

EPISCOPAL DIOCESE OF MISSOURI

**POLICIES AND PROCEDURES CONCERNING
ALLEGATIONS AND
INCIDENTS OF SEXUAL MISCONDUCT**

I. INTRODUCTION

A. A Theological Reflection

"So God created humankind in his image, in the image of God he created them; male and female he created them." Genesis 1:27

"God saw everything that he had made, and indeed, it was very good." Genesis 1:31

There is a particular Anglican perspective of human life that is central to our theology and particularly appropriate to this area of our sexual conduct and sexual misconduct. It is our fundamental incarnational core. We believe that we are all created in God's image and likeness as sexual beings; that our life and our sexuality are wonderful gifts from God. Therefore, our bodies and our sexuality are sacred.

Central to this perspective is our belief that God so valued human life that God actually lived one in the person and mission of Jesus Christ. And while our interpretations of this incarnational theology of redemption may differ, we agree that the Word of God made man in the life of Jesus is the model for our redemption.

We also believe that reconciliation between us and God is necessary because of the misery, unhappiness, brokenness, and sinfulness of human life. If our lives were not in some way deficient, then there would be nothing to be gained from communion with God. But because people make mistakes, sin, and suffer; improvement, God's grace is possible.

We believe that in Jesus God was identified with this brokenness and suffering. God actually shares in the suffering. Our central affirmation about God, then, is not "how could God have allowed this to happen?", but that God has owned suffering personally by undergoing it in Jesus Christ. Thus our theological response to brokenness and mistakes is to affirm that the person is not alone.

Our salvation, made possible by the incarnation, does not always consist of bringing the mistakes and the brokenness of our humanness and sexuality to an end. Instead our redemption involves God's participation in our suffering, to establish community between humankind and God. So while redemption does not mean an end to suffering and mistakes, it does mean an end to isolated suffering and mistakes. The wholeness offered by Christ is the creation of the community we call the Church.

God's identification with us opens our lives to wonderful new possibilities: a new sense of human worth and dignity. St. Paul calls it adoption. We declare it a reality in our Baptism. We establish it in our worship and liturgy. The model comes from the trust and struggles of Jesus and the father.

Jesus also provides us with a model of how God relates to human beings and therefore how we must relate to one another. As he models passion for God, he also models compassion for other persons by caring for them, helping them in their brokenness and forgiving them. Jesus died because of his commitment to humankind. We affirm that commitment in our Baptismal Covenant through which we promise to: Seek and serve Christ in all persons, loving our neighbor as ourselves; and to strive for justice and peace among all people, and respect the dignity of every human being.

Sexual misconduct, in any form, is a violation of the gift of life from God and our Baptismal Covenant. As Anglicans we believe that our response to these violations is not that everyone's fate and redemption is simply his or her own business, but that we as the Church must provide the voice that shapes our whole community to an ethic of redemption. We do not enter into reconciliation alone, but with God in the Body of Christ that we call the Church.

Because the incarnation is so basic to our beliefs, we ascribe a sacredness to the body and to our sexuality. It is the responsibility of all the members to maintain that sacredness, and to make the Church a safe place for all people. Our Baptismal Covenant shapes the details in this manual of Policies and Procedures, and clarifies the sacred trust we hold as members of Christ's Body in the Diocese of Missouri.

B. Objectives of these Policies

There are two general objectives which are sought to be achieved by these policies. The first, legalistic in nature, is to discover the truth and, in cases of substantiated Sexual Misconduct, to impose appropriate ecclesiastical discipline. The second, pastoral in nature, is to care for the wounded: the victims, the offenders, their families, and affected congregations. The two tracks proceed in parallel fashion, but are separate. The Bishop is responsible to provide oversight of both.

II. POLICIES CONCERNING SEXUAL MISCONDUCT, PROTECTION OF CHILDREN, EXTENDED COUNSELING RELATIONSHIPS AND SPIRITUAL DIRECTION

A. General Statement of Policy

It has been and continues to be the policy of the Episcopal Diocese of Missouri that "Sexual Misconduct" (as defined herein) on the part of any person employed or engaged by, volunteering for or otherwise representing or serving in any manner the Diocese, any Diocesan-related institution, or any Parish, Mission or other congregation of the Diocese (individually and

collectively referred to herein as the "Diocesan Family") is strictly prohibited. This policy applies to all persons including, without limitation, any ordained person, aspirant, postulant, candidate or seminarian sponsored by or canonically resident, or working or present, in the Diocese, or by any lay employee or volunteer working in any capacity for any member of the Diocesan Family, or any other person who provides pastoral care or who supervises youth ministries or activities for any member of the Diocesan Family. Sexual Misconduct includes adultery, any sexual activity with a counselee, a person under the age of eighteen or a person lacking in full mental capacity, any sexual activity with a nonconsenting person, and any illegal or aberrant sexual activity. It also includes any words or conduct which constitute illegal sexual harassment in the workplace, (whether involving employees, volunteers, or others) such as unwelcome sexual advances, improper touching and obscene or sexually provocative or offensive language or gestures.

