____ Personal experience/s and/or observation/s _____ Experience/s and/or observation/s of friends or family members _____ Unknown sources/Hearsay _____ Other (Explain)

***13) Have you personally witnessed a representative of Bob Jones University/Academy make comment/s you found to be inappropriate regarding matters related to sexual abuse?**

_____ Yes If Yes, please specify the inappropriate comment/s:

_____ No

***14) Please specify the inappropriate comment/s:**

***15) Would you consider communicating with GRACE regarding the issues addressed in this survey?**

_____ Yes _____ No

***16) If you stated in the previous question that you would communicate with GRACE further regarding this survey, which would you prefer: (Check all)**

_____ Meet in person with GRACE team If yes, are you amenable to meet at an off-campus location in Greenville, SC? _____ Yes _____ No (If no, please note that GRACE is willing to meet at a non-Greenville location.)

_____ Prepare a written statement for the GRACE team **Contact Information** The following contact information is optional. However, we do require that you give us your first and last name. Please know that GRACE will keep all information confidential. However, if you feel comfortable giving us all of your contact information, it will be helpful to GRACE as the investigation goes forward. If you choose not to fill in this information, we understand. However, please note that we will require that you provide us either your phone or email address in order to follow-up with survey takers for the purposes of interviews and conducting the remainder of our investigation. Thank you for your cooperation.

***17) Contact Information: First Name:**

Last Name: Street Address: City/Town: Zip: Country:

Email Address: _____ **Phone Number:**

***18) The GRACE Team respectfully requests one form of communication with you should they need to follow up with you after reviewing your survey responses. Would you prefer email or phone?**

_____ Email

_____ Phone

***19) Please enter your phone number without dashes or symbols, including your area code, below:**

***20) Please enter your email address below:**

21) Do you have any other information that you believe may be of assistance to the GRACE Investigative Team? Please provide brief summary here:

Survey is Now Complete. Thank you! Thank you for your willingness to participate in this online survey. Upon reviewing your responses, the GRACE Investigative Team may contact you about scheduling an in-person interview, or to request follow-up information. In the meantime, please feel free to contact the GRACE Investigative Team should you have any questions or concerns related to this investigation. The team can be contacted at grace.bobjones@netgrace.com. Again, thank you for your participation and assistance.

INVESTIGATION FINDINGS: APPENDIX 3-1

Influential University Counselors

Dr. Walter Fremont

Dr. Fremont was arguably one of the most influential figures in the history of Bob Jones University. His influence and presence on campus spanned five decades and many have touted his influence not only upon BJU students, but also upon the larger circle of influence within Christian education.¹ BJU's Chief Academic Officer through the mid-2000s called Dr. Fremont an early mentor:

[Dr. Fremont] was big on counseling. He taught child psych, adolescent psych; he taught counseling courses; he taught youth work. He was a great teacher. He had a lot of impact on many students. He did a lot of counseling himself, and his wife did as well....they would have been involved in student counseling, graduates, people in town. They did a marriage seminar on weekends. They did a lot of counseling with marriage problems. They did a lot of counseling over the phone. He had a big impact on a lot of people....I didn't take any counseling classes from him but I learned a lot of practical advice on working with teens-especially girls in his adolescent psychology class.²

Dr. Fremont received a Bachelor of Science from the University of Dayton in 1949 and a Masters of Science in curriculum development from the University of Wisconsin in 1950.³ He then came to BJU to study Bible for one year. When he arrived at BJU, “[Dr. Fremont] was asked to teach educational psychology for the first semester. He agreed and took thirty hours of Bible training while teaching both semesters.”⁴ Dr. Fremont became a full time member of the education faculty in 1951 and was named

¹ After Dr. Fremont's death, an American Association of Christian Schools (AACCS) Newsletter article described Dr. Fremont's influence upon Christian education. The newsletter announcing his death stated: “During the 37 years Dr. Fremont was Dean of the School of Education, he traveled extensively speaking about Christian education, and he authored numerous books and academic articles on education and family counseling. Dr. Keith Wiebe, President of the AACCS, believes ‘Christian education owes a great debt to Dr. Fremont. He was a man who had a contagious passion for Christian education, and this passion contributed greatly to the growth of the Christian school movement. His influence can still be felt throughout Christian education.’ Dr. Charles Walker, the Executive Director of the AACCS, remembers Dr. Fremont as an outstanding educator and a Christian gentleman. ‘Walter Fremont's contributions to the genesis of the Christian school movement are incalculable. He faithfully used his wisdom and kindness to be a blessing to others. His passion for Christian education inspired a generation of Christian school teachers. I was honored to have known him,’ said Walker.” *The Washington Flyer: A Publication of the American Association of Christian Schools*, Remembering Dr. Walter Fremont, dated 1/12/07.

² Reference 91.

³ Turner, Dan. *Standing Without Apology: The History of Bob Jones University* (Greenville, SC: BJU Press, 2001), 283. See also Fremont, Walter and T. Fremont, *Becoming an Effective Christian Counselor: A Practical Guide to Helping People* (Greenville, SC: Bob Jones University Press, 1996), Preface, 14.

⁴ Turner, 283.

Dean of the School of Education in 1953.⁵ He completed a Doctor of Education in 1961 from Pennsylvania State University while teaching at BJU.⁶

During his 41 year tenure, Dr. Fremont taught numerous courses, including child psychology, adolescent psychology, and educational psychology.⁷ According to a BJU historian, “[Dr. Fremont] pioneered the development of BJU’s graduate school in education” and “initiated the programs in individual subject areas, special education, and counseling.”⁸

BJU Press published one of Dr. Fremont’s books, *Becoming An Effective Christian Counselor: A Practical Guide for Helping People*, in 1996. Dr. Fremont explained that the book, co-authored with his wife, “is a useful textbook for church counselor-training classes, for pastors, deacons, Sunday school teachers, Christian school teachers, and camp counselors. It is designed for Christian colleges to use as a textbook in their ministerial training and beginning counseling classes.”⁹ Upon BJU’s publication of this book, Dr. Fremont and his wife credited “Dr. Robert Bell, Dean Jim Berg, Dr. Greg Mazak, Dr. Jean Saito, and Dr. Bob Wood for their valuable comments and suggestions as they reviewed all or parts of the manuscript.”¹⁰

In 1986, Dr. Fremont was diagnosed amyotrophic lateral sclerosis (ALS or “Lou Gehrig’s Disease”).¹¹ Though he retired as Dean in 1990, Dr. Fremont continued to teach from his wheelchair until 1991. Dr. Fremont passed away in 2007, and numerous individuals have touted Fremont’s influence on campus. BJU named a building on campus after Dr. Fremont.¹²

⁵ Turner, 283.

⁶ *Id.*

⁷ Fremont and Fremont, Preface, 14. See also Turner, 283.

⁸ Turner, 283.

⁹ Fremont and Fremont, Preface, 15.

¹⁰ *Id.*

¹¹ Turner, 284.

¹² See <http://www.bju.edu/about/campus-map/#ffc>. See also <http://www.bju.edu/about/campus-map/fitness-center/>, retrieved 7/23/14.

Dr. Bob Wood

In 1956, Dr. Wood attended Atlanta Bible College where he studied counseling and Old Testament.¹³ He went on to study at the University of Georgia¹⁴ and Washington University in St. Louis, Missouri.¹⁵ Dr. Wood then became involved in medical sales and eventually worked in his family's transportation business for 15 years between 1961 and 1976, the last four years of which he served as Vice President.¹⁶

In 1976, BJU's Board of Trustees appointed Dr. Wood to the office of Executive Vice President, a position he retained from 1977 until 2005.¹⁷ In 1979, Maranatha Baptist Bible College in Watertown, Wisconsin awarded Bob Wood with an honorary Doctor of Divinity.¹⁸ Dr. Stephen Jones referred to Dr. Wood as his father's "right-hand man for 30 years."¹⁹ Another prominent, retired administrator referred to Dr. Wood as a "mentor" during his career.²⁰

In 1989, Bob Jones University video recorded Dr. Wood's lectures entitled *Scriptural Principles for Counseling the Abused* for those who would be counseling victims of abuse,²¹ and the university re-copyrighted the lectures in 2006. As of November 2013, BJU was still offering these videos for sale through its online bookstore.²² Dr. Wood stated that his views on counseling have not changed since the recording of the original training videos.²³ Dr. Wood told GRACE that though Dr. Berg did the primary counseling, "I did some secondary counseling. It was part time for me because I loved it and enjoyed it."²⁴ He said that he had no way of estimating how many individuals he counseled during his administration at BJU for a number of issues, a smaller percentage of which included counselees who disclosed sexual abuse.

According to a BJU historian, Dr. Wood "kept the chapel platform 'hot'" when the President was away and he preached on the university's campus in chapel services on hundreds²⁵ of occasions throughout his career.²⁶ Dr. Wood also serves as a board member for several Christian camp ministries, including The Wilds.²⁷ He authored the book, *Business the Bible Way*, published in 2006 by BJU Press.²⁸

Dr. Wood told GRACE during his interview in November 2013 that he currently serves at BJU as Executive Vice President Emeritus²⁹ working three days a week.³⁰ Dr.

¹³ Reference 89.

¹⁴ Now called Georgia State University.

¹⁵ Turner, 308-309.

¹⁶ Turner, 308-309; see also <http://www.bju.edu/about/president/cabinet/wood.php>.

¹⁷ Reference 31. See also <http://www.bju.edu/about/president/cabinet/wood.php>.

¹⁸ *Id.*

¹⁹ Reference 92.

²⁰ Reference 72.

²¹ Reference 13.

²² Reference 60.

²³ Reference 34. When asked if there was anything he would change about his training video, "Scriptural Principles for Counseling the Abused" Dr. Wood said, "No, I would say that my views are pretty much the same." *Id.*

²⁴ Reference 7.

²⁵ Sermonaudio.com has published a sampling of more than two hundred of Dr. Wood's sermons preached at Bob Jones University. Sermonaudio.com also features several other sermons by Dr. Wood posted by various local churches.

²⁶ Turner, 220.

²⁷ See <http://www.bju.edu/about/president/cabinet/wood.php>.

²⁸ Wood, Bob. *Business the Bible Way: Christlike Communication Within Corporate Culture*. (Greenville, SC: BJU Press, 2006) <http://www.bjupress.com/product/238923>, retrieved 8/30/14.

²⁹ See <http://www.bju.edu/about/president/cabinet/wood.php> (Last accessed November 21, 2014).

³⁰ Reference 96.

Wood is also the Vice President of the Museum and Gallery at BJU, is a board member of Gospel Fellowship Association.³¹ Dr. Wood also continues to preach and consult.³²

³¹ See <http://www.bju.edu/about/president/cabinet/wood.php> (last accessed November 20, 2014).

³² Bob Jones University website, <http://www.bju.edu/about/president/cabinet/wood.php>, retrieved 8/30/14.

Dr. Jim Berg

Dr. Berg graduated from BJU in the mid 1970s with a Bachelor of Arts in Bible and a Master of Arts in Theology.³³ After graduation, Dr. Berg served on BJU's staff for two years until he became an administrative trainee to the Dean of Administration between 1978 and 1981.³⁴ Upon the Dean of Administration's retirement in 1981, the roles of academics and discipline were split. New positions for Provost and Dean of Students were created in 1981, and Dr. Berg became Dean of Students at that time.³⁵ Dr. Berg said that though he did not have "a huge background" in counseling, he "had a huge interest."³⁶ Dr. Berg stated that in his earlier years, he sought guidance on counseling matters occasionally from Dr. Wood or from Dr. Fremont.³⁷

By 1989, Dr. Berg began to implement and oversee a system of dorm counseling to address counseling issues that arose in the dorms.³⁸ BJU materials indicate that "Dr. Berg has been training biblical counselors for over thirty years—preparing the BJU resident counselors for their ministry to the student body, holding counselor training conferences for pastors, and teaching biblical counseling online and in the classroom at Bob Jones University Seminary."³⁹

Dr. Berg has taught a number of undergraduate and graduate courses at BJU including Freshman Orientation, Introduction to Counseling, Crisis Counseling I and II, Counseling Issues, Premarital Counseling, Marital and Family Counseling, the Pastor as a Crisis Counselor, Christian Discipleship, Principles of Leadership, Leadership Development in the Local Church, Leadership Internship, and Ethics (guest lecturer).⁴⁰

During his tenure, Dr. Berg authored a number of audio and video recordings with workbooks on a variety of topics including counseling for sexual abuse victims. Dr. Berg produced an extensive set of videotapes on counseling in 1992 where he devotes over 10 hours to a discussion of counseling victims of sexual abuse/assault. In 2003, Dr. Berg revised his video series on crisis counseling, including within it an expansion of the lectures on sexual abuse. Dr. Berg's view of the nature and impact of sexual abuse seems to have remained largely unchanged across the decades between recordings. The counseling strategies were also similar. However, the 2003 lectures include more cautions about the need for compassion and sensitivity in how the counselee is challenged about sin patterns.

In his role as Dean of Students between 1981 and 2010, Dr. Berg told GRACE he counseled approximately 200-300 victims of sexual abuse.⁴¹ A current administrator told GRACE that Dr. Berg "is very well sought out for his counseling abilities."⁴² In 1999, Dr. Berg was awarded an honorary Doctorate of Divinity from Tabernacle Baptist Seminary.⁴³

³³ Reference 85.

³⁴ Reference 115.

³⁵ Reference 18.

³⁶ Reference 70.

³⁷ Reference 54.

³⁸ Reference 11.

³⁹ See <http://www.bju.edu/academics/faculty/facultymember.php?id=jberg>, retrieved 9/8/14.

⁴⁰ Reference 106. Many classes were taught "face to face" but some are also available through Distance Learning.

⁴¹ Reference 1.

⁴² Reference 74.

⁴³ Reference 38.

In 2010, Dr. Berg and his wife⁴⁴ co-founded an addiction recovery ministry through their church called “Freedom That Lasts.”⁴⁵ Dr. Berg is the program’s Executive Director and one of his responsibilities has included writing the program’s curriculum.⁴⁶ The ministry has now been chartered to sixteen other churches.⁴⁷ Dr. Berg is also the Director of “Faith Counseling Institute,”⁴⁸ which he began through his local church “to provide biblical counselor training for pastors and laymen.”⁴⁹ The institute hosts annual counselor training courses on a variety of counseling topics.

In 2010, Dr. Berg transitioned to the seminary, and President Stephen Jones asked that he “begin some conferences for pastors, be accessible for phone calls for pastors and answer questions about counseling in their churches.”⁵⁰ In addition to these responsibilities, Dr. Berg explained that he has probably done more counseling now than he did in five to six years as Dean of Students.⁵¹

⁴⁴ His wife is also a BJU professor and speaker who has been touted as an “experienced counselor, counselor-trainer, and women’s speaker.” See <http://www.fbctaylors.org/institute>, retrieved 9/8/14. She currently teaches counseling at BJU.

⁴⁵ See <http://www.freedomthatlasts.com/history.html>, retrieved on 9/8/14.

⁴⁶ The BJU Press published the program curriculum in 2011, except the Leader’s Guide, which was published in 2012. Reference 64.

⁴⁷ See <http://www.bju.edu/academics/faculty/facultymember.php?id=jberg>, retrieved 9/8/14. See also <http://www.freedomthatlasts.com/chartering.html>, retrieved on 7/13/14; Reference 57.

⁴⁸ See <http://www.bju.edu/academics/faculty/facultymember.php?id=jberg>, retrieved 9/8/14. See also <http://www.fbctaylors.org/institute>, retrieved 9/8/14.

⁴⁹ <http://www.bju.edu/academics/faculty/facultymember.php?id=jberg>, retrieved 9/8/14.

⁵⁰ Reference 95.

⁵¹ “I probably do more student counseling now actually than I did [in] five to six years as Dean of Students.... Coming over here from Dean of Students- everyone that came to my office and called my office actually wanted to talk to me and that was a new thing. I am very busy [at the seminary], but I don’t have the pressure of the discipline and all that.” Reference 43.

