

INVESTIGATION REPORT

**PREPARED FOR EASTVIEW CHRISTIAN CHURCH'S
ELDER LEADERSHIP TEAM**

JUNE 4, 2023

CONFIDENTIAL

Provided by
Wagenmaker & Oberly, LLC

1 INTRODUCTORY REMARKS

1.1 Purposes of Investigation

The Elder Leadership Team (“ELT” or the “Board”) of Eastview Christian Church (“Eastview” or “Church”) has engaged the law firm of Wagenmaker & Oberly LLC for the following three steps and purposes: (1) to conduct an investigation into allegations made against former employee Caleb Baker, against former Senior Pastor Mike Baker, and against the Church’s leadership as it relates to the handling of such allegations (the “Allegations”); (2) to issue a written investigation report for the Church’s review and usage; and (3) to aid in bringing about healing in the Church through a reconciliation and restorative justice process. This Investigative Report culminates from the first step identified above, satisfying the second step; in preparation for the third step, it sets forth our findings, conclusions, and related recommendations. *This Investigative Report has been provided solely to the Church’s Board for their review and further usage, subject to further advice and counsel from the Church’s legal counsel.*

1.2 Law Firm Information

Preliminarily, we note that our law firm (“W&O Team”) focuses on the legal representation of nonprofit clients, which include churches of varying sizes, faith-based nonprofits, and other public charities. Our attorney team consists of partners and associates including Kellye Fabian Story who, in conjunction with her legal practice, helps develop restorative justice and reconciliation plans for churches and nonprofits that have experienced trauma or significant conflict, to aid in rebuilding trust, reconciling relationships, and caring for victims. Ms. Story served previously for nine years on pastoral staff with a large church and, in such ministry capacity, managed church disciplinary and restoration processes, handled reconciliation matters, and conducted internal investigations. Consistent with our engagement letter and primarily utilizing Ms. Story’s combined attorney and pastoral skills and experience, our W&O client service here is in a non-legal consulting capacity. We understand that the Church has separate legal counsel as well.

1.3 Investigation Overview – Impartial, Ethical, and Christian Attributes

In conducting our investigation, the W&O Team received and evaluated extensive information impartially, independently, and objectively. Such approach is consistent with our arms-length relationship with the Church, with no actual or apparent conflicts of interest. Additionally, it is consistent with our ethical responsibilities as attorneys. (*See, e.g.*, Ill. Code of Prof. Conduct at Preamble: [1] A lawyer, as a member of the legal profession, is . . . a public citizen having special responsibility for the quality of justice; and [3] regarding attorneys’ nonrepresentational role in helping the parties to resolve a dispute or other matter.). Our approach is also significantly informed by Ms. Story’s pastoral background, but we defer in all matters to the Church’s own theological commitments, related Biblical standards to which we understand the Church adheres (particularly Biblical mandates for pastoral leadership) and resulting implications for the matters involved here.

With such considerations in mind, we have used our best efforts to accomplish the following: (a) represent and reflect Christ in all of our interactions; (b) act objectively and impartially; (c) prioritize the safety and care of any victims at all stages of the investigation; (d) complete our work in a timely manner; (e) be as accurate as possible in our words and conclusions; (f) extend respect and dignity to all individuals involved; and (g) remember that this investigation and the circumstances that have

caused it are an opportunity for everyone involved to grow deeper in their relationship with the Lord Jesus Christ.

1.4 Undergirding Values and Aims of Report

We therefore present this Investigation Report with humility and with the hope that it helps the Church and all affected to reach the goals involved here. As Christians, the Church leaders and congregants may be deeply interested in uncovering and addressing what actually happened, but this alone is not enough. Without steps toward repentance, forgiveness, reconciliation, and restoration everyone involved ultimately will feel unsatisfied and continue longing for resolution. We are aware that inevitably certain details may have been missed or mistakes may have been made, but we have presented the facts and our conclusions as accurately as possible. Finally, we have done our best to listen to, have compassion for, and understand each person we interviewed. We pray that our investigation and our continued work brings glory to God and reminds us all of our need for his grace and salvation.