B. Some Examples of Sexual Misconduct; Pastoral Relationship Defined

Without limiting the generality of the foregoing, the following are examples of Sexual Misconduct:

1. **Sexual Abuse:** Sexual abuse or sexual molestation of any person, including but not limited to, any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent; physical abuse or sexual violence, criminal or aberrant sexual behavior (such as voyeurism or exhibitionism) or the use or display of pornographic material in the presence of children or in the employment, pastoral or volunteer setting.
2. **Sexual Harassment:** Sexual harassment in a situation where there is an employment, mentor or colleague relationship between the persons involved, including but not limited to, sexually-oriented humor or language; questions or comments about sexual behavior or preference unrelated to job performance or employment qualifications; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated requests for social engagements.
3. **Sexual Exploitation:** Sexual exploitation including, but not limited to, the development of or the attempt to develop a sexual or romantic relationship between cleric, employee or volunteer and a person with whom he/she has a Pastoral or Fiduciary Relationship, whether or not there is apparent consent from the individual.

Pastoral Relationship, as used in these Policies, refers to a relationship between a cleric, employee or volunteer and any person to whom such cleric, employee or volunteer provides counseling, pastoral care, spiritual direction or spiritual guidance or from whom such cleric, employee or volunteer has received a confession or confidential or privileged information.

C. Procedures for Investigation

This Policy Manual and the Diocesan Canons set forth procedures for the investigation of allegations of Sexual Misconduct, for discipline and, in the discretion of the Diocese and where appropriate, for professional rehabilitation of offenders. Such procedures include:

1. Consultation with the appropriate authorities for possible disciplinary action and, where warranted, criminal prosecution,
2. Notification, where appropriate, from the Diocese to the Rector, Vestry or other employer, and
3. Professional rehabilitation assessment by a credentialed professional approved by the Church Insurance Company.

D. Prohibition with Respect to Youth Ministries or Activities

No person with a criminal record of child sexual abuse or a paraphiliac diagnosis (e.g. pedophilia, exhibitionism, voyeurism as defined by the American Psychiatric Association), and no person with respect to whom it is reasonably believed that he or she may likely be an abuser of children, shall be permitted to interact with children or youth in connection with any ministries or activities within the Diocesan Family.

E. Child Abuse Reporting

To the extent required by Missouri law, all incidents and allegations of sexual abuse shall be reported promptly to the appropriate law enforcement and/or social welfare authorities.

F. Background Checks; Evaluations

Thorough background checks will be made, under the supervision of the Diocesan Office Clergy Deployment Officer, prior to ordination, employment or acceptance into the Diocesan Family (either through initial licensing or acceptance of a Letters Dimissory) of all clergy, volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers, but background checks of such persons are strongly

encouraged), and employees (including independent contractors who are functioning like employees in all respects material to the purposes sought to be achieved by this policy), in order to verify the absence of any current or historic Sexual Misconduct allegations, criminal record, professional misconduct or paraphiliac behavior.

Background checks shall include, at a minimum, inquiries of (i) all bishops having past or present canonical authority over the individual, (ii) all schools attended by the individual, (iii) all employers of the individual, during the past five years, and (iv) law enforcement authorities as permitted or required by Missouri law. If the individual has had one employer for over five years, then inquiries will be made of the two most recent employers. Written records documenting compliance with these Policies shall be made contemporaneously and be retained indefinitely.

In the event a person with any history of evidence indicating Sexual Misconduct applies for a position in the Diocesan Family involving pastoral care or youth ministries or activities, the employing or engaging entity shall prior to any employment or engagement evaluate such person fully, which evaluation will include:

1. A professional rehabilitation assessment by a credentialed professional approved by Church Insurance Company,
2. In the case of ordained clergy, the endorsement by the Bishop of this Diocese and the Bishop of his or her canonical residence (if different), and
3. A requirement that the offender make amends to any aggrieved parties to the satisfaction of his or her ecclesiastical superior.