Dr. Gregory Mazak

Dr. Gregory Mazak attended Ohio State University, graduating with a Bachelor of Science in psychology in 1983.⁵² That same year, he enrolled in Bob Jones University where he began a Masters of Divinity degree, which he completed in 1986.⁵³ While studying for his Masters of Divinity degree, BJU officials offered him a teaching position as a graduate assistant. Dr. Mazak agreed to stay at BJU and began teaching general psychology at BJU in 1986 as a graduate assistant while he studied New Testament. In 1990, Dr. Mazak completed a Ph.D. in New Testament at BJU. Beginning in 1990, Dr. Mazak began to pursue a Masters in Education at Clemson. Dr. Mazak stated that he graduated in 1992 with a Masters in Education from Clemson's Graduate School of Education "and I think the title [of my program] was community counseling" or "counseling the community" or "something like that."⁵⁴

When asked about his other experiences in the field of counseling and psychology, as well as any other training, he stated that as an undergraduate he volunteered at Central Ohio Psychiatric Hospital and volunteered at a runaway shelter for teens that was church sponsored by helping to answer a suicide crisis hotline.⁵⁵ He also worked as a "tech" at Chestnut Hills Psychiatric hospital in South Carolina while a student at BJU.⁵⁶ Dr. Mazak stated that he has counseled approximately 50 to 100 sexual abuse victims since he began teaching at BJU in 1986.⁵⁷ He explained that he counsels fewer individuals now than he has in the past because of the network of dorm counselors that are available in the dormitories for these types of counseling issues.⁵⁸

Currently, Dr. Mazak oversees the undergraduate and graduate degrees in biblical counseling and has taught a number of psychology and counseling classes, including Abnormal Psychology, Clinical Psychology, Counseling, Counseling Applications, Counseling Issues Seminar, Fundamentals of Counseling, Marriage/Cults, Music/Youth Ministries, Practice of Counseling, and Theories of Counseling.⁵⁹

Dr. Mazak has spoken throughout the United States at various schools, churches, conferences, and camps.⁶⁰ In addition, Dr. Mazak has been involved at his local church in the Greenville area since the mid-1980s and currently serves as pastor.⁶¹

⁵² Reference 76. See also <http://www.bju.edu/academics/faculty/facultymember.php?id=gmazak>.

⁵³ Reference 23.

⁵⁴ Reference 50. He further explained the degree was "not for guidance counseling but was for individuals who are interested in being a drug and alcohol rehab counselor." *Id.*

⁵⁵ Reference 102.

⁵⁶ He explained, "It was a small private psychiatric hospital and they wanted a male because sometimes when the population pool was low and it was evenings, there would be one or two female nurses and they would say, Greg just be here, You can even lie down on the sofa. I would talk to people; do my best to try to help them." Reference 35.

⁵⁷ Reference 47.

⁵⁸ Reference 15.

⁵⁹ <http://www.bju.edu/academics/faculty/facultymember.php?id=gmazak>, retrieved 11/19/14.

⁶⁰ *Id.*

⁶¹ Reference 2. See also <http://www.trinitybiblegreer.org/tbc/our-pastors/>.

Investigation Findings: Appendix 5-1

Chain of Command and Referred Correspondence

Bob Jones University's President serves as the Chief Executive Officer. As with many large organizations the size of Bob Jones University, members of the President's Cabinet report directly to him, and each Cabinet member oversees specific departments or groups of employees who work throughout the university. The Dean of Students (who also bears the title of Chief Student Life Officer) is a member of the President's Cabinet.¹ As numerous current and former administrators explained,² student discipline reports are forwarded to the President and the Chancellor.³

The university utilizes a system of "referred correspondence" for non-academic university records⁴ that circulates relevant documents to top BJU officials including the President, Chancellor, and various cabinet members. Dr. Bob Jones, III explained, "When something of significance is dealt with by a Dean, we are not talking about academic now, we are talking about mostly character issues, a file report like this is written and the people that need to know, their initials are here and it circulates around. When we are through with them, we check our name off."⁵ Similarly, Dr. Berg explained, "anything of a moral nature was only to those that needed to know. A [file] report would have been made and that would have gone up the chain [of command]."⁶ File reports typically deal with issues of discipline. They document anything relevant that the author of the report believes a top official needs to know and are placed in a person's file,⁷ along with any other records the university deems relevant.⁸

Once each administrator (who is notated in the top right hand corner of the report) reviews the document, the individual strikes through his or her initials indicating that he or she has read the document. In some cases, the President or other administrators make personal handwritten comments on the documents themselves.⁹ In addition, some file reports are circulated in confidential envelopes. Dr. Berg explained that in those situations, the document

¹ The President's Cabinet is composed of the Executive Vice President for Academic Affairs and Chief Administrative Oversight Officer; the Executive Vice President for Operations and Chief Operations Officer; the Vice President for Advancement and Alumni Relations; The Provost and Chief Academic Officer; the Chief Communications Officer; the Chief Financial Officer; the Dean of Students and Chief Student Life Officer; the Executive Vice President Emeritus; the Chief Human Resources Officer; the Chief Facilities Management Officer; the Chief Publication/Chief Brand Officer; and the Chief Information Officer. See <http://www.bju.edu/about/president/cabinet/>, retrieved on 9/2/14.

² Reference 500. Reference 501. Reference 502. Reference 503. Reference 504.

³ Dr. Stephen Jones stated, "Every piece of paper just about came to the top. I like to keep up with the student reports just to know what this generation of students are struggling with. For instance, we know that about 68% of the discipline reports that have to deal with males have something to do with pornography in the freshman class. It got better in the sophomore and junior. So we get them into counseling and things like that. So, that helps me in planning the themes for the year, specific sermons, also talking to students on the sidewalk and trying to minister to them, for me to be transparent with my struggles, but hopefully to be able to minister to them transparently." Reference 501.

⁴ Examples would include university file reports of disciplinary information or correspondence to and from the university and the student.

⁵ Reference 505.

⁶ Reference 506.

⁷ File reports may be made by BJU officials on either current or former students and placed in the person's file.

⁸ A stamp is placed on the upper right hand corner of file reports and on the front of any other university documents that are circulated for review. The information on the stamp includes the date and the initials of the administrators to whom the document is being referred. Typically file reports are circulated to the Dean of Women, the Dean of Men, the Dean of Students, the Provost, Vice Presidents, the President, and the Chancellor, although the Dean of Women noted that in years past, the referred correspondence system also included other individuals such as "the registrar and the enrollment person." Reference 507.

⁹ Reference 508.

would be placed into an envelope, marked confidential to be opened only by administrative officials whose initials were on the outside of the envelope. The outside of the confidential envelope notates each employee's initials who was directed to read the confidential report, and administrators would strike through their initials on the confidential envelope itself, rather than on the document.

Dr. Berg explained that in this scenario, the absence of a strike-through over a person's initials on the face of a document does not mean that the administrator did not read the document.¹⁰ Dr. Berg noted that the file clerk would not file confidential documents into the university's record keeping system until every administrator directed to read the document had seen the document.¹¹

Every BJU employee who GRACE interviewed about the reporting of information to top BJU officials said that any discipline matters as serious as a crime, especially a discipline matter involving sexual abuse or sexual assault, would be reported to the President. President Stephen Jones said that he expected this type of information to come to him,¹² saying,

Every piece of paper just about came to the top. I like to keep up with the student reports just to know what this generation of students are struggling with. For instance, we know that about 68% of the discipline reports that have to deal with males have something to do with pornography. In the freshman class. It got better in the sophomore and junior. So we get them into counseling and things like that. So, that helps me in planning the themes for the year, specific sermons, also talking to students on the sidewalk and trying to minister to them, for me to be transparent with my struggles, but hopefully to be able to minister to them transparently.¹³

Dr. Berg and others explained that no one attempted to protect the President from knowledge of serious matters. According to Dr. Berg, a crime "would go all the way up to the top. That would be reported immediately to the highest levels."¹⁴ Even apart from serious moral infractions, Dr. Berg explained, "If it was something that I felt like Dr. Bob or my vice president needed to know immediately, I would call him or tell him at chapel because we all go to chapel. I would tell him, 'A report is coming but I just want to let you know.'"¹⁵

Dr. Berg and other administrators agreed that they documented almost everything.¹⁶ One former cabinet administrator who dealt with referred correspondence on a daily basis told GRACE, "...this file system that we had was just crazy. The amount of paper that we handled every day. Every day, in that job, I was getting scores and scores of email.... The paper flow was just ridiculous."¹⁷ Another retired administrator explained, "We did a report on everything. Everything got a report. That was anything, any kind of situation, if we were dealing with discipline, if we were dealing with counseling, if we were dealing with, all of those would have had a report done on them."¹⁸ One administrator noted that the university's system of referred

¹⁰ Reference 509.

¹¹ Reference 510.

¹² Reference 511.

¹³ Reference 512.

¹⁴ Reference 513.

¹⁵ Reference 514.

¹⁶ Reference 515.

¹⁷ Reference 516.

¹⁸ Reference 517.

correspondence ensures that everyone at the administrative level has possession of the same information so that a uniform response to the reported information is made.¹⁹ Another top BJU official, the current Dean of Women, also remarked, “Certain people I think need to know for our accountability that we are handling things in the right way.”²⁰

¹⁹ Reference 518.

²⁰ Reference 519.

Investigation Findings: Appendix 5-2

Student Life Structure and Dorm Counseling System

Residence halls on the Bob Jones University campus are uniquely structured. Numerous individuals described the residence life structure. A number of individuals who attended BJU explained several key terms about student life:²¹

- Dorm (Resident) Supervisor:²² A staff member who lives in an apartment in the dorm and supervises that particular dorm.
- Dorm (Resident) Counselor:²³ A graduate student, usually earning a seminary or biblical counseling degree.
- Hall Monitor or Resident Assistant (RA):²⁴ A student who serves as a resident assistant for a group of rooms in the residence hall.
- Prayer Groups: A block of four rooms on a hall.
- Prayer Captain (PC):²⁵ A student who oversees prayer groups for a group of rooms.
- Assistant Prayer Captain (APC): A student who is the spiritual leader of the room.

The current Dean of Students explained that presently the university has four undergraduate residence halls (or dorms) for the men and four undergraduate residence halls for the women, with two or three Resident Counselors in each building.²⁶ Each residence hall still has one Residence Supervisor who is in charge of that particular residence hall. Dorm Counselors report to the Residence Supervisors, and the Residence Supervisors report to the

²¹ Reference 520.

²² The BJU website currently describes resident supervisors, stating, “The supervisor oversees the residence hall staff, group leaders, RAs and resident mentors. They’re here to help you pursue Christlikeness and long-term spiritual success.” <http://www.bju.edu/admission/admitted-students/your-first-week/places.php>, retrieved 11/22/14. The terms resident supervisor and dorm supervisor were used interchangeably by various members of the BJU community and former students.

²³ The term “dorm counselor” or “resident counselor” has now been changed to “resident mentor.” Student Handbook 2014-15, p. 61. The BJU website currently describes “resident mentors” as “recent BJU graduates who are now staff members working on graduate degrees. They’re happy to serve you through advice and prayer as you adjust to college life.”

<http://www.bju.edu/admission/admitted-students/your-first-week/places.php>, retrieved 11/22/14. The terms resident counselor and dorm counselor were used interchangeably by various members of the BJU community and former students.

²⁴ This terminology has changed throughout the years. A former administrator explained that first these individuals were called “Hall Monitors,” then they were called “Hall Leaders.” Now they are called “Resident Assistants” or “RA’s.” Reference 521. The BJU website describes them, saying, “The RA is a student with the responsibility of leading and caring for the people on your hall. Your RA will oversee discipleship on your hall.” <http://www.bju.edu/admission/admitted-students/your-first-week/places.php>, retrieved 11/22/14.

²⁵ The terms “Prayer Captain” and “Assistant Prayer Captain” have been in use at BJU for decades. Assistant Prayer Captain is commonly referred to as an APC (or the “room leader”) and the Prayer Captain is commonly referred to as the PC (or the “group leader”). APC’s and PC’s were also referred to as “spiritual leaders” by various investigative participants on some occasions. This term has changed and BJU website currently describes these individuals as “Discipleship Group Leader” (formerly the PC) and “Assistant Leader” (formerly the APC), by noting, “Each unit of three or four residence hall rooms is a discipleship group with a leader and an assistant leader. These students have demonstrated in previous semesters that they are serious about their walk with the Lord and that they desire to help others in their Christian lives. They will help you become familiar with the daily routines at BJU and will take an interest in your personal and spiritual growth. <http://www.bju.edu/admission/admitted-students/your-first-week/places.php>, retrieved 11/22/14.

²⁶ The current Dean of Students noted, “Student life here is considered the residence halls, leadership development, student organizations, and social events.” See Reference 522. Jim Berg also bore both titles of “Dean of Students,” from 1981-2010 and “Chief Student Life Officer,” from 2004-2010. See Reference 523.

Dean of Men and the Dean of Women, who ultimately report to the Dean of Students.²⁷ All of these personnel fall under BJU's organizational structure known as "Student Life."

Under Dr. Berg's administration, Dorm Counselors and Dorm Supervisors met with the Dean of Students directly to discuss counseling cases.²⁸ However, presently, the Women's Counselor meets with the female Resident Counselors and Supervisors. The Assistant Dean of Mentoring and Counseling and the Dean of Men meet with the male Resident Counselors and Supervisors.²⁹

The Women's Counselor, a position created by the university in 2012, told GRACE that her responsibilities are primarily assigned by the Dean of Students and the Dean of Women, one of which is to counsel female students that are referred to her.³⁰ The Assistant Dean of Mentoring and Counseling is likewise available to counsel male students, and he functions as the assistant to the Dean of Students and to the Dean of Men.³¹

Under Dr. Berg's administration and continuing through the present day, the Dean of Students, the Dean of Men, and the Dean of Women oversee the Resident Supervisors and the Resident Counselors. The Dean of Students also currently supervises the Women's Counselor and the Assistant Dean of Mentoring and Counseling, in addition to handling discipline matters. As noted by Dr. Berg, the current Dean of Men and the current Dean of Women "were Resident Supervisors before becoming Deans so they did much counseling then and now."³²

The Dean of Students (under Dr. Berg and in the present day) oversees the training for the residence hall staff. The current Dean of Students told GRACE that he is "not averse" to counseling but noted that he has not had much opportunity to do it in his current role due to the present distribution of the counseling load. He said that, while he was the Assistant Dean of Students under Dr. Berg, he counseled one or two male students per semester on a weekly basis.³³ The current Dean of Students continues to supervise the university's handling of discipline cases as well; however, much of the "hands on" discipline is handled by the Dean of Men and the Dean of Women who report to him.³⁴

Bob Jones Academy

BJU permits Academy students who are enrolled in the 9th grade or above to live in the residence halls with university students. The current Women's Counselor previously served as an Academy Hall Supervisor,³⁵ and in that position, she handled both recommended counseling for academy residence hall students who had behavioral issues as well as counseling for those who had voluntary need of counseling with a variety of issues such as, "family issues, struggles of faith, and other conflict issues."³⁶ The Women's Counselor also noted that she previously held the position of Academy Counselor and reported to the Academy Principal.³⁷ Bob Jones

²⁷ Reference 524. Reference 525. Reference 526.

²⁸ Reference 527.

²⁹ Reference 528.

³⁰ Reference 529.

³¹ Reference 530.

³² Reference 531.

³³ Reference 532.

³⁴ Reference 533.

³⁵ BJU permits students who are enrolled in the academy in the 9th grade or above to live in the residence halls with university students. Reference 534.

³⁶ Reference 535.

³⁷ Reference 536.

Academy utilizes an Academy Counselor who counsels minors for disciplinary issues and counsels academy students who seek voluntary assistance.³⁸

³⁸ See generally Reference 537. *See also* Reference 538 for a description of the role of guidance counselors.

Investigation Findings: Appendix 5-3

Residence Hall Evaluations

The university has required that students who live in the residence halls undergo “Residence Hall Evaluations” each year.³⁹ These evaluations have changed through the years but have discussed various issues, such as spiritual life, personal consistency, response to authority, effectiveness in dealing with others, effectiveness in personal performance of duty, personal efficiency, emotional control, social life, and appearance.⁴⁰ University publications describe the purpose of these evaluations as helping students develop Christ-like character, an effective Christian testimony, and mature social relationships.⁴¹ Dr. Berg expounded further, saying, “We do 360 evaluations here within the faculty and staff where it is peer done, I mean it goes up the ladder and it goes down the ladder. That was a 360 kind of thing.”⁴²

A number of participants in the investigation described the evaluation process they encountered while attending BJU:

1. First, each dorm student completes a self-evaluation.
2. The APC or the PC of the room (depending on who lives with the dorm student) also completes an evaluation of the dorm student.
3. The dorm student and the APC or the PC then review their two evaluations together.
4. Dorm students also have an opportunity to evaluate the APC or PC.

The university evaluation forms have been used for students in making recommendations about one another regarding whether their fellow students (i.e., roommates) should or should not receive the APC or PC positions of spiritual leadership in the dormitories.⁴³ According to Dr. Berg, the student recommendations are forwarded to the Resident Assistants who know the individuals in the room, and from these recommendations the Student Life staff has made the final selections regarding who becomes a spiritual leader in the room for the following year.⁴⁴

³⁹ *Student Life Handbook* (2014-2015), 46, retrieved on 8/31/14.

⁴⁰ Growth Guide for Spiritual Leaders, 20.

⁴¹ *Student Life Handbook* (2014-2015), 46, retrieved on 8/31/14, “BJU’s mission is to help each student develop Christlike character. For residence hall students, an effective Christian testimony, and mature social and residence hall adjustments, along with strong interpersonal relationships with others, are key indicators of how well individuals are growing spiritually and how well they are progressing in developing Christlike character. To help residence hall students evaluate their development in these areas, during the second semester of each academic year residence hall students receive a private, self-evaluation. These evaluations are intended to help students evaluate where they stand in their own personal maturity and testimony. Questions regarding student evaluations may be directed to resident supervisors. In addition, each semester both residence hall and day students complete a selfcheck which is discussed with a peer mentor. This evaluation provides an opportunity to observe growth and identify areas of need. Day student evaluations are discussed with a society officer, church mentor or parent.” *Id.*

⁴² Reference 539.