1.5 Report Sections

The following sections provide an investigation overview, misconduct conclusions resulting from our investigation, related evaluation assessments, church leadership observations, implications of Eastview's governance model, implications of power dynamics within Eastview's culture, recommendations for next steps, and a preview of the restoration and reconciliation phase. This Investigation Report does not contain any detailed factual findings from our investigation, in part due to related privacy considerations, but such information extensively informs the following information.

OVERVIEW: SCOPE AND ELEMENTS OF INVESTIGATION

1.6 Scope

Beginning in March 2023, we investigated the following three issues: (a) the alleged sexual misconduct of former Eastview pastor Caleb Baker while he was on staff at Eastview; (b) the alleged cover-up of Caleb Baker's alleged misconduct; (c) the impact of power dynamics upon staff and congregation from Mike Baker and Eastview's upper-level leadership. Additionally, we were asked to assess Eastview's policies and make recommendations to provide guidance on improvements moving forward.

1.7 Elements of Investigation and Methodology

1.7.1 Information Gathering

The investigation was comprised of three phases of information gathering as follows: (1) multiple introductory interviews with the ELT; (2) request for and receipt of documents such as Church governance documents, ELT meeting minutes, internal audits, ministry materials, employment materials, prior complaints, emails, social media posts, and other correspondence; and (3) interviews of individuals with knowledge relevant to our investigation. In total, we interviewed dozens of individuals and received several more testimonials. Notably, Mike Baker agreed to participate, and

we interviewed him. Caleb Baker declined to be interviewed for or participate in this investigation but provided a short statement for us.¹

1.7.2 Analysis of Documents and Interview Information; Standard for Investigation Report's Findings

The W&O Team reviewed and analyzed the documents we received and the information we collected through interviews at various points during the information gathering phase. Upon the conclusion of these steps, we made certain relevancy and credibility determinations in connection with findings and conclusions. Such relevancy and credibility assessments, including determining whether a person's story or a particular document was relevant, were made by evaluating whether the person's information would help us reach a determination as to each of the issues we were asked to investigate. We also made credibility determinations of those we interviewed and drew certain conclusions when confronted with differing accounts. To make credibility determinations, we have relied on best practices in the field of investigations, including the following considerations: (a) the consistency of a person's story internally and over time; (b) a person's body language, including voice, posture, facial flushing, and eye contact; (c) potential motives; (d) corroboration from other witnesses or documents; and (e) whether a particular witness' story makes sense objectively.

We made our findings using the criteria above and according to a "more likely than not" standard. The "more likely than not" standard is not a judicial standard but rather a standard generally used in investigations of this nature, defined as what an objective person would naturally conclude based on the information presented. It is thus a very helpful tool but not perfect or foolproof. To the extent any findings may be refuted by additional information, we welcome the opportunity to adjust and modify our findings – particularly to promote the above-listed goals. As explained above, our approach here has been to address all such matters impartially, in light of our independence here, and objectively – particularly given our primary professional roles as attorneys operating within the public justice system.

2 MISCONDUCT CONCLUSIONS RESULTING FROM INVESTIGATIONS

The extensive information gathered during this investigation led us to make the following conclusions about certain misconduct, which we believe are more likely than not (according to the above standard). Again, we do not assert that we absolutely know what happened, and we do not have any personal knowledge of the underlying facts. We thus can only set forth information based on (a) the information provided to us; and (b) objectively reasonable conclusions therefrom. Further, we provide this information for the Church's ministry use and as part of the Church's Biblical discipline processes to which Caleb Baker, Mike Baker, and the members of the ELT submitted as part of their staff and leadership positions within Eastview.

As set forth above, the following conclusions result from detailed interviews, evaluation of Church-provided documents, other materials, our W&O Team's in-depth analysis of all such information, and related findings. Such extensive information and findings are not provided here, as this Investigation Report serves other purposes as identified above and as indicated by related section headings. Our resulting conclusions are as follows.

- a. It is more likely than not that Mike Baker misused his leadership position and impeded the Church leadership's ability to follow the Church's policies and procedures for addressing various complaints and reports of misconduct that were made between approximately 2013

¹ Caleb Baker provided the following statement: "I realize I wasn't as healthy of a person as I could've or should've been during the 3 and a half years that I worked at Eastview. And I take full responsibility for that. That being said, I genuinely hope for the best for the future of Eastview and I am committed to pursuing health in all aspects of my life moving forward."

and 2023, all contrary to Biblical mandates and norms of behavior for leadership as set forth in the Board Policy Manual.