G. Adoption of Policies by Congregations; Retention of Records

The Vestry/Executive Committee of each Congregation in this Diocese shall, on or before May 1, 1994, adopt these Policies by a formal resolution, and the full text of these Policies shall be recorded in the official minutes of the Vestry/Executive Committee. On or before April 1 of each year, beginning April 1, 1995, the Vestry/Executive Committee of each Congregation shall reaffirm the applicability of these Policies to all clergy, lay employees and volunteers of such Congregation and all clergy, all lay employees and all volunteers who regularly supervise youth activities, including unpaid Sunday School teachers, shall be furnished with a copy of the Policies and shall complete and sign a certificate evidencing the receipt of these Policies. Each Congregation shall retain the foregoing resolutions and receipts among its permanent records.

H. Signed Statements Kept on File

Each person in the Diocese who provides pastoral care or who supervises youth ministries or activities shall sign a statement attesting that he or she has received this Manual and understands its contents. Such statements shall be kept on file at the Diocesan Office.

I. Training; Standards of Practice

All current and new clergy, employees, paid church workers and volunteers who supervise youth ministries or activities (excluding unpaid Sunday School teachers, but such persons are strongly encouraged to receive such training) shall receive a minimum of four hours of initial training on issues of child sexual abuse in church settings. In addition, each congregation and other employer shall provide all clergy, employees, paid church workers and volunteers who supervise youth ministries or activities with a summary of Missouri child abuse statutes and reporting requirements.

A minimum of four hours of initial training on issues of sexual harassment in employment, mentor and colleague relationships and sexual exploitation in pastoral relationships will be required for all clergy and employees (excluding clerical and maintenance workers, but such persons are strongly encouraged to receive such training).

No cleric or other counsellor may continue counselling an individual for more than six sessions without ongoing professional supervision. No counsellor may charge fees or accept donations for counselling. Anyone charging fees for counseling outside the scope of church employment or volunteerism shall possess appropriate professional credentials and proof of separate professional liability insurance, including coverage for Sexual Misconduct, which shall be kept in force at all times. Anyone practicing formal spiritual direction must submit that ministry to peer or supervisory review with a spiritual advisor approved by the Bishop. All clerics and other counsellors shall provide a signed statement documenting ongoing compliance with the contents of this Section.

J. Violations

Any violation of this policy will result in appropriate disciplinary action against the offending person, which may include loss of employment as well as, in the case of a cleric, presentment and deposition. Improper sexual activity under certain circumstances can also be the basis of civil liability and criminal prosecution.

III. PROCEDURES FOR RESPONDING TO COMPLAINTS OF SEXUAL MISCONDUCT

- A. All complaints alleging Sexual Misconduct within the Diocesan Family shall be referred immediately to the Bishop.
- B. Upon receiving a complaint of Sexual Misconduct the Bishop will assure the complainant of the Church's concern regarding the matter and that it will be promptly and thoroughly investigated. The Bishop will encourage the complainant to sign a written statement describing the alleged misconduct in reasonable detail, but the complainant's refusal to do so shall not necessarily cause the Bishop to regard the complaint as withdrawn.
- C. If the complaint alleges sexual abuse of a minor or an incompetent adult, and if so required by law, the Bishop will notify the relevant law enforcement and/or social welfare authorities.
- D. The Bishop will thereupon commence an investigation of the complaint and, as soon as may be appropriate, will initiate the procedures for providing pastoral care to all affected parties, as provided in Section IV hereof.
- E. Any party or witness to an alleged act of Sexual Misconduct may submit a statement in writing if desired.
- F. Neither the Bishop nor any member of the Diocesan staff may pastorally counsel or hear the sacramental confession of any persons involved in a complaint, but they shall arrange for such resources to be available to such persons, as provided in Section IV below.
- G. The Chancellor, together with other appropriately trained persons who may be appointed by the Bishop, will cause the complaint to be investigated. The investigation would ordinarily include, without limitation, the following at the appropriate time: interviews with the complainant, the alleged victim (if other than the complainant), the alleged offender, and all other witnesses. To the extent consistent with the best interests of the Diocese, during the preliminary phases of the investigation efforts will be made to assure the privacy of all persons involved. The Investigative Team will report regularly to the Bishop as to the progress of the investigation. It will focus on discovering the truth of the matter and will conclude its work as swiftly as reasonably possible. It will issue a final report to the Bishop, which will include the original written statement of the complainant, all written statements submitted by other persons, a summary of oral statements and other

evidence, and the findings and recommendations of the Investigative Team.