⁴³ Reference 540. See also the lower right hand corner of the “Dormitory Leadership Peer Appraisal” form. Growth Guide for Spiritual Leaders, 20; and Reference 541.

⁴⁴ Reference 542. Dr. Berg stated, “The second semester when we are making choices for room leaders for the next year, there was a form filled out by the room leader on peers in the room and making recommendations or not and why not. That had to go to the RA who knew the room leader or the group leader and from that we would pick who would be the room leaders. It was an attempt at leadership development for the student leaders and it wasn’t so much about rules, it was about initiative, critical spirit, the normal kinds of things that- but what we were trying to do was find out who would be the next leaders and peer recommendations.” *Id.*

Investigation Findings: Appendix 5-4

A Brief History of Counseling at BJU

Prior to the mid-1970s, no official counseling services were offered for students on the Bob Jones campus. Informal counseling appears to have been available through various on campus counselors such as Dr. and Mrs. Fremont or others. BJU's former Provost, whose tenure spanned from 1981 through 2005, noted that prior to the 1980s, "there didn't seem to be a need."⁴⁵

In 1974, Dr. Jones, III created a staff position entitled "Student Counselor" to aid with counseling college students. According to the first ever person hired as Student Counselor, Dr. Jones, III "termed [the student counselor position] as kind of like a youth pastor that would be available for students to come and open up to without it having any kind of a discipline side to it. It would just be a pastor that would be available to give counsel. It was for guys and girls.... It was heavy volume with counseling here."⁴⁶

The Student Counselor also noted that when violations of the honor code arose, he encouraged the student "to go take care of something that had to do with their relationship to the school in some way."⁴⁷ He also noted that he reported to Dr. Jones, III.⁴⁸ The former Student Counselor, who later became a top administrator, stated that he initially felt unqualified for such a task, being a recent graduate and a relatively new Christian.⁴⁹ Dr. Bob Jones, III nonetheless encouraged him to take the position, because God would use him for His glory.⁵⁰

The former Student Counselor reported that he read and digested Jay Adams' book *Competent to Counsel*⁵¹ which he said helped change his view about needing prior counseling

⁴⁵ Reference 543. We note that the last 30 to 40 years have reflected a marked increase in the number of disclosures of sexual abuse. Since its inception, mandated reporting has led to a steady increase in reports of child abuse to protective services. (Al Ellard, Mary Lou Schilling & Cheryl Geisthardt, *Preventing Child Abuse in Recreation: A Call for a Comprehensive Professional Response*, 38 PARKS & REC. 1 (2003) (stating that "in 1999, mandated reporters were responsible for more than half (54.7%) of the cases of child abuse and maltreatment reported to child protective agencies"). In 1963, there were approximately 150,000 cases of suspected abuse or neglect brought to the attention of the authorities. (U.S. DEP'T OF HEALTH, EDUC., & WELFARE, U.S. CHILDREN'S BUREAU, JUVENILE COURT STATISTICS 13 (1966); see also Douglas J. Besharov, *Foster Care Reform: Two Books for Practitioners*, 18 FAM. L.Q. 247 (1984)). By 1972, the figure increased to 610,000 annually. (SAAD Z. NAGI, CHILD MALTREATMENT IN THE UNITED STATES: A CHALLENGE TO SOCIAL INSTITUTIONS 35 (1977)). By 1982, more than 1.3 million child abuse cases were reported. (U.S. DEP'T OF HEALTH & HUMAN SERVS., U.S. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT, NATIONAL STUDY ON THE INCIDENCE AND SEVERITY OF CHILD ABUSE AND NEGLECT 11 (1981)). This number almost tripled to 3.8 million in 2012 (CHILD MALTREATMENT 2012, *supra* note 74, at 18. See also Douglas J. Besharov, *Child Abuse Realities: Over-Reporting and Poverty*, 8 VA. J. SOC. POL'Y & L. 1 (2000) (stating that "[e]stimates are based on Ching-Tung Wang & Deborah Daro, Current Trends in Child Abuse Reporting and Fatalities: The Results of the 1996 Annual Fifty State Survey tbl.1 (1997) [hereinafter Wang & Daro] (3,126,000 reports of abuse and neglect)," as well as the "Admin. on Children, Youth, and Families, U.S. Dep't of Health & Human Servs., Child Maltreatment 1997: Reports from the States to the National Child Abuse and Neglect Data System 3-2 (1999) [hereinafter 1999 U.S. Dep't of Health & Human Servs.]," which provided that "nearly three million cases of child abuse reported to child protective service agencies[]").

⁴⁶ Reference 544.

⁴⁷ Reference 545.

⁴⁸ "There were times that I would encourage a student to go take care of something that had to do with their relationship to the school in some way. There would be times that I would call someone for advice and leave it generic but the primary reporting was Dr. Bob III. He hired me and it was to him that I gave any kind of account as to what was going on." Reference 546.

⁴⁹ Reference 547.

⁵⁰ The witness stated, "Once again, [Dr. Jones, III] is a man of very personable and he said, 'that has been the story of my life.' He said, 'I have been thrust into positions that I never felt qualified for, I never felt like I was prepared to do or apt or able but God always put me in positions where I had to trust him and he would get the glory.' I said, 'ok....'" Reference 548.

⁵¹ Jay Adams, *Competent to Counsel* (Grand Rapids, MI: Zondervan, 1986).

experience and also shaped his thinking about the counseling model he employed as BJU's first Student Counselor. The now retired former administrator explained,

[Jay Adams] talked about the most qualified biblical counselor is going to be somebody that knows the word of God and is applying it to their own life and that was his conclusion so that encouraged me.

Follow up is a big thing with Adams, follow up to developing habits, replacing the old habits with new habits with biblical replacement... That is the philosophy we operated on is the idea that you repent of your sin, you renew your mind with the word of God and you replace your habits. It is not just stopping from doing something; it is replacing it with what God has for the believer.

That was the general philosophy we used. So in doing follow up, you are trying to help them implement the replacement, the renewing, getting into the scripture, memorizing scripture, meditating upon scripture and then the replacement aspect, the habits that, you know it is like Ephesians 4, put off and put on, those things there in Colossians 3 and Ephesians 4. So that would have been our counseling philosophy here.⁵²

During his seven years as Student Counselor, the former Student Counselor saw approximately 30 to 40 students a week for various counseling issues. He stated that the topic of sexual abuse came up indirectly on only one occasion in the 1970s: "I really don't remember [sexual abuse] coming up as a subject in the 70s that much. It was still kind of a hush, hush thing; people were not as open about it as they are now. I think we understand that, those of us that are older, [those of] us that have some grey hair, it was an under the lid sort of thing.... That started coming out more in the 80s."⁵³ The retired administrator explained that after he left the position in 1981, a few other men who have since taught full-time in the School of Religion became the Student Counselor until the job was officially phased out and the university began using what became known Residence (or Dorm) Counselors in the late 1980s. In 2014, BJU changed the title of these counselors to "Resident Mentors."⁵⁴

The Dean of Administration handled both academics and discipline prior to 1981. When these areas were split, the Provost⁵⁵ took over the academics side, and Dr. Berg took over the discipline side as Dean of Students.⁵⁶ Dr. Berg explained that though there were Student Counselors before he became Dean of Students, "there was not a lot of campus counseling until I became the Dean of Students. So, in many ways, I was kind of a pioneer in that for the university."⁵⁷ A former administrator who worked with Dr. Berg for decades noted, "Dr. Berg would have been instrumental in this change beginning then [in the 1980s] to what it is today."⁵⁸

Dr. Berg observed that the prior Dean of Administration had often used orientation to discuss the academic programs or issues such as selecting a major. However, Dr. Berg changed orientation "to be more of an emphasis on personal development, and I dealt with stress

⁵² Reference 549.

⁵³ Reference 550.

⁵⁴ *Student Handbook* (2014-15), 61.

⁵⁵ Reference 551.

⁵⁶ Dr. Berg served as Dean of Students from 1981 to 2010. Reference 552.

⁵⁷ Reference 553.

⁵⁸ Reference 554.

management, anger issues, how to resolve conflicts with roommates. It was not a counseling course, but a lot of those topics (and when I preached in chapel) were dealing with bitterness and anxiety and things like that.”⁵⁹ Consequently, Dr. Berg stated that students began to approach his office with more regularity about various counseling related matters. Issues involving sexual matters that arose on the men’s side were typically referred to the Dean of Men, and women who disclosed sexual abuse were referred to Dr. Berg.⁶⁰

Resident Counselors and Training

Dr. Berg noted that the counseling load increased as he began to discuss various areas of student life in orientation. In 1988, Dr. Berg kept a log of how many hours he was spending in counseling. He took the log to Dr. Jones, III and said,

I really need some help in this. A lot of these things I really don’t have to be handling because [there are] disappointments over their moral failures; I don’t have to handle that. Others can handle that. Worry over their grades or their school bill or a relationship that just went south with a boyfriend they have here or back home. I really don’t need to handle that but others can.⁶¹

Dr. Berg told GRACE that he made the request “to hire five graduate assistant women and put one in each dorm in each resident hall and train them to begin pastor’s wife type of work.”⁶² BJU, thus, began to utilize Resident Counselors in the women’s dormitories first in 1989 and then added Resident Counselors to the men’s dormitories the following year. In 1990, Dr. Berg requested that the number of Resident Counselors in each dorm be doubled.

Around 1990, Dr. Berg began developing a lecture series in biblical counseling⁶³ and an extended education program that offered “TOP Classes.” These classes trained the BJU community in specific topics from finance to aerobics. In 1992, Dr. Berg created a “TOP Class” for various counseling topics. These lectures were recorded and used to train resident counselors.⁶⁴ Dr. Berg explained how the training process for Resident Counselors occurred:

When we hired a new counselor second semester of his/her senior year, I sent them home over the summer with “Introduction to Counseling” (12 DVD hours of basics of biblical counseling). Over the holidays between semesters I encouraged them to take home “Counseling Issues” (12 hours dealing with depression, anger, anxiety, meds, sleep, etc.).

Over the next summer I encouraged the women to take home “Crisis Counseling 1” which dealt with suicide (2 hours) and overcoming childhood sexual abuse (10 hours) and

⁵⁹ Reference 555.

⁶⁰ Reference 556. See also Reference 557. Many times Dr. Berg met with a counselee together with her dorm counselor or another female such as a prayer captain. However on some occasions, Dr. Berg handled the counseling himself. Reference 558.

⁶¹ Reference 559.

⁶² Reference 560.

⁶³ Reference 561.

⁶⁴ Reference 562.

encouraged the men to take home “Crisis Counseling II” (12 hours of instruction on moral issues, including homosexuality, addictions, etc.)

In addition to these video courses, the greatest amount of counseling training was done as “interns” sitting in my office as I initially counseled the students they brought to me. They watched me work with the student for a session or two.

I would outline what the next steps of concentration would be, and they followed up with the student. I then met with the counselors collectively each week to follow up and, if necessary, got with the counselor and the student together again to help them get over any hurdles they had encountered.⁶⁵ Much of the training was as observing ‘interns.’

There weren’t at that time any policies except that I was to be made aware if they encountered sexual abuse. [The current Dean of Students] and his staff have formulated more formal policies, I believe. You’ll need to check with him.⁶⁶

Other individuals who were either Resident Supervisors or Resident Counselors described Dr. Berg’s training process in the same way.⁶⁷ The current Dean of Women who was formerly a Resident Supervisor for eight years also explained:

We would meet with [Dr. Berg] three days a week. We have an administrative conference every day and then he would break up and three days a week he would meet with the resident supervisors. He used to meet with the resident counselors which are under the supervisors but because his counseling experience was so vast, he met with the dorm counselors for many years.... He was a very busy man.

He was the Dean of Students so it wasn’t like he could do all of this. He could give you what to start with and what would the next step be. The next week, he would say, ok she did this and she is growing or she is this. So it was every three days a week where he is passing out this information and then they go and work with them and if they have any questions—not every week would they bring every person up. But if it was ever a case where the student was not understanding, he would always meet with them.⁶⁸

⁶⁵ Reference 563. Reference 564. Reference 565.

⁶⁶ Reference 566. See also Reference 567 for the same basic explanation.

⁶⁷ Reference 568.

⁶⁸ Reference 569.

Investigation Findings: Appendix 5-5

Recent Counseling Positions

Recently, BJU added two new counseling positions to its Student Life Department: the Assistant Dean of Mentoring and Counseling and the Women's Counselor.

BJU's current Women's Counselor received a Masters degree in Biblical Counseling in 2005 from BJU. She reported that before becoming the Women's Counselor, she worked as a Resident Counselor for six years, as the Academy Counselor, and also worked as a camp counselor at The Wilds Christian Camp for a number of years. She explained that most of the knowledge of counseling sexual abuse victims has come through her counseling experiences.

Speaking about her training while a student at BJU, she stated, "There was not a formal internship at the time [2003-2005] which I saw personally as a weakness of the program, but I think at the time there was an option for that, it would be an elective type of class. I did not do that and I don't think I fully at the time even really knew a lot about it even though I was in the program."⁶⁹

She also stated that she has had several mentors in her life, but these were not connected to her formal education. The Women's Counselor also indicated that the Dean of Students is available for her to go to for assistance. She also noted that she has not personally been a counselee in a counseling relationship before to know what it is like to be counseled and acknowledged, "I think I really would have benefited from something like that."⁷⁰ The Women's Counselor stated that she was appreciative that BJU has created the position of Women's Counselor, but she noted, "I necessarily do not see myself as fully ready and qualified and adequate for these things, but I am grateful for all the experience I have been given."⁷¹

The current Assistant Dean of Mentoring and Counseling received a Bachelor of Arts degree from BJU in Bible, a Master of Science in Counseling, a Master of Divinity, and is currently working on a Doctor of Ministry degree at BJU. The Assistant Dean currently provides counseling for male students and oversees the men's group of resident counselors.

GRACE noted these counselors have sought some training from outside sources. Because the Women's Counselor not only handles sexual abuse counseling but counseling of all kinds, she explained that she has attempted to equip herself with additional training from outside sources, has visited the Julie Valentine Center,⁷² and has been reading several books on counseling victims of sexual trauma.

The Assistant Dean of Mentoring and Counseling also stated that his supervisors, the Dean of Men and the Dean of Students, have supported his desire to seek training from outside resources and provided a list of his outside training experiences.⁷³ Dr. Berg also noted that the

⁶⁹ Reference 570.

⁷⁰ Reference 571. Other former graduates of BJU's counseling program made the same observation that the program lacked an outlet for obtaining practical experience. See generally Reference 572. Reference 573. A masters degree graduate of the counseling program lamented, "I have no idea how to counsel someone. I couldn't." However, a current enrollee reported that though she would graduate without having completed an internship, she understood that an internship would soon be required for future students. Reference 574.

⁷¹ Reference 575.

⁷² The Julie Valentine Center is a local Greenville organization and resource for those who are recovering from sexual trauma. See www.julievalentinecenter.org.

⁷³ The Assistant Dean of Mentoring and Counseling stated, "I have attended the NANC conference. Now it is called ACBC; you are probably familiar with them, the Association of Certified Biblical Counselors. I have attended their conferences and utilized their materials multiple times. I also utilize the Journal of Biblical Counseling, both for reference and for study. I have been

residence life staff has “significantly beefed up hours of training for our counselors. Not just on the job training but pre-job training as part of in-service training.”⁷⁴

During the course of the investigation, GRACE observed that BJU officials had hired MinistrySafe⁷⁵ to provide sexual abuse awareness training to “all students involved in Outreach Ministries and in Education, Nursing and Ministerial majors” in September of 2013.⁷⁶ Training sessions were also made available for all faculty, staff, and students in November and December of 2013, and BJU has stated publicly that it will continue to provide sexual abuse awareness training to all students, faculty and staff in the future.⁷⁷

interacting on a very minimal level locally here with the Julie Valentine Center to learn of their resources and how we can partner together. I was part of a group called CARE that was hosted by USC Upstate located in Spartanburg. It was a group of counselors from institutions of higher education in the local area here. We would get together for lunch and discussion on various counseling topics. I have received a certificate of training for mandated reporters by the Children’s Law Center at USC Columbia and then I attended the USC Upstate Center for Child Advocacy Studies, their annual conference, which was not only eye opening, but very, very helpful.” See Reference 576.

⁷⁴ Reference 577.

⁷⁵ MinistrySafe is an entity founded by Gregory Love and Kimberlee Norris that is “dedicated to sexual abuse awareness and prevention.” See <https://www.ministrysafe.com/about>, retrieved on 7/19/14.

⁷⁶ See Timeline of Events, September 27, 2013, “Required Training and Certification for Student Outreach Begins,” available at <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14.