- b. It is more likely than not that during Mike Baker's tenure as Senior Pastor, the culture at Eastview degraded to the point that just before Mike Baker's resignation, decisions at varying levels within Eastview were largely driven by one or more of the following factors: fear of retribution and failure; a superseding desire to protect the image of Eastview; disregard for persons harmed by members of church leadership; lack of knowledge and training related to harm and trauma; and how to handle complaints and reports of misconduct, including sexual misconduct and sexual harm. All such factors adversely affected the ELT's ability to govern the Church, and they are contrary to the Church's Biblical standards such as Galatians 5:22-26 (fruit of the spirit) and Matthew 5:1-14 (Jesus's teachings, including the Beatitudes and believers as salt and light).
- c. It is more likely than not that Caleb Baker engaged in conduct inconsistent with the Church's sincerely held religious beliefs and the Church's requirements for Church employees in the form of sexual relationships outside the context of marriage during his time on staff at Eastview. Such behavior was contrary to Biblical admonitions followed by the Church such as Hebrews 13:4; 1 Corinthians 6:9, 18; Exodus 20:14; Proverbs 6:32; and the above-cited passages on Biblical leadership.
- d. It is more likely than not that former Senior Pastor Mike Baker and Caleb Baker failed to disclose to the staff and elders of Eastview all they knew of Caleb Baker's sexual conduct and the reasons for the termination of his employment. Additionally, it is more likely than not that Mike Baker and Caleb Baker failed to disclose to Caleb Baker's subsequent employer important information about Caleb Baker's sexual conduct and the reasons for the termination of his employment. Such misconduct was contrary to Biblical standards for leadership as followed by the Church, such as reflected in Philippians 2:3-4, and contrary to the Church's standards for ethical treatment of others and appropriate concern for others, as per Church's Policy Manual.

3 RELATED EVALUATION ASSESSMENTS

Based on our evaluation of available credible information provided to our W&O Team, we make the following assessments consistent with generally accepted investigation techniques, trauma-informed principles, and in light of the above-listed Biblical standards to which the Church adheres.

First, the ELT did not sufficiently address the serious conflict of interest issues involved here at certain critical times, such as allowing Mike Baker initially to lead the HR Audit efforts. Such leadership deficiency may have been due to cultural and power dynamics allowing for Mike Baker's exertion of excessively strong authority particularly in light of the Church's policy governance structure. Reportedly, however, Mike Baker kept material information from the ELT, which thwarted the ELT from effectively addressing the sexual misconduct and related matters.

Second, Mike Baker's actions implicated serious conflict of interest violations arising from his pastoral leadership and his parental roles. Subsequent to the ELT's initial receipt of information concerning specific women with whom Caleb Baker allegedly had sexual relationships, Mike Baker should have recused himself due to his conflicting loyalties and allowed others in leadership to exercise proper biblical discipline regarding Caleb. Instead, Mike Baker remained significantly involved. Similarly, Mike Baker's statements and conduct after his resignation further demonstrate Mike Baker's prioritization of concern for his son and his family as a direct outworking of the above-described serious conflict of interest.

Third, Caleb Baker's apparent sexual relationships during his Eastview employment, accompanying failure to disclose the relationships violated the Church's Biblical standards regarding sexuality and

leadership qualifications. While he worked for Eastview, leadership seemed largely unaware that Caleb used his position, role, or influence as a pastor to persuade women to engage in sexual activity. However, the individuals we were able to interview that had had sexual experiences with Caleb shared credibly that he did so.

As indicated above, these assessments are based on the information made available through interviews, related credibility assessments, document review, and accompanying evaluation of all such material, and in accordance with the goals articulated at the beginning of this Investigation Report.

4 CHURCH LEADERSHIP OBSERVATIONS

The following list provides key observations about the Church's leadership arising from our investigatory findings.