H. If the Bishop concludes from the report of the Investigative Team there is probable cause to believe that the allegations of Sexual Misconduct are true, the Bishop will so notify the complainant and alleged offender, as well as all other persons who have a legitimate need to know. The Office of Pastoral Care also will be kept reasonably apprised of progress consistent with the needs for confidentiality and law enforcement needs. The Bishop shall then arrange for an evaluation of the alleged offender by professionally qualified and experienced persons, in conformity with the directions and guidelines of The Episcopal Church Medical Trust. The Bishop will direct the alleged offender to undergo the evaluation and to authorize that all results and findings thereof be released to the Bishop and the Bishop's agents. Failure of the alleged offender to comply will be grounds for ecclesiastical discipline. The Bishop also will take the following steps:

1. A written report of the Bishop's finding will be placed in the case file and, if the alleged offender is a cleric canonically resident in the Diocese of Missouri, a copy will also be placed in the cleric's diocesan personnel file.
2. The Bishop (and any other Diocesan representatives whom the Bishop desires to attend) will attempt to meet with the alleged victim to discuss appropriate responses by the Church and the actions the Bishop intends to take. The victim may be accompanied by another person if desired.
3. The Bishop (and any other Diocesan representatives whom the Bishop desires to attend) will meet with the alleged offender. The alleged offender may be accompanied by another person if desired. The Bishop will discuss with the alleged offender the actions the Bishop intends to take. If appropriate, the Bishop will refer the alleged offender for therapy by professionally qualified persons.
4. If the alleged offender is a cleric the Bishop shall also determine whether disciplinary action under Title IV of the Canons of the Episcopal Church is appropriate. The Bishop shall initiate such ecclesiastical action as deemed warranted, and may offer the cleric the opportunity voluntarily to accept ecclesiastical discipline.

5. The Bishop will notify the appropriate persons in leadership positions that a probable cause determination has been made. The member of the Diocesan Family with which the alleged offender is employed or engaged or provides volunteer services shall after consultation with the Bishop and Chancellor immediately take action to assure that no further injury is done. Such action may include suspension with or without pay, termination, or other action as may be appropriate.
 6. The Bishop may, if appropriate, seek to meet with the alleged offender's spouse and/or family to discuss how the Church may assist them.
 7. Unless there are specific factors which make it inappropriate, the Bishop normally will commence, consistent with protection of the Diocesan Interests and the legitimate privacy interests of others, the congregational healing process described in Section V below.
- I. If the Bishop is unable to conclude from the report of the Investigative Team whether there is probable cause to believe that the allegations of Sexual Misconduct are true, the Bishop shall cause a further investigation to be carried out.
 - J. If the Bishop concludes from the report of the Investigative Team there is not probable cause to believe that the allegations of Sexual Misconduct are true, the complaint shall be dismissed and an appropriate record shall be made. If the alleged offender is a cleric canonically resident in the Diocese of Missouri, a copy will (if the cleric so requests) also be placed in the cleric's diocesan personnel file; if the alleged offender is a cleric not canonically resident in the Diocese of Missouri the Bishop will transmit a copy to the bishop of the diocese in which the cleric is canonically resident. The Bishop will meet with the complainant to discuss the determination and will also meet with the alleged offender to discuss any steps that may be necessary to make known the determination. Reasonable efforts shall be made (if the cleric so requests) so to inform all persons who became aware of the complaint or the investigation.
 - K. The complainant, the alleged victim (if not the complainant) and the alleged offender each may request, within five days after the Bishop's determination, that the Bishop reconsider the determination. The party requesting reconsideration shall specify with

particularity the basis on which the request for reconsideration is requested.

- L. Reasonable efforts will be made to assure that all records of investigations and determinations by the Bishop will be held in confidence and supplied only to persons deemed by the Diocese to have a legitimate need or reason to know.
- M. In order for the alleged offender to be eligible for re-deployment within the Diocesan Family, the Bishop shall be satisfied on the basis of acceptable professional rehabilitation assessments by credentialed professionals approved by the Church Insurance Company that the alleged offender has been rehabilitated and that it is reasonable to expect that he or she will not again commit an act of Sexual Misconduct.

In most cases, significant involvement in personal psychotherapy and employment outside the Church will be required before any re-deployment in the Church will be considered. Satisfactory public acknowledgement of the misconduct, including exoneration of and restitution to the victim, will be required in order for an offender to be eligible for continued service or re-deployment.