⁷⁷ See Timeline of Events, November 11, 2013, “Required Training and Certification for Employees and Student Boy Begins,” available at <http://www.bju.edu/about/answering-questions.php>, retrieved on 7/19/14.

Investigation Findings: Appendix 5-6

BJU's Discipline System

In order to understand the interconnectedness of discipline and counseling, as well as the application of those functions to student life at BJU, it is necessary to briefly outline the university's discipline system. According to the university student handbook:

Within the context of liberal arts education, the mission of Bob Jones University is to help students develop Christlike character that is manifested in a scripturally disciplined life, service to others, love for God, sharing of the Gospel and biblical discernment about what God values for eternity. Accomplishing the mission requires an edifying campus atmosphere and an environment that promotes spiritual growth.

Maintaining a desired campus atmosphere necessitates a discipline system to which all students submit themselves and hold each other accountable. BJU bases its system of accountability and correction on the functions of Scripture taught in 2 Tim. 3:16: teaching, reproof, correction and training in righteousness. These functions follow a progression from instruction to convicting rebuke to restorative correction to the formation of Christian character. Through its discipline system BJU seeks to lovingly verbalize the truth in order to instruct, warn, rebuke, restore and help develop "complete" Christians fully equipped for every good work (2 Tim. 3:17).⁷⁸

BJU's Code of Conduct for students addresses a number of issues, including but not limited to on and off campus social life, the dress code, residence hall life and much more. In order to enforce the code of conduct, BJU utilizes a demerit system "as an index of responsibility."⁷⁹ The student handbook describes a variety of minor offenses and major offenses.⁸⁰ Aside from the imposition of demerits, some offenses result in immediate suspension.⁸¹ The university's student handbook explains how it implements and enforces this discipline system:

In implementing correction BJU is interested not merely in a student's compliance to specific regulations but ultimately in the student's long-term spiritual success. The University recognizes that while the total campus community—students, faculty and staff—continually battles the

⁷⁸ *Student Life Handbook* (2014-2015), 50.

⁷⁹ *Student Life Handbook* (2014-2015), 51.

⁸⁰ Minor offenses include absences from non-class required activities, being late for non-class required activities, breaches of the dress code, failure to check in and out, and failure to pass room check. For the violation of a minor offense, a student may receive either warnings or demerits. Examples of major offenses include absences from evangelistic services, Bible Conference, and commencement programs, breaches of security, disrespect/disobedience to a directive, inappropriate internet content, profanity/sacrilegious behavior, theft/dishonesty, smoking/tobacco/e-cigarettes. See *Student Life Handbook* (2014-2015), 51.

⁸¹ The student handbook provides examples of offenses that result in immediate suspension. These include "Major moral failure, including immorality, hard-core pornography, sensual behavior, or use of alcohol or drugs; Stealing or shoplifting; ePass offenses involving overnight visits; Committing a crime during or not disclosing a crime committed before enrollment; Encouraging or aiding another student in an action that results in suspension." See *Student Life Handbook* (2014-2015), 52.

flesh on an individual basis, when the Holy Spirit is at work in the believer's heart, spiritual growth and sanctification take place.

Sanctification is progressive; therefore, BJU does not expect perfection. Instead, while maintaining consistency, BJU takes a personal approach and works with a student based on that student's heart response to correction. Consequences may vary based on sincere repentance versus repeated offenses.

Spiritual growth and discipline at BJU are everyone's responsibility. Faculty and staff along with Student Life are involved in student lives, and students are involved in each other's lives. The campus community pledges together to help each other grow and hold each other accountable with the goal of encouraging the spiritual success of every individual on campus.⁸²

Students and employees therefore assist administrators in enforcing the Code of Conduct. Students must annually read the university's policies and commit to knowing them and adhering to them by signing the "Bob Jones University Student Covenant."⁸³ The first bullet point of the current Student Covenant states that the student commits to "Exercis[ing] a spirit of humility, love, consideration and forgiveness while living in community with fellow students, faculty and staff; help[ing] create a campus environment conducive to spiritual growth through my attitude and actions; and encourag[ing] fellow students to keep their commitment to this covenant."⁸⁴ The covenant also addresses a number of other issues such as academics, church involvement, dress, Christian testimony, and engaging in outreach ministries.

Character Probation

University materials also state that students may be placed on probation.⁸⁵ Dr. Berg explained that there are "several different levels of accountability."⁸⁶ The current handbook states, "A student may be placed on probation in order to promote spiritual growth, address specific character issues, and provide weekly accountability. The goal is to encourage the student in a genuine, observable desire to grow in Christlikeness."⁸⁷ Dr. Berg explained that this has been known in the past during his administration as "spiritual probation," explaining,

We had several different levels of accountability, there were times when somebody, let's say they were just a roommate hard to get along with and they needed a little more prodding on that so the dorm supervisor will work with them on that and the RA would work with them on that. We might put them on a weekly counseling basis, there is no discipline thing here, it is not a probationary sense if you don't do certain things, just for a period of time here you need to meet with the resident counselor.

⁸² *Student Life Handbook* (2014-2015), 50.

⁸³ The Bob Jones University Student Covenant can be found on pages 86-87 of the 2014-2015 *Student Handbook*.

⁸⁴ *Student Life Handbook* (2014-2015), 86.

⁸⁵ *Student Life Handbook* (2014-2015), 52.

⁸⁶ Reference 578.

⁸⁷ *Student Life Handbook* (2014-2015), 52. See also Reference 579.

That was a very informal kind of thing, I don't know what it is called now but it was called spiritual probation. In all the efforts to try to help there is this constant lack of any interest spiritually or handling things God's way—so that was us saying we want to meet with you once a week and we want to try to help with that response. If it is not forthcoming, you will have to sit out and decide if this is a place you want to be because we do want responsiveness to spiritual things.⁸⁸

Currently, the university calls this form of probation “character probation.”⁸⁹ The current Dean of Men also described character probation to GRACE.⁹⁰ In cases where “there is some question about spiritual growth and interest,” a BJU student may be placed on character probation at the discretion of “the probation committee, which is a small committee made up of academic and student life representatives.”⁹¹ Students placed on character probation have been required to meet weekly with a counselor for a semester. The purpose of the weekly counsel appears to be two-fold. The mandatory counseling meetings are intended “both to help [the student] with any struggles [he or she] is having and to help [the probation committee] evaluate the effectiveness of this probation in [the student's] life.”⁹² While on probation, the probation

⁸⁸ Reference 580.

⁸⁹ Reference 581.

⁹⁰ Reference 582. In the spring of 2014, the Dean of Men noted in an email to GRACE, “This is not a new program. BJU has had ‘character probation’ for a number of years. For this next semester, there are a total of two students (less than 1/10 of 1% of our entire student body) who are on ‘character probation.’ It is a program we use for students who demonstrate a real need for someone to come alongside and assist them in their Christian walk. Through this program, students are matched with an older brother/sister in the faith who can mentor and encourage them in applying the truths of God's Word in their daily lives. Both corporately and individually, it is our desire that every faculty, staff and student exhibit fruitful service for Jesus Christ. This program, combined with other mentoring and discipleship programs for all of our students, are designed to encourage all of us—students, faculty and staff— to be more Christlike.”

⁹¹ Letter from BJU's Dean of Men dated 5/1/14 to students receiving character probation:

“Dear [Student],

God's primary purpose for you—and ours for you as well—is to see you develop in your likeness and usefulness to Jesus Christ. As a Christian institution, we are eager to see each of our students dedicated and equipped to serve the Lord faithfully. We are interested in graduating students who desire to invest their lives in eternity.

Because there is some question about your spiritual growth and interest, the probation committee, which is a small committee made up of academic and student life representatives, has decided that you will be enrolled next semester on character probation. This probation will be in effect for the entire semester.

Character probation is not primarily intended to be a disciplinary action. We want the opportunity to help you grow and deal with areas in which you are struggling. A counselor will meet with you weekly, both to help you with any struggles you are having and to help us evaluate the effectiveness of this probation in your life. During this time, we expect to see good initiative on your part in pursuing what pleases the Lord, such as spending time in His Word and prayer, participating in a local assembly of believers, and involving yourself in ministry.

We hope that while you are on probation, you will be very much aware of the Lord's presence and of His plan for your life and that you will strengthen your commitment and resolve to serve Him. We want you to succeed and trust that a desire to become Christlike will be evident.

We regret that this action is necessary. However, we hope that it will awaken in your heart a consciousness of the Lord's presence and of His plan for your life and strengthen your commitment and resolve to love and serve Him. We want you to succeed and trust that a desire to become Christlike will be evident from this point forward.

Sincerely yours,
Dean of Men

⁹² Reference 583.

committee “expect[s] to see good initiative on [the student’s] part in pursuing what pleases the Lord, such as spending time in His Word and prayer, participating in a local assembly of believers, and involving [himself or herself] in ministry.”⁹³ The probation committee requires that students on character probation meet with resident counselors on a weekly basis.⁹⁴

Disciplinary Probation

The *Student Handbook* also states that students may be placed on disciplinary probation. Dr. Berg explained that disciplinary probation is a “heavier” form of probation and students are required to meet weekly with a counselor.⁹⁵ The current handbook states, “A student who earns 75 or more demerits while on disciplinary probation is denied reenrollment the following semester.”⁹⁶ In addition, the handbook advises students, “The administration may request the withdrawal of a student whose attitude or conduct does not fit the spirit of the biblical principles that guide BJU’s educational philosophy and to which each student ascribes by signing the student covenant.”⁹⁷

University personnel view administratively imposed sanctions such as demerits, mandatory counseling, and expulsions as an attempt to develop and maintain Christ-like character. Dr. Berg commented that the university’s use of the discipline system has been designed to aid in character growth:

[I]t would be difficult for a teacher to note any progress and development if she never recorded grades. So our demerit system and these kinds of things were a way to track, are we seeing spiritual development in the student and what they are learning. It is sort of like we have all these academic files and the grades and tests and things that teachers are keeping and then there is a character component going on over here. So we have two huge record-keeping things going on. If we didn’t care about the students and their progress, then none of this would have happened.⁹⁸

⁹³ Reference 584.

⁹⁴ Reference 585. Reference 586.

⁹⁵ Reference 587.

⁹⁶ *Student Life Handbook* (2014-2015), 52.

⁹⁷ *Student Life Handbook* (2014-2015), 53.

⁹⁸ Reference 588.

Investigation Findings: Appendix 6-1

South Carolina's History of Mandatory Reporting Laws

South Carolina Code of Laws

1965: Act No. 81, Section 1

SECTION 1. Certain injuries of children to be reported. All physicians licensed to practice medicine, interns, staff members of hospitals and similar institutions and medical officers of the United States on duty in this State who examine or treat any child under the age of sixteen years, having cause to believe that such child has had a physical injury inflicted upon him other than by accidental means, by a parent or person having the care, control or custody shall report or cause reports to be made of such injury to the proper authority of the county having jurisdiction over minors, or to the sheriff of said county.¹

1972: Act No. 1068, Section 2(a)

SECTION 2. Child abuse to be reported. (a) All practitioners of the healing arts and any other person having reasonable cause to believe that a child under the age of seventeen years has been subjected to physical abuse or neglect shall report or cause a report to be made in accordance with this act.²

1974: No. 1170, Section 2(a)

SECTION 2. Physical abuse or neglect to be reported. (a) All practitioners of the healing arts and any other person having reasonable cause to believe that a child under the age of seventeen years has been subjected to physical abuse or neglect shall report or cause a report to be made in accordance with this act.³

1976: An Act To Amend Act 1068 of 1972

SECTION 1. Child abuse to be reported. (a) All practitioners of the healing arts, resident or intern, examining, attending or treating a child under the age of eighteen, any registered nurse, visiting nurse, school teacher or social worker acting in his official capacity and any other person having a reasonable cause to believe that a child under the

¹ Act No. 81, Section 1, effective March 1, 1965. An Act Requiring Reports of Certain Physical Abuses of Children; Providing Immunity from Liability; and Providing Penalties for Violations. Sections 2, 3, 4, and 5 are omitted for purposes of this Appendix.

² Act No. 1068, Section 2(a), effective March 24, 1972. An Act to Provide For the Protection Of Certain Children Under The Age of Seventeen Years And To Provide Penalties For Violations; And To Repeal Act 81 of 1965, Relating To Reporting Of Certain Physical Abuses of Children. Sections 1, 3, 4, 5, and 6 are omitted for purposes of this Appendix.

³ Act No. 1170, Section 2(a), effective July 9, 1974. Sections 1 and 3 are omitted for purposes of this Appendix.

age of eighteen has been subjected to physical abuse or neglect shall report or cause a report be made in accordance with this act.⁴

1977: Act No. 187, Section 5

Section 5. (A) Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher or counselor, social or public assistance worker, childcare worker in any day care center or child caring institution, police or law enforcement officer having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect is required to report or cause a report to be made in accordance with this section.⁵

(B) Except as provided in (A) of this section, any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.⁶

1978: Act No. 497, Section 2(A)

SECTION 2. Subsection A of Section 5 of Act 187 of 1977 is amended to read:

(A) Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher or counselor, social or public assistance worker, child care worker in any day care center or child caring institution, police or law enforcement officer or any judge having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect is required to report or cause a report to be made in accordance with this section.⁷

(B) Except as provided in (A) of this section, any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.⁸

1981: § 20-7-510

(A) Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher or counselor, social or public assistance worker, child care worker in any day care center or child caring institution, police or law enforcement officer or any judge having reason to believe that a child's physical or mental health or

⁴ Act No. 624, Section 1(a), effective May 28, 1976. As Amended, Relating To The Protection Of Certain Children Under The Age Of Seventeen, So As To Increase The Age To Eighteen And Require Reports Of Cases Of Child Abuse By Additional Persons. Section 2 is omitted for purposes of this Appendix.

⁵ Act No. 187, Section 5(A), effective June 13, 1977.

⁶ Act No. 187, Section 5(B), effective June 13, 1977. Section 5(C) omitted for purposes of this Appendix.

⁷ Act No. 497, Section 2(A), effective May 5, 1978.

⁸ Act No. 497, Section 2(B), effective May 5, 1978. Section 2(C) omitted for purposes of this Appendix.

welfare has been or may be adversely affected by abuse or neglect is required to report or cause a report to be made in accordance with this section.⁹

(B) Except as provided in (A) of this section, any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.¹⁰

1993: § 20-7-510

(A) Any physician, nurse, dentist, optometrist, medical examiner or coroner, or employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher or counselor, social or public assistance worker, child care worker in any day care center or child caring institution, police or law enforcement officer, undertaker, funeral home director, or employee of a funeral home, or any judge having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect is required to report in accordance with this section.¹¹

(B) Except as provided in (A) of this section, any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.¹²

1997: § 20-7-510

(A) A physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner's or coroner's office or any other medical, emergency medical services, mental health, or allied health professional or Christian Science practitioner, religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or child care worker in any day care center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home or persons responsible for processing of films or any judge shall report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect.¹³

(B) Except as provided in subsection (A), any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.¹⁴

⁹ §20-7-510(A), effective 1981. The previous laws were moved to their own chapter in Title 20 in this amendment.

¹⁰ §20-7-510(B), effective 1981. Section (C) is omitted for purposes of this Appendix.

¹¹ §20-7-510(A), effective 1993.

¹² §20-7-510(B), effective 1993. Section (C) is omitted for purposes of this Appendix.

¹³ §20-7-510(A), effective January 1, 1997.

¹⁴ §20-7-510(B), effective January 1, 1997. Section (C) is omitted for purposes of this Appendix.

1999: § 20-7-510

(A) A physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner's or coroner's office or any other medical, emergency medical services, mental health, or allied health professional or Christian Science practitioner, religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or child care worker in any day care center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home or persons responsible for processing of films or any judge shall report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect.¹⁵

(B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.¹⁶

2001: § 20-7-510

(A) A physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner's or coroner's office or any other medical, emergency medical services, mental health, or allied health professional or Christian Science practitioner, religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or child care worker in any day care center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home or persons responsible for processing of films, computer technician, or any judge shall report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect.¹⁷

(B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person

¹⁵ §20-7-510(A), effective June 30, 1999.

¹⁶ §20-7-510(B), effective June 30, 1999. Subsections (C)-(E) are omitted for purposes of this Appendix. The 1999 amendment rewrote subsection (B), added subsections (C) and (E) and redesignated former subsection (C) as subsection (D).

¹⁷ §20-7-510(A), effective July 20, 2001.

responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.¹⁸

2003: § 20-7-510

(A) A physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner's or coroner's office or any other medical, emergency medical services, mental health, or allied health professional, member of the Clergy including a Christian Science practitioner or religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home or persons responsible for processing of films, computer technician, or a judge must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 20-7-490.¹⁹

(B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.²⁰

2008: § 63-7-310

(A) A physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner's or coroner's office or any other medical, emergency medical services, mental health, or allied health professional, member of the Clergy including a Christian Science practitioner or religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home or persons responsible for processing of films, computer technician, or a judge must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.²¹

¹⁸ §20-7-510(B), effective July 20, 2001. Subsections (C)-(E) are omitted for purposes of this Appendix.