- As a matter of good and wise corporate and employment practice, and in the spirit of the rules set forth in the Personnel Manual related to family members, Mike Baker should not have been involved in any way with the hiring or discipline of Caleb Baker because this was a conflict of interest.
- Given Mike and Caleb Baker's father/son relationship, the ELT should have followed up to ensure that Cal Jernigan was aware of the allegations involving Caleb and that he would continue with a restoration process at Central Christian.
- The ELT should have conducted a more comprehensive investigation of the allegations in the letters they received in February 2016 without involvement by Mike Baker.
- As a matter of best practices and to ensure a fair process for all involved, the PLT and ELT should have required that Mike Baker recuse himself from discussions involving Christine Lee's allegations against Caleb because this was a conflict of interest.
- The ELT should have responded more quickly to Christine Lee's July 2022 letter and subsequent emails and should have had taken other measures to avoid conflicts of interest in responding to her.
- Mike Baker should not have been permitted to lead, provide direction, or participate in the HR Audit process with HR Solutions Ministry.
- As a matter of good corporate practice, it was appropriate for the ELT to meet without Mike Baker to discuss the allegations that had been made against Caleb Baker in 2023 and next steps Eastview should take in light of those allegations.

5 IMPLICATIONS OF EASTVIEW'S GOVERNANCE MODEL

On related points to the above observations, the following information addresses the manner in which the governance structure of Eastview affected the relevant events. As stated above, we find it is more likely than not that Mike Baker misused his leadership position, and he did not allow the church leadership to follow consistently the policies and procedures Eastview had in place in addressing various complaints and reports of misconduct that were made between approximately 2013 and 2023.

5.1 Governance Model Problems

Eastview has followed what is known as policy governance. In this model, the ELT leads Eastview by establishing policies and setting limitations on executive leadership. The ELT does not prescribe actions for the executive leadership to take. Importantly, under policy governance the ELT has a

singular employee contact—the Senior Pastor—and does not oversee or direct any other church employees.

The Senior Pastor’s main responsibilities as defined in Eastview’s Policy Manual include developing a strategic plan to achieve the ELT’s vision; defining personnel policy and procedures; effectively communicating between Elders, staff, and the church family; cultivating an informed and responsive staff; and resolving staff conflicts (Policy Manual for Elder Leadership Team).

In this role, the Senior Pastor acts as the sole link between the Elders and the staff. One individual we interviewed described this model to us like a bow tie—the Senior Pastor acts as the center knot of the bow tie connecting the Elders on one side to the staff and congregation on the other. This model intentionally makes the Senior Pastor the only point of contact with the Elders.

At Eastview, there were years in which department heads would provide regular reports to the Elders. Over time, that process stopped, and the Senior Pastor provided these regular reports with the HR Director occasionally providing additional information. However, the Senior Pastor acted as the gatekeeper of information and could add, remove, or modify the information as he saw fit. According to various witnesses we interviewed, the staff did not believe they were permitted to make any reports to the Elders or communicate with them about ministry topics. As several former staff shared with us, when they did go to the Elders, they believed their jobs might be at risk and they would be retaliated against for doing so.

5.2 Policies and Reporting Processes

The W&O Team became aware during our investigation of several instances in which policies and reporting processes that were in place for staff were not followed or were even unknown. In the case of hiring Caleb Baker, we found no evidence that special consideration was given to the fact that he was Mike Baker’s son pursuant to the Personnel Manual. We are aware that there are many related individuals on staff at Eastview even now, but it is not clear that the policy governing related members of staff has been followed. We received no evidence of ongoing educational programs for Church staff concerning their ethical obligations and mechanisms for handling problematic reports. Similarly, it appears the Church provided no training on the proper handling of conflicts of interest.

In addition, during our investigation, we were made aware of congregants or staff members who were harmed. In each case, the individuals with whom we spoke were not confident about what steps to take to get help, and in some cases did not get the help that they needed. This is despite the fact that at least as far back as 2012, the staff Personnel Manual included at least a skeletal policy on sexual harassment and a whistleblower provision. As a best practice, churches must have such policies and processes in place and implement and train on those policies and processes. Otherwise, people that are hurt cannot find help and people who commit harm cannot be effectively stopped and corrected. In large part, we found that Eastview staff members needed clarity about what to do if they are harassed, assaulted, or otherwise harmed, and particularly how to report such information.

