

On the Danger of Abusing Non-Disclosure and Non-Disparagement Agreements

WHEREAS, Scripture teaches that we should “walk in the light, as he is in the light” (1 John 1:7), and that “everything exposed by the light becomes visible, for everything that is illuminated becomes a light itself” (Ephesians 5:13-14); and

WHEREAS, The Baptist Faith and Message 2000 states that “every person of every race possesses full dignity and is worthy of respect and Christian love” (Article III) and “Every Christian should . . . [be] careful to act in the spirit of love without compromising their loyalty to Christ and His truth” (Article XV); and

WHEREAS, Non-disclosure or confidentiality agreements and non-disparagement agreements are common practice in both secular and Christian organizations; and

WHEREAS, Appropriate uses for these agreements include but are not limited to the protection of proprietary technology and information, personally identifying information, donor records, and confidential information learned in private counseling sessions; and

WHEREAS, Non-disclosure agreements and non-disparagement agreements can be abused and weaponized, resulting in the silencing of victims, the perpetuation of harmful acts, an absence of biblical transparency, and the protection of institutions over individuals; and

WHEREAS, Misuse of these agreements can foster an environment where abuse, misconduct, and other forms of harmful behavior are shielded from accountability, and their use can prevent the truth from being known; and

WHEREAS, Recent public examples of Christian organizations utilizing non-disclosure and non-disparagement agreements in instances involving sexual abuse have highlighted the danger posed by the misuse of such agreements and the harm done to those who are silenced under the threat of legal action; and

WHEREAS, While Christians are called to “speak the truth in love” (Ephesians 4:15) and “speak what is right” (Proverbs 16:13), the incentives typically associated with the abuse of these agreements, financial and otherwise, can pressure victims into unjust silence; and

WHEREAS, State legislatures and judiciaries have begun to acknowledge the misuse of non-disclosure and non-disparagement agreements and have enacted laws and issued rulings preventing them from being enforced in certain instances; now, therefore, be it

RESOLVED, That the messengers to the Southern Baptist Convention meeting in Indianapolis, Indiana, June 11-12, 2024, condemn non-disclosure and non-disparagement agreements that oppress or harm individuals, promote unnecessary secrecy, or deter accountability, and we call for the appropriate use of such agreements; and be it further

RESOLVED, That we affirm the inherent dignity and worth of every individual, standing against any practices that perpetuate harm or injustice; and be it further

RESOLVED, That we call on all organizations to revoke any non-disclosure or non-disparagement agreement which prevents victims of abuse from speaking the truth of their experience and sharing the redemptive ways in which God can restore and heal; and be it further

RESOLVED, That we urge all Christian organizations, including Southern Baptists, to diligently and prayerfully review their practices in light of Scripture and consider revoking harmful non-disclosure and non-disparagement agreements with those whose consciences have been bound by the threat of legal action, prioritizing the call of Jesus in the Great Commandment as they examine the use of such agreements with outgoing employees and victims of abuse; and be it further

RESOLVED, That we call to repentance anyone who has knowingly and intentionally used non-disclosure or non-disparagement agreements for the express purpose of silencing victims or whistleblowers, covering for abusers, hiding criminal actions, or protecting the reputations of those who have sinned; and be it further

RESOLVED, That we affirm those state legislatures and judiciaries which have limited or curtailed the use of non-disclosure and non-disparagement agreements, and we call on other states to enact similar legislation; and be it finally

RESOLVED, That we commit to fostering a culture of openness, accountability, and justice in all our dealings, thus honoring our calling to model the love and truth of Christ in all aspects of our shared mission.