¹⁹ §20-7-510(A), effective July 25, 2003.

²⁰ §20-7-510(B), effective July 25, 2003. Subsections (C)-(G) are omitted for purposes of this Appendix. Subsections (F) and (G) were added to §20-7-510 in a 2002 amendment. This addition was the only change made in the 2002 amendment and did not change the substance of §20-7-510(A)-(E).

²¹ §63-7-310(A) (2008). The amendment appears to be one of form, not substance, in 2008 which added Title 63 entitled, "South Carolina Children's Code" so as to transfer provisions from Chapter 7, Title 20 to Title 63, to include the state policy on children, family court and family court judges, legal status of children, child protection and permanency, adoptions, children's service

(B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.²²

2010: § 63-7-310

(A) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.²³

(B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.

(C) Except as provided in subsection (A), a person, including, but not limited to, a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child's physical or mental health or welfare has been or may be adversely

agencies, childcare facilities, custody and visitation, paternity and child support, and juvenile justice. See 2008 Act No. 361, Section 2.

²² §63-7-310(B) (2008). Subsections (C) and (D) are omitted for purposes of this Appendix.

²³ §63-7-310(A) (2010).

affected by abuse and neglect may report, and is encouraged to report, in accordance with this section.²⁴

²⁴ §63-7-310(B) and (C) (2010). Subsection (D) is omitted for purposes of this Appendix.

Investigation Findings: Appendix 6-2

Case Examples: On Campus Sexual Crimes Prior to 2010

Case #1

Witness #1 (the victim) reported to GRACE that she attended BJU in the late 1980s and was sexually assaulted on campus while a student. Witness #1 related to GRACE her understanding of an unwritten school tradition that obligates a girl to go on at least one “courtesy” date when invited by a male student.²⁵ Witness # 1 agreed to have a “courtesy” lunch with a male student. He later began to inquire about her schedule and what she did on the weekends. Witness # 1 informed this male student that she spent some of her time practicing the piano in the practice studios on campus. The male student eventually left BJU prior to graduation and occasionally wrote to Witness #1.

During Witness # 1’s senior year, she was playing the piano in the practice studios on campus when the former student, “opened the door and started coming at me and I immediately thought he could not be there.”²⁶ Although the alleged perpetrator was no longer a student at this time, she reported that he entered the room, brandished a knife, and subsequently sexually assaulted her. After the assault, the victim stated that the alleged perpetrator attempted to kidnap her, but the victim escaped into a nearby campus building to hide as the alleged perpetrator drove away.²⁷

After the rape, the victim wrote a letter to her boyfriend disclosing the incident.²⁸ The boyfriend turned over Witness #1’s (the victim’s) letter to a BJU Public Safety Officer. The DPS Officer then created an Incident Memo designating the event as a criminal incident,²⁹ notified the Dean of Women and the Resident Assistant Supervisor,³⁰ and delivered the Public Safety Incident Memo as well as Witness #1’s letter to university officials.³¹ The victim stated that no

²⁵ Reference 639. Several students reported that BJU has a school policy that does not permit a woman to say no to a man the first time he asks her out on a date. When GRACE asked Dr. Berg about this, he stated that he has also heard this as well, but that it is not a rule. Dr. Berg mentioned that the idea may have come from Bob Jones, Sr., but said he did not know from what source this belief has emerged. Reference 687. Nonetheless, Witness #1, who attended BJU in the late 1980s, explained that she believed she was required to accept a request for a first date. Nonetheless, Witness #1, who attended BJU in the late 1980s, explained that she believed she was required to accept a request for a first date. She noted that after the “courtesy date” with her alleged perpetrator, “[i]f he asked how I spent my Saturdays and what my schedule was I would answer. I was not aware of how vulnerable I was being, but he knew my schedule.” Reference 704.

²⁶ Reference 596. Her first concern was not about her safety, but about whether she would receive demerits since “male/females weren’t allowed in the studios together.” Reference 705.

²⁷ Reference 595.

²⁸ Witness #1 explained that her boyfriend “made it very clear what his standards were for a wife. I knew I couldn’t tell him fully what happened but I knew I had to tell him partially so I wrote him a letter.” Reference 706. Witness #1 did not explicitly tell her boyfriend that she had been sexually assaulted; however, the letter describes with significant and disturbing details the manner in which the alleged perpetrator came to campus, found her in the practice studios, pinned her to the ground, straddled her, and touched intimate areas of her body as she struggled to get away. The letter also describes how the alleged perpetrator exhibited a knife and attempted to force her into his vehicle. Witness #1 further wrote in her letter how she continues to be “terrified,” is “hurting,” “never want[s] to see him again,” and hopes she can one day “forget.” Reference 750.

²⁹ Reference 590.

³⁰ The reporting officer’s incident report indicates that “R.O. (reporting officer) notified R.A.S. (Resident Assistant Supervisor) and D.O.W. (Dean of Women) about situation.” 707.

³¹ Reference 594. The reporting officer, in his interview with GRACE, did not recall the incident, but said he believed that the Dean of Women would have likely interviewed the victim because the victim was female. Reference 754. Furthermore, this reporting officer, who later became a DPS Chief, reiterated that university officials determined whether law enforcement would be contacted or not. Reference 593.

one from the Bob Jones University DPS or from any law enforcement agency ever contacted her about this criminal incident.³²

Following the sexual assault, the Dean of Women contacted the victim. According to the victim, the Dean of Women remarked, “[o]h dear I heard you had an incident,”³³ and instructed her, “not to discuss it with anyone.”³⁴ The victim also told GRACE that the Dean of Women referred to the assault as, “the incident.”³⁵

The victim explained to GRACE that the Dean of Women never asked her about the details of what had occurred. The victim also told GRACE that she did not know what knowledge the Dean of Women had about the offense prior to their meeting.³⁶ However, the victim explained that though she did not explicitly disclose to the Dean of Women having been raped, she said she expressed fear to the Dean of Women that the attack may have caused her to become pregnant.³⁷ Witness #1 also told GRACE that the Dean of Women said she needed to call her parents and “...said that it might be good if my parents made an appearance.” Witness #1 said that the Dean of Women talked to them and “the way she talked was that ‘we had a little incident on campus, everything is fine now,’ and that she ‘just thought they should know.’”³⁸

A few weeks after the incident, Dr. Bob Jones, Jr. and Dr. Bob Jones, III summoned the victim to meet after a chapel service. She related to GRACE:

I got a call slip to appear seven minutes after chapel. I would meet with both Drs. Bob on the stage. So you go into this massive auditorium and I thought I was in trouble. I was scared because I was getting so many lectures. I didn’t know what they were going to do to me. I honestly thought I was going to get expelled. I didn’t know how or why so many people knew....The [T]hird was the one talking to me. He told me that I had a choice to make that I could be positive and trust in God or I could let the enemy take over my life. It was this simplistic either/or. There wasn’t compassion of how I was feeling right then. I was glad he didn’t lecture me. I really thought I was going to be in trouble.³⁹

Dr. Jones, III disclosed that he had no memory of this particular situation or the chapel conversation with the victim. Dr. Jones, III expressed, “...letting things drop that should be attended to is just not my style. Nothing irks me more. I expected everybody to follow-through on every report that they got to find out the veracity of it and to deal with whatever the truth was and to get to the truth. That is the way that we operate.”⁴⁰

³² Reference 708. The reporting officer stated “Like I said, this doesn’t appear that I actually talked with her when the report was taken because I put on there that the plaintiff talked to us so she must have eventually told him, her boyfriend and then he was all concerned and he came to tell us, report to us.” Reference 591. Additionally, GRACE has found no evidence that the university, including BJU’s Department of Public Safety, has ever notified any external law enforcement agency of this alleged offense.

³³ Reference 592.

³⁴ Reference 709. The Dean of Women in this case was not interviewed as she passed away in the late 2000s prior to the commencement of the GRACE investigation.

³⁵ Reference 591.

³⁶ Reference 710.

³⁷ Reference 752.

³⁸ Reference 725.

³⁹ Reference 711.

⁴⁰ Reference 698. GRACE received some complaints that perhaps BJU did not want to report these types of situations because they would draw negative public attention that might affect its reputation. To this, Dr. Jones, III responded, “[w]ell naturally, you don’t want unnecessary negative attention to be brought. But we have historically, if somebody has stolen, if somebody is a

When asked whether this case should have been reported to the local law enforcement, Dr. Jones, III replied, “I don’t know the case. I can’t comment.” But he claimed, “our public safety people know the law and work closely with our law enforcement, and we have a criminal justice program. They know what they are supposed to do.” Dr. Jones, III also stated, “[i]f they were supposed to report this, then they better have reported it. And if they should have and didn’t, I would be the first one to insist that they do. So, they’re delegated the authority under [the] law to know what they are supposed to do, and if they were supposed to do it, they would have done it.”⁴¹

GRACE interviewed BJU’s reporting officer who handled this case and asked him to review the case’s documents. The officer said, “[t]his is my report but I don’t remember the incident... I am not sure. I don’t [know] what else to tell you. I would have taken the report up to the [A]dministration.”⁴² The reporting officer acknowledged that this case should have been reported to an outside law enforcement agency, and that it was not reported because, “[t]hat would not have been my call.”⁴³ He said the decision would have been made by the Director of Public Safety, “. . .and they would have worked all of that out with the Dean of Students, Dean of Women, at the time, they decided if it was going to be taken off campus or not, or referred to the city police.”⁴⁴

In an interview with the Director of Public Safety at the time of this assault, the former director stated he “slightly” remembered the incident but his assistant (the reporting officer) would have handled this matter.⁴⁵ The former director stated that he could not remember anything more about the incident. The Dean of Students at the time of this report, Dr. Berg, stated that he “faintly remember[ed] this situation.”⁴⁶

When discussing this case, Dr. Berg said, “when I read this [Incident Report] I kind of shuddered,”⁴⁷ and “this one, when I look back at it, I am quite mortified for her. Although it was checked on the incident report ‘Criminal Activity,’ I don’t see that anything here, unless there is something else, that it was reported as criminal activity.”⁴⁸ Additionally, Dr. Berg expressed, “[t]his was not handled well. I don’t have anything that I followed up long term with her. Someone in the dorm may have been. I have no idea whether it was reported as a crime. That was not an attempt on my part to cover anything or keep him out of any kind of records.”⁴⁹

Dr. Berg further reflected, “[h]onestly, I read this [Witness #1’s handwritten letter], and I am very embarrassed by it. But I can tell you on my end, there is no effort to cover it up. I did not want this guy back on campus.”⁵⁰ The alleged perpetrator, who was no longer a student, was

shoplifter, anything like that is taken to the police. Anything that requires the law to be involved, the law is involved in. Not just about sexual abuse, but about anything.” Reference 751. Dr. Jones, III also remarked, “[w]here a law has been broken, we deal with the law enforcement... You are always going to handle something short of the law if you can in good conscience and there is no demand of the law for something to be handled by the law. But anything that is deserving of the law’s attention or mandated by the law to do, you turn it over to the law.” Reference 712.

⁴¹ Reference 726.

⁴² Reference 749.

⁴³ Reference 713.

⁴⁴ Reference 748.

⁴⁵ Reference 714.

⁴⁶ Reference 747.

⁴⁷ Reference 715.

⁴⁸ Reference 746.

⁴⁹ Reference 716.

⁵⁰ Reference 456.

sent a letter notifying him that he was not welcome on campus. Dr. Berg reiterated that he did not know why this case was not reported as a crime.⁵¹

Case #2

A former BJU student was accused of molesting a minor during a summer day-camp session on the BJU campus in the early 1990s.⁵² Dr. Berg told GRACE he had come from the Dan Allender conference a few months before where he had first become aware of mandatory reporting laws.⁵³ After being informed of the allegation, Dr. Berg initiated an investigation, interviewed the minor, and also questioned the former BJU student.⁵⁴ After Dr. Berg completed his investigation, he notified the local police of the allegation. The police then arrested the BJU student. Public records indicate that the BJU student was found “not guilty” of the sexual abuse charges.⁵⁵

Case #3

GRACE received a report that a BJU student and summer staffer “...was fired for fondling [sic] boys while they were asleep” at BJU’s summer music camp in the mid-1990s.⁵⁶ According to information provided, three boys disclosed to a BJU counselor that the alleged perpetrator entered their room at in the middle of the night and touched them on the back, head, side, and buttocks. One of the minor boys also indicated that the alleged perpetrator had touched him “briefly in the groin area.”⁵⁷ The counselor reported the disclosures to a supervisor who contacted and consulted with the university Provost and Dr. Wood, the Executive Vice President.⁵⁸

The Dean of Men interviewed the alleged perpetrator and stated, “he did not think he touched any sexual parts of these boys, though he admits to touching the back hip and maybe moving toward the crouch [sic] area of one of the boys. He said he did find himself sexually excited when focusing on these young men’s heads.”⁵⁹ The Dean of Men concluded, “It appears this is a safe substitute for immoral involvement and that he would get some sexual thrill out of it.”⁶⁰ BJU terminated the alleged perpetrator as a summer staff counselor and did not permit him to return to school the following semester.⁶¹

The Dean of Men and the Executive Vice President, Dr. Wood, also “counseled with [the alleged perpetrator] in an effort to help him” and found a place for him to live at a rescue mission.⁶² Approximately three months later, the rescue mission asked the alleged perpetrator to leave the mission because he reportedly got into bed with another resident while he was sleeping and touched the resident sexually. The victim from the rescue mission informed the mission staff, and the alleged perpetrator confessed and left the mission. The rescue mission informed BJU of its decision to remove the alleged perpetrator from their property.⁶³ GRACE found no

⁵¹ Reference 745.

⁵² Reference 717.

⁵³ Reference 743.

⁵⁴ Reference 608.

⁵⁵ Reference 718.

⁵⁶ Reference 742.

⁵⁷ Reference 719.

⁵⁸ Reference 720.

⁵⁹ Reference 741.

⁶⁰ Reference 721.

⁶¹ Reference 740.

⁶² Reference 722.

⁶³ Reference 739.

evidence that BJU officials ever reported to law enforcement any of these allegations, including the alleged sexual touching of a minor during the summer music camp on campus.

Case #4

A former student reported to GRACE that, in the early 2000s, he observed a BJU employee engage in “grooming activities” towards university male students.⁶⁴ According to this witness, the BJU employee spent a lot of time with male university students who were more than half his age. The student noticed how this BJU employee hosted pizza parties in his home, sat “closely” to these students, and sometimes put his arm on their backs and shoulders.⁶⁵ According to this witness, “It was just that sort of slightly inappropriate closeness or strangeness. The things I was seeing didn’t set well with me but I didn’t say or do anything about it.”⁶⁶

A few months later, this witness walked into the lobby of a dorm⁶⁷ and observed the same BJU employee tickling a university student and pinning his arms behind his back. The witness indicated that he observed the BJU employee pressing his genitals into the buttocks area of the university student and saw “an up and down vertical motion or ‘rubbing’ [that] was taking place between the two areas.”⁶⁸ The witness also said he “distinctly remember[s] seeing [the BJU employee] ‘tickling’ [the student] in his lower abdominal area.”⁶⁹ The touching seemed “far too close to [the] genital area for any normal propriety”⁷⁰ and “that paired with the blushing and embarrassment on [the student’s] part made me interpret this incident as a sexual incident, not just wrestling.”⁷¹

After observing this activity in the lobby, the witness stated he either cleared his throat or said something, and the activity ceased.⁷² This witness consequently informed a trusted friend who had been an Assistant Prayer Captain (APC) on campus. The APC told the witness, “you are not the only one. Me and a bunch of other people have been worried about this all summer.”⁷³ The witness and the APC both agreed that this behavior was disturbing and that something should be done.⁷⁴ The APC told the witness that he “was going to talk to somebody.”⁷⁵

Within a week or less of his conversation with the APC, the witness reports that the BJU employee “vanished” and that he did not see him around his circle of friends any longer. GRACE requested information about this employee and learned that the employee had been terminated in the early 2000s for violating “web access policies.”⁷⁶ The information provided by BJU indicated, “these logs establish without a doubt that access went beyond any credible defense of ‘accidental access’” and further that, “the majority of those pornographic sites listed *involved men and boys*.”⁷⁷ Top BJU administrators were informed of these web-access violations by this employee and terminated his employment with the university.⁷⁸ BJU officials encouraged

⁶⁴ Reference 651.

⁶⁵ Reference 723.

⁶⁶ Reference 738

⁶⁷ The reportee indicated, “There wasn’t anyone manning the desk in the bottom of Brokenshire so it would have to have been summer. Because otherwise, someone was always manning the desk.” Reference 724.

⁶⁸ Reference 725.

⁶⁹ Reference 737.

⁷⁰ Reference 736.

⁷¹ Reference 726.

⁷² Reference 735.

⁷³ Reference 727.

⁷⁴ Reference 734.

⁷⁵ Reference 728.

⁷⁶ Reference 733.

⁷⁷ Reference 703. Emphasis added.