In other situations, Eastview had no policy or procedure in place. For example, when the complaints about Caleb Baker’s conduct were brought forward, there does not seem to have been any process for the leadership team to follow for bringing correction or discipline or to investigate the complaints. This lack of a policy prevented a clear process and accountability measures from being imposed and followed up during the process.

5.3 Lack of Accountability and Sufficient Reporting Redundancies

In our review of the provided materials, we noted the absence of operational redundant reporting systems to sufficiently deliver crucial personnel information to the Board. Because Mike Baker was the single source of information to the Board, the Board’s ability to act in the Church’s interests

became impaired – particularly when Mike Baker’s ability to objectively convey information to the Board became impaired because of his conflict of interest. Implementation of reporting redundancies could have provided the Board with the important information needed to address these serious staff-related issues, such as through anonymous reporting channels, independent audits, 360-degree evaluations, and periodic anonymous staff surveys.

5.4 Human Resources Department

Throughout the investigation, we heard many reports of concern about Eastview’s Human Resources Department. Further attention is warranted to fully address such concerns, particularly given Eastview’s size.

5.5 Related Considerations in Light of Misconduct

Organizations can be governed in a multitude of ways depending on the mission, goals, and values of that particular organization. Notably, any governance model can be misused, particularly in light of humankind’s sinful nature. (See, e.g., Romans 3:23 – “All have sinned and come short of the glory of God.”) The same is true with misuse of policies and processes. In other words, just because an organization has a good governance model in place and has appropriate policies and processes does not mean problems will not arise. Individuals can always act outside of corporate structures and policies. In this situation, Mike Baker did not share information about disciplinary actions or issues of immorality or misconduct with the ELT. Accordingly, the ELT did not have the information it would have needed to guide Mike Baker through the handling of Caleb’s conduct and character issues. Further, as Mike Baker became increasingly withdrawn from the rest of the staff, he allowed no one to hold him accountable.

By the time the ELT learned information that they could have acted on, it was too late. For example, they did not know about Caleb’s alleged sexual relationships, or that complaints had been made about him, until after his employment was terminated. Similarly, they did not know until after Caleb was fired from Central Christian that Mike Baker had not in fact told Cal Jernigan the full extent of Caleb’s sexual immorality or disciplinary process or that he did not request that Jernigan require Caleb to participate in a restoration process. Further, the ELT did not know that Mike Baker had withheld information from the HR auditors so that the negative power dynamics and other cultural dynamics on staff would not be discovered.

6 IMPLICATIONS OF POWER DYNAMICS WITHIN EASTVIEW’S CULTURE

As part of our W&O Team’s services we were asked to investigate the impact of power dynamics at Eastview. In other words, we examined the way different people or groups interacted with each other where one person had more power by virtue of position, authority, or influence. Most of the individuals we interviewed that had been around Eastview for more than a decade noticed a shift in the culture sometime between 2013 and 2015.

Prior to that time, most agreed that the culture was positive, less fear-based, and more collaborative and family-like. Indeed, prior to Caleb Baker’s time on the Eastview staff, most staff members reportedly had a positive experience. However, after Caleb Baker’s employment with Eastview began, fear of reprimand and fear of retribution apparently increased as motivating factors. Such change in culture coincided with adverse employment decisions related to challenges of Mike Baker handling of reports related to Caleb Baker’s alleged conduct or raising character and conduct problems about Caleb Baker.

We have concluded the following about Eastview’s culture from at least 2013 to 2023. Overall, the number of people on staff harmed by the culture that degraded over time is significant. Nearly all staff members we interviewed shared credible evidence that they are carrying some level of pain and hurt that they believe was caused by Mike Baker and the culture resulting from his leadership at Eastview. Additionally, many former staff and former congregants feel deeply hurt by Eastview, which has impacted their view of the Church and their faith. These important issues are addressed more fully in the following sections.

6.1 Fear of Reprimand and Fear of Retribution

Fear of reprimand and fear of retribution are the most prevalent cultural themes reported by Eastview staff for the relevant time period. Most of those interviewed expressed that they were afraid for their jobs on a regular basis and afraid they would be retaliated against if they complained, reported any harm or wrongdoing, or did anything that could be perceived as crossing Mike Baker. One staff member described the relief they felt when Mike Baker left, like the whole staff could finally exhale and no longer be afraid.