⁷⁸ Reference 597.

the former employee to “put himself under the counsel of his pastor in getting help with this problem.”⁷⁹

This investigation was unable to find any evidence that the university reported the possible access of child pornography or that the university turned over the web activity logs which “involved men and boys” to law enforcement for further investigation. Federal laws regarding child pornography have existed since the late 1970s.⁸⁰ South Carolina state law has similarly criminalized the possession of child pornography as a felony under some circumstances.⁸¹

⁷⁹ Reference 702.

⁸⁰ 18 U.S.C. §2251, §2252, and §2252A.

⁸¹ §16-15-410, S.C. Code of Laws. HISTORY: 1991 Act No. 73, Section 1, eff. May 22, 1991; 2004 Act No. 208, Section 11, eff. April 26, 2004; 2008 Act No. 226, Section 1, eff. May 14, 2008. §16-15-405 of the South Carolina Code of Laws also states it is a crime to produce, transport, or receive child pornography. See also §16-15-405, S.C. Code of Laws.

Investigation Findings: Appendix 6-3⁸²

Case Examples: Off Campus Sexual Crimes Prior to 2010

Case #1

In the 1980s, Witness #2 was abused by a relative for several years as a teenager and while attending BJU. After she turned 18, she reported her abuse to a student counselor who referred her to Dr. Berg. Witness #2 disclosed her abuse to Dr. Berg and her concerns about going home during the summer breaks. Dr. Berg did not report the abuse to law enforcement but called her at home to check on her.⁸³ Witness #2 reported to GRACE that she appreciated Dr. Berg's call but told GRACE that the alleged perpetrator "tried something" else later.⁸⁴

Witness #2 told GRACE she called her pastor at that point who confronted the alleged perpetrator and asked him to stop, which Witness #2 says he did. During her senior year, Witness #2 attempted suicide and was sent to Barge Hospital. She noted that she was glad that Dr. Berg did not send her home at that point and thinks that he permitted her to remain at BJU because he knew of her abusive home life. After graduation, she pursued professional therapy, and she said it was then that she learned that sexual abuse should be reported to authorities. By that time, she said the statute of limitations in her home state had expired. Witness #2 also told GRACE that she learned that her older sister had also been abused by the alleged perpetrator. Though these BJU officials arguably may not have had a legal duty to report her crime, Witness #2 lamented that no one had suggested going to the police and noted the lack of abuse reporting policies, stating, "I wasn't protected. I went through ten years when people could have stepped in for me and they didn't. I don't want to see anyone else go through that."⁸⁵

Case # 2

After the victim graduated from BJU in the 1990s, she reported being sexually assaulted by a coworker who was then a current BJU student. A family friend who knew the victim reported the sexual assault to Dr. Berg. Though the alleged perpetrator minimized the extent of his actions, he admitted to the Dean of Men that he had touched the adult victim's private parts without her consent while he thought she was sleeping. The university did not report the offense to the authorities, and the offense does not appear to fall within the mandatory reporting statute. The victim said she did not report the sexual assault herself until a number of years later because of her childhood experiences and beliefs about BJU's views on reporting crime.⁸⁶

⁸² All of the case examples noted in Appendix 6-2 and Appendix 6-3 occurred reportedly prior to the time that BJU first became subject to several federal laws such as The Clery Act, FERPA, and Title IX. As stated in Chapter One, case examples located within an appendix typically address a given theme or issue, and the case example is not meant to be interpreted as an exhaustive testimonial or case study. This approach also aids in providing additional measures of confidentiality. Furthermore, the case examples provided in the appendix relate specifically to a matter addressed within the corresponding chapter. The appendixes are not meant to provide the reader with an exhaustive list of all case examples and reports made to GRACE. The appendix merely provide case examples for the reader to consider in evaluating a particular theme or issue that arises within the context of that chapter.

⁸³ Dr. Berg notated in his counseling record, "She said [the alleged perpetrator] was being very kind to her" and that "his attitude toward her seems to be very much different." Reference 771.

⁸⁴ Reference 631.

⁸⁵ Reference 598.

⁸⁶ The victim stated, "I saw [BJU] as pretty much the ultimate authority on what was right. I felt that following their advice was pretty much the same as following God. If they had even remotely suggested legal involvement, I would have been very surprised. I knew enough about their views in general that I was certain that the expectation was for me to remain silent about it for the sake of the school's reputation, etc. Based on my upbringing, I had never heard of a Christian telling the police about sexual or any other kinds of abuse or really any crime. I grew up in a BJU-saturated world (BJU mission board with BJU

When GRACE asked the victim whether university officials ever encouraged her to contact the police, she stated,

No. It was actually quite the opposite. Berg kept saying it was a university issue. He never mentioned contacting the police. I knew already that it wasn't really viewed as an option within "Christian" circles. I don't remember them ever telling me that I was absolutely not allowed to. They also never encouraged me to do so or even mentioned it as an option. I did not tell them that I did not want to go to the police. It didn't even occur to me to ask or bring it up. I knew what was expected and wouldn't have strayed outside of that without some indication from them that it was an okay thing to do. I heard clearly that it was considered a university/Christian issue and that the university would decide what to do. Although BJU technically was no longer my authority in the sense of being able to kick me out of school, I would have greatly feared what they would do if I did tell the police. BJU heavily influenced every environment I had ever had exposure to.... Also, I would have feared that God would punish me if I were to do something like that. I had been trained always to protect the ministry. Unless someone in religious authority had suggested or mentioned it, I would have thought I was sinning by telling the police. I have wondered many times how I would have reacted if someone from the university had actually suggested it or even mentioned it as an option. I know I would have been shocked and filled with questions. It didn't occur to me that I deserved to be protected, so I wouldn't have known how to respond to the suggestion that I had the freedom to take a step like that.⁸⁷

The family friend of the victim who reported the sexual offense to Dr. Berg likewise stated to GRACE that she did not think about reporting the offense to the police at that time, but instead thought that Dr. Berg would know how to handle the offense.⁸⁸ She further noted, "[b]ack then, I was rather ignorant of my responsibility. I thought that if I reported the matter to the authorities at BJU, it would be handled legally. I didn't realize that I should have encouraged [the victim] to file a police report. We need to be trained. I should have gone to the police and not just to Mr. Berg. My [spouse] didn't know to direct us to the police either."⁸⁹

missionaries, BJU-affiliated schools, churches, etc.) I knew that the police were considered outsiders, not ever the resource for a 'Christian.' ANY problems, including crimes, were always to be handled only by the church (the people of God). To present them to 'the world' was to sin against God and seemed to be considered the ultimate in turning one's back on God. Having grown up as a child of those in ministry, I knew that our role was always to protect-protect the ministry, protect God's name, protect anyone in ministry at any cost. I believed that if I ever told, I could lose everything..." Reference 613. Emphasis in original.

⁸⁷ Reference 701.

⁸⁸ The family friend stated, "[the alleged perpetrator] was a BJU student, and I didn't know what to do. I thought that that the school needed to know and that Mr. Berg would handle it. Now looking back I wish I had gone to the police, but I thought the school and their authority would know what to do. At BJU, the Dean of Men/Women and Dean of Students take care of disciplinarian things, which I thought would include sexual encounters. Plus I felt like the school should know that one of their students was a perpetrator." Reference 599.

⁸⁹ Reference 614.

The alleged perpetrator was expelled, but was permitted to reenroll a year later and graduated. He currently serves in ministry.⁹⁰ When GRACE asked Dr. Berg about this case, he stated,

I will tell you, at this time, we were looking at this as a moral offense, not a criminal offense. Hopefully today we would see that. I know that never even crossed our mind as a criminal activity. It crossed our mind that there was a huge moral breach here and [the perpetrator] needed to go home.... What I am saying is, when I look at this today, I look at this as somebody who is taking sexual opportunities with a person who is not able to defend herself in any way or even resist. Well that is a criminal effect. That is a criminal thing. That would have never been a thought.⁹¹

Dr. Berg's 2012 counseling record similarly reflects that reporting this offense as a crime to law enforcement in the 1990s had not been given any consideration.⁹²

In 2012, the victim reported the offense to law enforcement.⁹³ The alleged perpetrator's mission board was also informed of the pending criminal investigation. In 2012, the alleged perpetrator sent a letter apologizing for not asking her for forgiveness sooner and acknowledged his crime.⁹⁴

The victim reported to GRACE that the alleged perpetrator's mission board considered the matter closed, because neither the victim nor BJU had reported the incident when it occurred and because BJU permitted the alleged perpetrator to reenroll and graduate following the incident. The victim quoted a mission board representative saying, "perhaps BJU mishandled it, but that isn't [the perpetrator's] fault and shouldn't affect him now."⁹⁵

GRACE requested an interview with this mission board representative in order to inquire about what effect BJU's handling of this case has had upon their employment decisions. The representative initially responded that he would speak with GRACE, but then replied that he did not have anything to add, since the alleged perpetrator had retained an attorney and "from our standpoint we are dealing with the matter internally."⁹⁶ GRACE also requested an interview from the alleged perpetrator. The alleged perpetrator initially responded that he was interested in helping in whatever way possible but could not do an interview because of his location overseas.

⁹⁰ The alleged perpetrator works as a missionary overseas for Baptist Pioneer Mission Agency.

⁹¹ Reference 700.

⁹² Dr. Berg recorded in his report dated 2012, "The issue of the [sic] going to the law never came up at all in the original conversation as best as I can recall. There is no mention of it in the file report either. I have never discouraged anyone from going to the law, but I don't believe it even came up and certainly wasn't on my mind as a next step with [the alleged perpetrator]. This was an immoral act on his part; he had repented of it before God, had asked her forgiveness, etc. There would have been no thought in my mind for her to press charges, nor any reason for us to deny reenrollment after he had been out a year if he had a good recommendation from his pastor." Reference 612.

⁹³ The victim reported the sexual assault to law enforcement and gave a written statement to the police regarding the aforementioned incident.

⁹⁴ Reference 674.

⁹⁵ Reference 680.

⁹⁶ In early 2014, the mission board representative agreed to speak with the GRACE team by phone. Upon more follow-up, the GRACE team received an email on April 22, 2014 stating he no longer wished to speak with GRACE because the alleged perpetrator had obtained an attorney, he believed the matter was closed, "and from our standpoint we are dealing with the matter internally."

After GRACE extended the alleged perpetrator an invitation to a phone interview, he responded that he wished to decline to speak with GRACE.⁹⁷

The failure to report this offense to law enforcement has significantly impacted the victim emotionally and spiritually.⁹⁸ The victim's pastor, a BJU graduate, explained the impact that BJU's handling of her case has made upon her, noting,

This may be saying too much, but I do think that they tried to be everything. What they did as a school was fine- expel [the alleged perpetrator] and address the problem. But we are talking about rape. Call 911. In simple terms, they didn't report. That led to other problems as far as not ensuring that [the victim] got the kind of help that she needed at that time. I think there is a temptation among a lot of conservative churches to want to resolve a situation so quickly that legal issues are not resolved properly and even heart needs are painted over with quick prayers and tears. So it seems like that is what happened in [the victim's] situation.⁹⁹

He further noted, "Christians should be leading in this area. As a pastor, when a wife is being abused, even if she says that she is not going to turn her husband into the police, as a shepherd I have a responsibility protect her because she is in a particularly vulnerable place. I believe the same is true of a Christian school."¹⁰⁰

Case #3

In the mid-1990s, a BJU Academy high school student reportedly sexually abused two relatives. One of the two victims, a minor, divulged to a friend that the alleged perpetrator "had been having sex with her."¹⁰¹ The victim's friend then shared the disclosure with her mother, and the friend's mother reported the incident to BJU representatives. As a result, a BJU counselor interviewed the minor victim, who disclosed having been sexually assaulted "frequently," but that the last sexual assault had occurred approximately three years earlier.¹⁰² The assistant

⁹⁷ The alleged perpetrator agreed to speak with the GRACE team by phone in October 2013. After continued follow-up, he declined to speak with the GRACE team.

⁹⁸ She stated, "It is clear that all of the shame is mine. [The alleged perpetrator] is a godly [C]hristian serving God. The [C]hristian world is reaching out to surround him and protect him. He has admitted rape, yet he, in their eyes, is the innocent one. I am the guilty one, the one he is to be protected from. I hear these things. They are the same things I heard growing up and at BJU. BJU continues to protect him. It seems sometimes like the world is upside down or maybe I'm upside down in a right side up world. I don't know what to think anymore. Is this normal? Is it normal for [C]hristian leaders to rape, then be quickly surrounded by other Christian leaders that protect him and reassure him that it isn't a big deal? What is wrong with me that I struggle so much to just accept this? They see that I am the problem. I am the destroyer of God's ministry, God's man." Reference 664.

⁹⁹ Reference 671.

¹⁰⁰ The pastor stated, "Christians should be leading in this area. As a pastor, when a wife is being abused. Even if she says that she is not going to turn her husband into the police, as a shepherd I have a responsibility protect her because she is in a particularly vulnerable place. I believe the same is true of a Christian school. I love what someone said about the Jerry Sandusky case: yes we need to fulfill our mandatory reporting obligations but there is a love behind this that motivates us to do more than the law would require. I think because many churches have a negative view of the law- we are very slow to move in that direction. We don't understand that Romans 13 says that they are ministers of God. We have tried to change that culture in our church." Reference 672.

¹⁰¹ Reference 663.

¹⁰² The victim also stated that the alleged perpetrator had reportedly touched her on a private area of her body as recently as a month preceding this disclosure to school officials. Reference 620.

principal of BJU Academy was informed of the allegation, and school officials “called Mr. Berg to get direction.”¹⁰³

According to information obtained from BJU, Dr. Berg “decided that since the last incident was three years ago we could let the parents know and not go any further.”¹⁰⁴ Academy officials then met with the parents of the victim and the alleged perpetrator. The parents informed school officials that the alleged perpetrator “had problems with touching [another victim] about three years ago, but they had dealt with that and thought it was taken care of.”¹⁰⁵ The assistant principal confronted the alleged perpetrator about these allegations who admitted to the abuse.¹⁰⁶

School officials noted that the alleged perpetrator made admissions that revealed a more extensive history of abuse from the previous month than the victim herself had divulged.¹⁰⁷ The assistant principal “talked candidly about the problem as God sees it” with the alleged perpetrator, and he was placed on “spiritual probation.” The parents of the victim and the alleged perpetrator told school officials that they “were very supportive of the school, and very thankful that the school had shown [the alleged perpetrator] a lot of grace.”¹⁰⁸ BJU also offered counseling for the victim.

In discussing the handling of this matter, the assistant principal of Bob Jones Academy stated, “Back then we would go straight to the administration with stuff like that. Whereas today we go straight to the authorities.”¹⁰⁹ The victim’s counselor reported, “We did not call the authority [sic] then... I am not at the academy today, but if I were there I would call the authorities such as DSS unless it was forced then maybe call the police first.”¹¹⁰ GRACE found no evidence indicating that the BJU mandated reporters informed authorities of this confessed sexual offense upon a minor.

Case #4

A victim told GRACE that she was molested by a BJU student in the late 1990s while they attended school together.¹¹¹ The victim, who was an adult at the time of the alleged offense, explained that the touching to her private parts happened without her consent while they were alone together on several occasions. She said, “[i]t was a big secret for many months. It happened many times over the course of several months.”¹¹² She told GRACE that after she finally told her family, her family confronted the BJU student. She and her family stated that he apologized at that time for “molesting her.”¹¹³

She also stated that BJU officials interviewed other students regarding the incident. At the conclusion of the investigation, the university sent a letter to her parents cautioning them to “be tentative about embracing all of [the victim’s] story as she has relayed it to you.”¹¹⁴

¹⁰³ Reference 648.

¹⁰⁴ Reference 676.

¹⁰⁵ Reference 662.

¹⁰⁶ Reference 653.

¹⁰⁷ Reference 618.

¹⁰⁸ Reference 646.

¹⁰⁹ Reference 666.

¹¹⁰ Reference 637.

¹¹¹ Reference 635.

¹¹² Reference 668.

¹¹³ Reference 650. GRACE made several attempts to contact the alleged perpetrator for an interview via email and phone messages and never received a response from him.

¹¹⁴ Reference 669. The letter from Dr. Berg to the victim’s family notes, “We have not found [the accused student] to be defensive in any way. However, his story and [the victim’s] do not match up on many significant details....The stories

However, after the parents received the letter, a student previously interviewed by the Dean of Men regarding this situation wrote a letter to Dr. Berg explaining that he believed that the Dean of Men had possibly misconstrued or misunderstood his previous statements and mischaracterized the victim to “portray her as deceitful and having ‘changed her story.’”¹¹⁵ The letter from the friend to Dr. Berg concludes, “This letter comes to you with all good intention, and I trust that it will help clear up any misunderstandings. Thank you for your consideration.”¹¹⁶ Despite the letter, the Dean of Students did not communicate further with the victim or her parents regarding this incident.¹¹⁷

The accused student, who was removed from a position of authority in the residence hall and given a new staff position on campus in a less visible role, eventually graduated, and is now in church leadership.¹¹⁸

When GRACE discussed the incident with Dr. Berg, he stated,

this is not about believing the guy or the girl. It was one of those things that we had to do nothing because there was not enough to do anything with. It is not disbelieving her and it is not believing her but it is going to look that way. I am looking at it from the standpoint of a judicial setting way and they are looking at it from the standpoint of a victim.¹¹⁹

Dr. Berg, however, acknowledged, “I can see how [the victim], I face this often in discipline things where I couldn’t prove something the way all of us would like to have it proven... So they can feel like they have not gotten justice if it actually happened. [The victim] hasn’t had justice if that actually happened.”¹²⁰ The victim concluded that the school believed the alleged perpetrator’s version of events and not hers¹²¹ and lamented, “While I was put down, he was pumped up.”¹²²

Dr. Berg also explained his “burden of proof” as Dean of Students, noting, “But since I have to be the judge and the jury of this thing to bring down a sentence of guilt, I have to have more than a he said/she said.”¹²³ Dr. Berg noted, “I think we felt like he had raised enough suspicions that there might be truth to it but we cannot prove it. We can’t take the kind of terminal action [i.e., expulsion] that we would normally for something like that. If a guy is inside a girl’s clothes he goes home with or without her permission. We just had a he said/she said kind

overlapped very little, and we have no way of determining the truth, since there were no eyewitnesses. We have only the testimonies of the two parties involved. I would caution you to be tentative about embracing all of [the victim’s] story as she has relayed it to you... That certainly doesn’t mean that all of [the accused’s] story is true as he tells it. Perhaps the truth lies somewhere in between both stories. We have no way of judging. We, too, must be tentative in our judgments of it since God has not chosen to allow us to have more definitive ways of nailing down the truth. Until He does, we must be as charitable as possible on both sides. We would ask that your family not communicate this matter to others. Of course, if you would like to speak with [the Dean of Men] or me, we would be glad to talk with you further. We simply do not desire additional exposure of either party involved.”

¹¹⁵ Reference 617.

¹¹⁶ Reference 658.

¹¹⁷ Reference 636. Dr. Berg likewise acknowledged that he did not have any evidence that he had ever communicated with the victim’s family further on this matter and admitted that he did not know why there had been no follow-up after the friend’s letter to the university. Reference 665.

¹¹⁸ Reference 615.

¹¹⁹ Reference 634.

¹²⁰ Reference 657.

¹²¹ Reference 682.

¹²² Reference 688.

¹²³ Reference 690.

of thing....”¹²⁴ Dr. Berg concluded, “When it was expulsion I had to have some pretty strong evidence. I did not have that in this case.”¹²⁵ Though this case example does not fall under the mandatory reporting statute, the university investigated the alleged sexual offense and no one from the university (including the victim or her family) reported the alleged criminal offense to law enforcement.

Case # 5

Several witnesses and supporting documentation indicated that a BJU student engaged in possible criminal behavior with minor boys who were attending the Bob Jones Academy in the mid-2000s. When the allegations surfaced, the junior high principal interviewed approximately nine minor boys about the reports he received involving the BJU student.¹²⁶ A number of the boys expressed concern that the BJU student was “perverted,” and wanted “nothing more to do with him.”¹²⁷

The reports indicated the adult BJU student’s range of suspicious and/or potentially criminal activity with minors: requesting that minors pose for nude photographs, taking minors off campus, asking repeatedly for a minor to measure his sexual organ, requesting to masturbate and/or watch others masturbate, and making specific statements about engaging in sexual activity.¹²⁸ According to university reports, the university student denied most of the allegations or described the comments as jokes. After BJU officials concluded their own investigation, the alleged perpetrator was required to withdraw at the request of the administration for a period of one year¹²⁹ and did not return to BJU to complete his university education.¹³⁰ There is no indication that BJU reported any of the alleged criminal activities of this student to any outside law enforcement agency.

GRACE asked Dr. Jones, III to review the information provided by the university in this case and asked him about these allegations that arose before the BJU student withdrew. Dr. Jones, III responded, “[i]nappropriate conversations among teenage boys take place. Those who dealt with this evidently felt that while completely inappropriate and not to be tolerated in a Christian institution, and the boy had no remorse for any of this according to this report, then there was no way we could keep him- he was a hindering influence at best.”¹³¹ Dr. Jones, III also remarked, “To say ‘[i]s he an incipient pedophile in this case?’ That is a judgment call. I am not sure there is anything. I am not an expert on the law, but whether there is something here clear

¹²⁴ Reference 678.

¹²⁵ Reference 645. Dr. Berg further explained that as an investigator and as a disciplinarian it was very important to acquire sufficient and compelling evidence before a student could be expelled:

“But when it comes to expulsion, the stakes are really high; we have to defend our actions. I always have to be able to explain my actions in court. I know courts don’t try to interfere with internal policies of universities unless they are inconsistent but that does not stop any civil action. I was very much aware that if I am going to take definitive action like that, they leave in the middle of the semester, they lose a semester’s credit, they lose a semester’s tuition, this is a huge expense and if I am going to pull capital punishment then I have to defend it in court if it came to that point... I had to be able to defend that and say here is the overwhelming evidence that [a person] is guilty. If it is just that, that it is not enough for me to take that kind of action and be able to defend it.” Reference 616.

¹²⁶ In the previous year, the university had disciplined the university student for vulgar language, which had involved sharing off-color jokes with a minor. Reference 624.

¹²⁷ Reference 661.

¹²⁸ Reference 626.

¹²⁹ Reference 621.

¹³⁰ Reference 644.

¹³¹ Reference 641.

enough that absolutely this should have been turned over to law enforcement, I can't say that. I can't say that absolutely should have been. That is a judgment call."¹³²

When asked if he thought that university representatives or law enforcement officials are in a better position to determine whether a crime occurred, Dr. Jones, III responded, "[t]here were comments being made among teenage boys that are not themselves indicative of any crime or any reason to think there is a crime."¹³³ He continued, "[i]f we thought that was a crime, then law enforcement is in a better position obviously. In every case where somebody has made a criminal charge against somebody, we don't make that judgment; law enforcement makes that judgment. But this is not such a case as that."¹³⁴

The information provided to GRACE by BJU, however, clearly articulates that the accused student's behavior went beyond inappropriate conversations among teenage boys.¹³⁵ The reports specify that the alleged perpetrator's actions appeared to be "predatorial in nature"¹³⁶ and that BJU administrators specifically warned the accused that he was "on a pathway that is followed by pedophiles, and that he was only a couple of steps away from deeper sin that could land him in jail for a very long time."¹³⁷

Dr. Berg said of the incident, "[k]nowing what we know today, we blew it...I don't have any defense except that I was not thinking that way."¹³⁸ Dr. Berg reiterated,

That was just not the mindset at that point. I don't have anything else to say about it. Looking at it, there is not a defense. I can't say that we did it for this reason and this reason, we weighed these and decided to do that; we didn't weigh anything, we didn't know anything to weigh. Looking at it today, it should not have been handled that way. I can see how it looks to you[. I]t looks really strange that we are this ignorant but we are-were.¹³⁹

Dr. Berg added, "[w]ell if I look back on it where I am now...[h]e would have been arrested and dealt with and expelled for commission of a felony."¹⁴⁰

¹³² Reference 691.

¹³³ Reference 611.

¹³⁴ Reference 679.

¹³⁵ Dr. Berg noted, "In all the testimonies, it appeared [the alleged perpetrator] was the aggressor and was corruptive." Reference 633. Dr. Berg also wrote, "I pulled the file report...that showed in each of the testimonies that [the alleged perpetrator] was the aggressor in the conversation and that each of the boys had tried in one way or another to distance himself from [the alleged perpetrator]...After our discussion, I think [the alleged perpetrator's parents] realize the reason why the boys were not dealt with for the wrong kind of talk is because there was no evidence they were involved in it." Reference 683.

¹³⁶ Reference 627. An administrator indicated that the alleged perpetrator's "words and actions pointed to a predatory pattern."

¹³⁷ Reference 675.

¹³⁸ Reference 640.

¹³⁹ Reference 681.

¹⁴⁰ Reference 691.

Investigation Findings: Appendix 6-4

Case Examples: On Campus Sexual Crimes Since 2010

Case #1

In December of 2011, a library supervisor reported that three to four different female library workers reported that a male in the library had made them feel extremely uncomfortable.¹⁴¹ These female student workers reported that, while they were taking care of various tasks such as re-shelving books or emptying the dehumidifiers, a male BJU student, who pretended to look at the bookshelves, passed closely behind them with his front side uncomfortably close to their backsides, even though there had been plenty of space for him to pass by without touching anyone. Some reported that the male student touched their buttocks with the front side of his body with what felt like his stomach or thighs. Some reported that his hand touched their buttocks. Others reported that he touched them with some other unknown object.¹⁴²

Several of the women initially thought that the touching had been accidental. However, the supervising employee reported the incident to the BJU Public Safety Department because many different victims reported repetitive and strange behaviors by this individual. The supervisor also emailed other female student workers to inquire if anything similar had occurred to them during their shifts.¹⁴³ Additional female library workers came forward and reported behavior that was similar to the initial reports about this same male student. The Public Safety Department began to collect information and statements from the female student workers and also informed the university administration of these incidents.

The following day, BJU officials interviewed the alleged perpetrator as BJU's Department of Public Safety was still in the process of collecting information to turn the matter over to legal authorities.¹⁴⁴ According to the offense report, the reporting officer learned that the Assistant Dean of Men had already interviewed the alleged perpetrator, who confessed that he had touched the females for sexual gratification and admitted that he knew that the behavior was wrong.¹⁴⁵ BJU expelled the student, and the Public Safety Officer contacted the local police, and forwarded the information he received to the police for further investigation.

In discussing this particular incident, BJU's Chief of Public Safety explained that he knew from his prior experience in law enforcement that the incident must be dealt with quickly before the alleged perpetrator, who had been an international student, left to go back home during the holiday break. He also indicated that he received some initial hesitancy from a BJU cabinet member about reporting the matter to law enforcement because of an affiliation with the alleged perpetrator's family. The Chief noted, "Aside from that, I did not sense any resistance to dealing with it appropriately. Reality is we have people who wish we did not have to deal with it because they know their family members. That is a reality. But even at that, having talked that through, it was not a problem for me. I didn't feel any pressure not to pursue it because I felt it was necessary."¹⁴⁶

¹⁴¹ Reference 652.

¹⁴² Reference 623.

¹⁴³ Reference 609.

¹⁴⁴ Reference 642. Reference 686.

¹⁴⁵ Reference 697.

¹⁴⁶ Reference 607. The Chief of Public Safety stated, "I knew what would happen if I did not deal with it quickly because it was right at the [holiday] break and this was an international student that was going to go back to [another country]. If this was dealt

Case #2

In 2012, a prospective student visiting BJU's campus allegedly sexually assaulted a male BJU student in the dormitory.¹⁴⁷ According to BJU witnesses, the victim told his Resident Assistant who notified the Resident Supervisor of the incident, and the alleged perpetrator was sent home with his sponsoring pastor in the middle of the night. Much to the dismay¹⁴⁸ of the Chief of Public Safety, campus officials did not notify the Department of Public Safety of this alleged sexual crime until after the alleged perpetrator had been removed from campus.¹⁴⁹ The Chief stated, "They [BJU personnel] didn't call Public Safety. Had they [the alleged perpetrator] would not have been allowed to leave and we would have gotten the police to respond right away and dealt with it immediately."¹⁵⁰ The Chief added, "We did the best we could after the fact to get the police involved. They contacted the folks up there. I don't think it ended up going anywhere. It may have had a different outcome had our folks recognized it correctly and accurately, but it just was not handled the way it should be. It is changing quickly. Some of it has to do with plain ignorance."¹⁵¹

The BJU Chief acknowledged, "I think for so long that team in student life views things in various degrees of appropriateness or inappropriateness maybe is a better word as opposed to what constitutes crime." He explained, "I was talking with the Dean of Women and she said that she didn't know that was a crime. I said, 'You didn't know that was a crime?' [Name] is her name. I said, 'If a male came into your women's residence hall and started groping one of the females, would you report that to the police?' She said, 'Well yeah.' I said, 'There is no difference.'"¹⁵²

The Chief contends, "[W]hat I am dealing with is sincere ignorance. Sincerely she did not understand that. So I mean I have that challenge ahead of me to educate them on what crime really is. It was not like, 'oh we cannot tell anybody about this.' It was just that they did not

with from student life's perspective and understanding that they often times have a fair amount of ignorance, that guy might not come back. So I called the police department and I went right to the Investigator's Bureau and talked to the investigator. I asked him to do something different than normal protocol. Normal protocol is that they send a squad car, take a report, then go back and finish the report, it gets read, then it gets turned over to somebody. That is normal, but in this case, I said I don't have time with that. If they don't have someone come out and give me a hand with this, this may not get dealt with so... within a couple of hours [an investigator] was there and so we found out about this Monday afternoon. This is the first time we found out about it and by Wednesday evening this guy was in jail. He did not go back to [another country] without being charged first. Had that been handled without my insistence and my recognizing with how the system works-they are well meaning and know that they need to deal with that. But I saw from one of the cabinet members that I ended up visiting with some hesitancy. I did not get that from that person's boss. They wanted it dealt with, but there were people there that still were not sure how they should feel about it. So they need to grow into the reality of things that this is what life is really like... I think this was a particular person's affiliation with the family of the perpetrator. Aside from that I did not sense any resistance to dealing with it appropriately. Reality is we have people who wish we did not have to deal with it because they know their family members. That is a reality. But even at that, having talked that through it was not a problem for me. I didn't feel any pressure not to pursue it because I felt it was necessary." Reference 632.

¹⁴⁷ As a side note, a relative of the victimized student expressed disappointment to GRACE that "the college allows other kids to come in and basically they are placed in your room- the students do not have a choice. BJU's policy is that they allow visitors and prospective students to come in and BJU dictates where those will be and that is what I have a problem with." Reference 699. The relative went on to say, "The thing that I think the college should revisit is their policy on placing visiting prospective students in rooms. To have the school dictate that a visiting student is put in a room whether you want it or not should change. I think the parents should be consulted about that too." Reference 647.

¹⁴⁸ The Chief stated, "and when that happened I was not very happy because they did not notify Public Safety." Reference 667. He went on to state, "I do not remember who told me but it was not reported kindly. I was not happy." Reference 619. See also the BJU DPS Incident Memo stating "Public Safety was never notified of the incident at the time." Reference 606.

¹⁴⁹ Reference 630. Reference 670.

¹⁵⁰ Reference 654.

¹⁵¹ Reference 649.

¹⁵² Reference 622.

understand what the reality was.”¹⁵³ The Chief further explained, “The world I come from I recognize things long before most people do on campus here. That has been a source of frustration but I have to be patient. I generally sense it is out of ignorance but not intentional.”¹⁵⁴

Another top administrator acknowledged that the fact that the victim was older than the alleged perpetrator caused them confusion about how to handle the reported offense, and attributed their error to “inexperience.”¹⁵⁵ The Public Safety Department created an Incident Memo¹⁵⁶ for the alleged sexual assault and reported the crime to the appropriate law enforcement agency.¹⁵⁷

¹⁵³ Reference 605.

¹⁵⁴ Reference 693.

¹⁵⁵ Reference 685.

¹⁵⁶ Reference 656.

¹⁵⁷ Reference 767.

Investigation Findings: Appendix 6-5

Case Examples: Off Campus Sexual Crimes Since 2010

Case #1

In 2010, Dr. Berg became aware of a report of an alleged criminal sexual offense involving a minor and an adult BJU student. Dr. Berg directed the family member of the victim who told him of the alleged sexual offense to confront the alleged offender and then go to the Dean of Men's office. Dr. Berg told GRACE that he also told the family member to contact the police and then inform Dr. Berg of the report.¹⁵⁸ The Dean of Men then interviewed the victim and the victim's family members on one occasion and the alleged perpetrator on two occasions. The alleged perpetrator reportedly confessed to the offense. The victim's family reportedly did not wish to pursue criminal charges, but the Dean of Men contacted law enforcement and reported the offense. BJU thereafter expelled the adult BJU student, law enforcement initiated an investigation, and the alleged perpetrator was arrested and charged with a sexual offense under the laws of the state of South Carolina.¹⁵⁹ Approximately one year later, the defendant pled guilty to a criminal offense.¹⁶⁰

Case #2

In 2011, an adult BJU student reported that her childhood caregiver had sexually abused her as a child before coming to BJU. The victim divulged her childhood sexual abuse to the Women's Counselor who documented it, noting, "She is concerned for others since [the alleged perpetrator] is still a member of the church."¹⁶¹ The victim told the Women's Counselor that she planned to report the abuse to her parents and to her pastor during an upcoming holiday break. Though the Women's Counselor encouraged the victim to follow through with reporting this matter to her parents and to her pastor, the counselor did not report this abuse disclosure to law enforcement.