6.2 Keep Quiet

Another consistent theme used in reference to Eastview’s culture was silencing. “Silencing” abuses power by labeling reports of problems, harassment, or other legitimate complaints as disruption, distraction, or disunity. No one wants to be accused of disrupting the church, distracting from the mission, or creating disunity. Thus, a culture of silence in the face of harm gets created. Many current and former staff members the W&O Team interviewed shared that they did not raise complaints or make reports that they otherwise might have for fear of being accused of causing disunity or hurting the church. We were made aware of several troubling circumstances involving the employment of loyal, well-respected staff members. Former staff members shared painful stories of mistreatment. These situations may not have raised an eyebrow in the secular, business world. But the church should operate and is called to operate differently – with the care and compassion of Jesus Christ.

6.3 Protect the Church

Related to the silencing problem discussed above, a third theme that arose out of our conversations with current and former staff members—including Mike Baker—was the need to “protect the church.” While this phrase is not problematic on its face, its meaning and the way it was used became a code phrase to discourage raising any problems or conflicts. For example, certain facts related to Caleb Baker’s termination were omitted, it appears, to protect the church.

6.4 Above the Rules

Our W&O Team received information from current or former staff about certain reporting structures and rules for the staff to follow, from which Mike Baker was exempt. Such inconsistency in application by the Church was to the detriment and confusion of the teams involved. For example, the Church’s failure to follow its conflict of interest policies for related staff, including Caleb Baker, were problematic. The break down in the chain of command, when Mike Baker appeared to intervene and directly supervise staff who were not his direct reports is another example. Based on the information we received, it appears these circumstances caused disempowerment, embarrassment, and frustration for the staff involved.

7 RECOMMENDATIONS FOR NEXT STEPS

Based on what we have learned and discerned in the course of our investigation, and to put Eastview in a position to thrive and bring glory to God, we have made many recommendations to the ELT for next steps. These recommendations include the following;

- A. Improve Eastview’s governance and leadership structures in order to increase accountability measures and practices, including improving reporting channels and creating operational redundancies for leader accountability;
- B. Improve Eastview’s Human Resources department, particularly to better address harassment and abuse issues;
- C. Require leadership and staff training in victim care and trauma-informed responses to persons that have been harmed by power dynamics and different types of abuse;
- D. Implement regular educational programming for all staff on what constitutes sexual misconduct, and what to do about it;
- E. Develop, and make available protocols for how to report possible misconduct by a supervisor;
- F. Develop written policies and procedures for addressing allegations of misconduct, and follow through with implementation;
- G. Provide training on conflict of interest issues, particularly with respect to appropriate recusals, fair processes, and related Biblical and legal best practices aspects;
- H. Provide teaching on reconciliation and restorative justice principles and processes as set forth in Scripture and developed over time by Christian practitioners;
- I. Address treatment of women at Eastview, particularly to determine what structures, processes, or values (whether explicit or implicit) might be leading to a sense that women are not valued; and
- J. Proceed through restoration and reconciliation phase as follows.

8 RESTORATION AND RECONCILIATION PHASE

One of the greatest promises in Scripture appears in Revelation 21:5. We are told that the Apostle John sees Jesus on the throne and that he says, “Behold! I am making all things new.” God’s fundamental work in the world is his reconciliation of the world to himself and the restoration of all things. As Christians—and thus participants in God’s Kingdom—we too are called to reconciliation and restoration. Often, though, in a world of harm and investigations, we stop at the investigation phase, learning and understanding the truth, but going no further. As important as this investigation has been to understand the truth, there is more needed, and we are committed to taking the next steps with Eastview.

Specifically, as Eastview continues to process through the report and each person deals with his or her own experiences, we will take some steps toward the second phase of our time together. Our hope in this next phase is to introduce teaching about reconciliation and restorative justice, begin setting up training sessions for these topics, and ultimately gather individuals in groups on a voluntary basis to work through the pain and harm that so many have experienced as a way to bring about healing.

9 CONCLUSION

We are honored and privileged to have conducted this investigation and to continue working with the Eastview Elders, staff, congregation, as well as former staff and congregants, in a restorative process. The stories of each person with whom we met or heard from are precious and unique and we hold them with the greatest care and compassion as we move into the next phase.