Approximately one month later, the victim reported to her counselor that she had just learned that the alleged perpetrator had just been "arrested on twelve accusations of molestation and seven accusations of rape. He was released on \$50,000 bond."¹⁶² The Women's Counselor then contacted the Dean of Students who confirmed the recent arrest through an online news article. According to the counseling records, the Dean of Students encouraged the Women's Counselor to ask the victim to wait to inform her parents of the abuse until she went home for the Christmas break. The counselor's records indicate that the victim agreed that she wanted to tell her parents in person. The Women's Counselor also continued to encourage the victim to report the sexual offense to her pastor.¹⁶³ According to the victim, she did disclose the sexual abuse to her parents and pastor upon returning home for the holiday, and the pastor informed the police of the criminal offense.

¹⁵⁸ Reference 753.

¹⁵⁹ While the alleged perpetrator was out on bond for the sexual offense, the university granted his request to lift his campus restriction so that he could attend a relative's commencement ceremony.

¹⁶⁰ Reference 625.

¹⁶¹ Reference 655.

¹⁶² Reference 603.

¹⁶³ Reference 629.

Case #3

In 2012, an adult BJU student disclosed to a trusted professor that a relative had sexually abused her as a child.¹⁶⁴ The professor reported the disclosure to a BJU administrator, who informed the Women's Counselor. The victim later met with the Women's Counselor who, according to the victim, was sympathetic but seemed unsure about how to handle the abuse disclosure.

The victim's counseling records indicate that the victim "...was most interested in legal information. She wanted to know what would happen in the event she made a legal report. I told her [I] was not completely certain how her particular situation would be handled but assured her I would be happy to seek legal counsel or provide contact information. She wanted to give those offers some consideration."¹⁶⁵ The Women's Counselor spoke to a detective with the Greenville County Sheriff's Department while the officer was present on campus speaking at the seminary abuse conference that year.¹⁶⁶ The victim's counseling records reflect that the Women's Counselor then re-contacted the victim approximately one week later and gave the victim information about how to report the offense to law enforcement.¹⁶⁷

Case #4

In 2013, a Resident Hall Supervisor and some other representatives from student life approached BJU's Chief of Public Safety and told him about an event that had occurred the previous weekend. A male BJU student had been working downtown, had vehicle trouble, and was approached by a man who offered to help. The "guy ended up attacking [the BJU student] sexually."¹⁶⁸ The victim was able to push the alleged perpetrator away and reported the sexual assault to his residence hall supervisor, but remarked, "he didn't have the money to sue him."¹⁶⁹

The residence life staff asked the Chief his opinion on the matter. The Chief responded, "What do you mean you don't have the money to sue him? This is a crime!"¹⁷⁰ The Chief informed the Resident Supervisor that this student was a victim of a crime and that the police needed to be contacted.¹⁷¹

The Chief reported that the Resident Supervisor agreed and indicated that he would encourage the victim to report the crime to the police, though the resident supervisor was unsure whether or not the victim wanted to report it. The Chief told the supervisor "to encourage the young man to come to us, we will get the police officer here and we will take him down there..."¹⁷² The Chief said he "was very pleased that the supervisor was looking for guidance and wanted to know how to help him." The Chief also noted, "[n]ow the resident hall supervisor to his credit, he just wanted to know what to do to help him. What are we obligated to do, but not just the minimum but what should he do and what should he be telling him."¹⁷³ He said he also explained to the Resident Hall Supervisor that even if the victim did not want to report the crime,

¹⁶⁴ Reference 604.

¹⁶⁵ Reference 659.

¹⁶⁶ The BJU seminary hosted a sexual abuse conference in 2012 entitled "Sexual Abuse and the Church." See <http://www.bju.edu/seminaryconference2012/agenda.php>, retrieved on 8/26/14.

¹⁶⁷ Reference 684.

¹⁶⁸ Reference 610.

¹⁶⁹ Reference 643.

¹⁷⁰ Reference 689. The Chief further stated, "I asked [the Resident Supervisor], 'Would he have thought if the guy had stuck a gun in his face and took his wallet, what would I do?' You would call the police. He is a victim of a crime, you call the police."

¹⁷¹ Reference 660.

¹⁷² Reference 602.

¹⁷³ Reference 673.

that it was critical to report the sexual offense to the police because “we have to explain to him and share with him that not only was he wronged but that he may be able to help someone else who may have been wronged too. So, sharing that with the police may have other benefits.”¹⁷⁴

The Chief observed, “That is the kind of naïveté there is. I don’t know why, particularly if it is same-sex offenses, I think there is a lack of clarity. You and I would not think so, but in some groups there is. So I don’t know why that is.”¹⁷⁵ According to the Chief, “by and large our biggest obstacle to overcome is plain ignorance in the realities of life.”¹⁷⁶ He also observed, “[m]ost of the people who are resident hall supervisors and the assistant to student life, they have come up through many of the same environments that fit in this culture. They struggle with being naïve and routinely ask me what to do.”¹⁷⁷

¹⁷⁴ Reference 677.

¹⁷⁵ Reference 628.

¹⁷⁶ Reference 638.

¹⁷⁷ Reference 601.

Investigation Findings: Appendix 6-6

“Sexual Abuse and Molestation Prevention Policy” **Effective in 2010**

Bob Jones University does not permit or allow sexual abuse or molestation to occur in the workplace. In order to make this “zero-tolerance” policy clear to all employees we have adopted mandatory procedures that employees, volunteers, family members, board members, individuals and victims are to follow when they learn of or witness sexual abuse or molestation.

Sexual abuse takes the form of inappropriate sexual contact or interaction for the gratification of the actor who is functioning as a caregiver and is responsible for the patient’s or child’s care. Sexual abuse includes sexual assault, exploitation, molestation or injury.

All employees who learn of sexual abuse being committed are to report it immediately to their supervisor, department head or the chief human resources officer. If the victim is an adult, the abuse will be reported by this designee to the local or state Adult Protective Services (APS) Agency. If a child is the victim, the designee will report it to the local or state Child Abuse Agency. Appropriate family members of the victim are to be notified immediately of suspected child abuse.

We take allegations of sexual abuse seriously. Once the allegation is reported, we will promptly, thoroughly and impartially initiate an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. Our investigation may be undertaken by either an internal team, or we may hire an independent third party. We will cooperate fully with any investigation conducted by law enforcement or regulatory agencies, and we may refer the complaint and the result of our investigation to those agencies. We reserve the right to place the subject of the investigation on an involuntary leave of absence or to reassign that person to responsibilities that do not involve personal contact with individuals or students. To the fullest extent possible, but consistent with our legal obligation to report suspected abuse to appropriate authorities, we will endeavor to keep identities of the alleged victims and investigation subject confidential.

If the investigation substantiates the allegation, our policy provides for disciplinary penalties, including but not limited to termination of the actor’s relationship with BJU.

No one will be subject to, and BJU prohibits, any form of discipline or retaliation for reporting incidents of sexual abuse or molestation, pursuing such a claim, or cooperating in the investigation of such reports.¹⁷⁸

¹⁷⁸ “Sexual Abuse and Molestation Prevention Policy” *Bob Jones University Faculty/Staff Handbook* (2010-2011), 27-28. The university re-published the same policy for the 2011-2012 academic year in the Faculty/Staff Handbook with some minor changes in wording. Two changes were noted between the 2010-2011 edition and the 2011-2012 edition of the Faculty/Staff Handbooks. In 2011, the first sentence of paragraph 3, amended the title “chief human resources officer” to “Director of Human Resources,” and in the third sentence of paragraph 4, the word “either” was struck. See *Bob Jones University Faculty/Staff Handbook* (2011-2012), 28-29.

Appendix 6-7

“Abuse and Neglect Policy”

Effective 2012 through 2014

Statement of Policy

Bob Jones has a zero tolerance policy with regard to abuse in any form and does not permit or tolerate abuse or neglect of a child, student, or other person of any age. BJU employees, volunteers, and students are to follow BJU’s abuse policy and procedures when they suspect or witness abuse.

BJU regards all forms of abuse and neglect as abhorrent. When cases of abuse are reported, BJU will place the interests of the victim first. BJU believes that a victim of abuse or neglect is not to blame for the abuse foisted on him or her. BJU will take reasonable steps to protect the safety of a victim when a report is made. To equip employees and volunteers to identify and know how to report cases of abuse and neglect, the University will provide periodic training.

Definition

Abuse or neglect may take many forms and may be sexual, mental or physical. Sexual abuse includes, but is not limited to, sexual assault, exploitation, molestation or any other inappropriate sexual contact or interaction by one individual toward another. Mental or physical abuse or neglect can include such things as physical injury; failure to provide necessities such as food, shelter, clothing or education for a child or other dependent person; abandonment; and even encouraging, condoning or approving delinquent acts. (Specific definitions of abuse and neglect as prescribed by the South Carolina Code of Laws are available in the faculty/staff section of BJU’s intranet.)

Reporting Abuse or Neglect

Individuals Under 18 Years of Age

If the abused person is less than 18 years of age, South Carolina law designates certain types of individuals such as people working in the medical field, teachers, principals, child care workers and law enforcement officials as mandatory reporters who are required to report abuse or neglect. (A complete list of mandatory reporters and their responsibilities is available on the BJU intranet.) BJU, however, requires any employee or volunteer who learns of or has reasonable suspicion of abuse or neglect of a child under 18 years of age—regardless of where the abuse or neglect occurred—to report the abuse.

How to Report

The report must be made orally by telephone or in writing within 24 hours to the Greenville County Department of Social Services, Abuse and Neglect, or to a law enforcement agency. If the incident occurred on campus or within city limits of Greenville, it should be reported to the Greenville Police Department. If it occurred outside the city limits of Greenville, but in Greenville County, it should be reported to the Greenville County Sheriff’s Office.

If it occurred outside Greenville County, it should be reported to a law enforcement agency in the city/county where the abused child lives or is found.

After making a report to Greenville County Department of Social Services or to a law enforcement agency, the employee or volunteer is then to report the abuse to his or her supervisor or cabinet officer.

This includes abuse that may have been committed in the past if the child or student is still under 18 years of age. (An information sheet is available on the BJU intranet to help employees identify the information they need to make an adequate report.)

Individuals 18 Years of Age or Older

While there is no legal requirement to report abuse of a student or other person 18 years of age or older, in the event an employee or volunteer learns that a person 18 years or older has been abused, a report should be made to his or her supervisor or cabinet officer. The University will assist the victim by encouraging him or her to make a report to the authorities, helping him or her to make the report and directing him or her to appropriate services. The University will also provide reasonable assistance to the individual to help ensure his or her safety. A counselor on the Student Life staff trained to assist abuse victims is available to counsel students, and students who have been abused are strongly encouraged to seek assistance.

Reports are Confidential

All reports of suspected abuse and neglect and the circumstances of the situations will be kept strictly confidential.

Employees and volunteers shall not share the information with others beyond investigatory agencies, law enforcement and appropriate University officials.

BJU Approach to Handling Abuse

When an abuse allegation is reported, BJU will cooperate fully with any law enforcement or regulatory agency investigation and will endeavor to keep the identity of an alleged victim(s) and investigation details confidential. In addition, BJU may conduct its own investigation if a BJU employee, volunteer or student is the alleged perpetrator.

If an investigation indicates that any employee, volunteer or student inflicted abuse on another person or otherwise acted contrary to the best interests of an alleged victim, BJU will impose disciplinary penalties including, but not limited to, termination of the individual's relationship with BJU.

BJU forbids any form of discipline or retaliation for reporting incidents of abuse or neglect, pursuing any claim of abuse or neglect, or cooperating with any investigation of abuse or neglect.¹⁷⁹

These policies then provide a useful list of "Contact Information" for the Greenville County Department of Social Services and local police department.

¹⁷⁹ "Abuse and Neglect Policy," *Faculty/Staff Handbook* (2012-2013), 19-21.

Investigation Findings: Appendix 6-8
“Abuse and Neglect Policy and Procedures”
Effective 2014-2015

Bob Jones University
Abuse and Neglect Policy and Procedures

Statement of Policy

Bob Jones University has a zero tolerance policy in regard to abuse in any form and does not permit or tolerate abuse or neglect of a child, student or other person of any age. BJU employees, volunteers, and students are to follow BJU’s abuse and neglect policy and procedures when they suspect or witness abuse.

Definition of Child Abuse

Child abuse may take many forms and may be sexual, mental or physical, or emotional. Child abuse may also take the form of bullying, neglect and other forms of maltreatment. Mental or physical abuse or neglect can include such things as physical injury; failure to provide necessities such as food, shelter, clothing or education for a child or other dependent person; abandonment; and even encouraging, condoning or approving delinquent acts. (Specific definitions of abuse and neglect as prescribed by the South Carolina Code of Laws are available on BJU’s intranet.)

Definition of Child Sexual Abuse

Child Sexual Abuse is any tricked, forced, manipulated or coerced sexual activity for the pleasure of the abuser. (Specific definitions of child sexual abuse as prescribed by the South Carolina Code of Laws are available on BJU’s intranet.)

BJU Response to Reports of Child Abuse

BJU regards all forms of abuse and neglect as abhorrent. When cases of abuse are reported to BJU, BJU will place the interests of the victim first. BJU believes that a victim of abuse is not to blame for the abuse experienced. When appropriate, BJU will take reasonable steps to protect the safety of a victim when a report is made. To equip employees and students to identify and know how to report cases of abuse and neglect, the University will provide periodic training.

Reporting Abuse or Neglect

When the report relates to a person who is presently under 18 years of age
If the abused person is less than 18 years of age, South Carolina law designates certain types of individuals as mandatory reporters—people required to report actual or suspected abuse or neglect of a child. Mandatory reporters include such people as those working in the medical field, teachers, principals, child care workers and law enforcement officials. (A complete list of mandatory reporters and their responsibilities is available on the BJU intranet.)

BJU, however, requires any employee or volunteer who learns of or has reasonable suspicion that a child has been abused or neglected to report—regardless of where the abuse or neglect occurred. By association with BJU, all employees and volunteers (while serving in a university capacity) are mandatory reporters and should follow South Carolina law as if specifically listed as mandatory reporters.

How to Report Child Abuse or Child Sexual Abuse

- The report must be made orally or in writing within 24 hours to the Greenville County Department of Social Services, Abuse and Neglect, or to a law enforcement agency.
- If the incident occurred on campus or within city limits, it should be reported to the Greenville Police Department.
- If it occurred outside the city limits of Greenville, but in Greenville County, it is to be reported to the Greenville County Sheriff's Office.
- If it occurred outside of Greenville County, it should be reported to a law enforcement agency in the city/county where the abused child resides or is found.
- After making a report to Greenville County Department of Social Services or to a law enforcement agency, the employee or volunteer is to then report the abuse to his or her supervisor or cabinet officer.
- This includes abuse that may have been committed in the past if the child or student is still under 18 years of age. (An information sheet is available on the BJU intranet to help employees identify the information they need to make an adequate report.)

When the report relates to an individual 18 years of age or older, but a minor at the time of the alleged abuse

BJU acknowledges that adults in relationship with BJU (faculty, staff and students) may have been subject to child abuse or child sexual abuse as a child. In the event a University employee or volunteer learns that an individual 18 years of age or older was abused as a minor, with no prior report to criminal or child protection authorities, a report to law enforcement may be required by law. As an example, by South Carolina law, when another child is at risk of child sexual abuse by the alleged abuser, the abuse must be reported.

A counselor on the Student Life staff trained to assist abuse victims is available to counsel university students. University students who have been abused in the past are strongly urged to seek assistance and counseling, whether through Student Life or an off-campus provider.

Reports Are Confidential

- All reports of suspected abuse and neglect and the circumstances of the situations will be kept strictly confidential pursuant to South Carolina law.
- Employees and volunteers shall not share the information with others beyond investigatory agencies, law enforcement or appropriate University officials.

BJU Approach to Handling Abuse

When an abuse allegation is reported, BJU will cooperate fully with any law enforcement or regulatory agency investigation and will keep the investigation details confidential, according to South Carolina law. In addition, BJU will conduct its own investigation if the matter has an impact on the continued safety of others or could impact the services provided by BJU.

If an investigation (external or internal) indicates that any employee, volunteer or student inflicted abuse on another person or otherwise acted contrary to the best interests of an alleged victim, BJU will impose disciplinary penalties including, but not limited to, termination of the individual's relationship with BJU. BJU forbids any form of discipline or retaliation for reporting incidents of abuse or neglect, pursuing any claim of abuse or neglect, or cooperating with any investigation of abuse or neglect.

Contact Information

Greenville Police Department—864-467-5325

Greenville County Sheriff's office—864-271-5210 or 1-800-828-1206

Greer Police Department—864-848-2151

Simpsonville Police Department—864-967-9536

Traveler's Rest Police Department—864-834-9029

For policies and procedures regarding the reporting of abuse when an individual is 18 years of age or older, consult BJU's Policy Manual, Vol. II: Community Policies 2.1.1 through 2.1.1.3.3 on the BJU intranet.¹⁸⁰

¹⁸⁰ This policy can be found online at <http://www.bju.edu/life-faith/abuse-neglect-policy.pdf>.