The Office of Pastoral Care will assure that all recommended services are being pursued by the cleric and will receive periodic reports from the clinical providers as to the progress in treatment.

I. PASTORAL CARE TO ALL PARTIES INVOLVED IN A COMPLAINT OF SEXUAL MISCONDUCT

These Policies generally refer to the person with whom the cleric, lay employee or church volunteer was alleged to have been sexually involved as the victim of the misconduct. While it is true that such a person is a victim and needs pastoral care, there are also other persons who need pastoral care whenever there is an allegation of Sexual Misconduct. Those persons include the alleged offender, families of the persons involved, the clergy who have succeeded an alleged offender-cleric, and the congregation.

The Diocesan Office of Pastoral Care (i.e. the Pastoral Care/Employee Assistance Program of the Diocese) is responsible for facilitating the provision of pastoral, social, and psychological support for victims, alleged offenders, families of persons involved, clergy who have succeeded and alleged offender cleric, and members of the congregation(s) involved. Support will be provided by neutral clergy and professional counselors.

II. DIOCESAN POLICY FOR RESPONDING IN THE CONGREGATION TO ALLEGATIONS AND INCIDENTS OF SEXUAL MISCONDUCT

The response of the congregation to allegations of betrayal and violation of the trust relationship is akin to that in cases of physical or other psychic trauma as if the congregation has experienced the alleged behavior firsthand. The following procedures are intended to facilitate the healing that will be needed in the congregation.

The principle guiding these procedures is that the healing of a congregation occurs best when people are informed of the facts of alleged misconduct and are able to move forward as a community from the trauma. The Church is a place for telling the truth because, in our Lord's words, "You will know the truth, and the truth will make you free." (John 8:32). Accordingly, the Diocese will provide as much information regarding the matter as it can, in keeping with the protection of its own legal interests and the legitimate privacy interests of others.

The Bishop or the Bishop's representative will meet as soon as may be appropriate with the leaders of the congregation (the "Leaders") to discuss plans for congregational healing. An open congregational meeting will normally be held if the complaint alleged that misconduct occurred in the current congregation or if the misconduct is the subject of rumor or gossip in the congregation. The format of this meeting should follow the outline of a Trauma Debriefing Process, with modifications made as needed to fit the particular circumstances. Normally, the congregational meeting will be held in the nave of the church and the Bishop, or the Bishop's representative, will be present at the meeting.

The Bishop, or the Bishop's representative, will also encourage and assist the Leaders in planning regular follow-up sessions with the congregation for as long as needed. If an interim cleric is to be engaged, the Bishop, or the Bishop's representative, will assist the Leaders in finding an interim trained in working with congregations who have experienced Sexual Misconduct. If an interim is engaged who does not have such training, the Bishop's representative will assist the Leaders in making available this training. The Bishop's representative will also offer the interim and the Leaders regular opportunities to debrief, report, and consult about the congregation with the Bishop or with designated representatives.

The Bishop or the Bishop's representative will assist the Leaders in making available information about local mental health resources (including sliding-scale fee agencies) so that members of the congregation know how to obtain counseling services if necessary, and all parties will make every effort to protect legitimate privacy interests.

THE REDEMPTIVE ACTIVITY OF HEALING IN THE CONGREGATION

Basic Principles

1. It is appropriate for the bishop (or his representative) to be in regular pastoral contact with the victims and to describe to them the process for congregational healing before such a process actually begins.
2. After completion of an investigation, the lay leadership of a congregation should be given the first opportunity to be made aware of the issues which have emerged. The participation of this group is vital in planning the processes for congregational healing.
3. The bishop should obtain the Chancellor's advice with respect to disclosure of information in connection with the healing process.
4. There is a need to balance legitimate privacy interests against the important posture of openness with the congregation.
5. Insofar as possible, the identity of affected parties needs to be kept in confidence. Therefore, any details which may identify such parties must be guarded carefully.
6. Experience teaches us that parishioners usually know that "something is going on." In the absence of facts, rumor and speculation increase.
7. The healing and unity of a congregation are fostered if there is an open congregational meeting at which the bishop and designated representatives present as much information (facts only) as possible to the assembled group.

It is important that such a meeting take place as soon as practicable after completion of an investigation.

8. The format of the congregational meeting should follow the attached outline of a Trauma Debriefing Process, with minor modifications made as needed to fit the particular circumstances. It is important that the congregational meeting be held in the church building.

The message is "The church is a place for truth... We follow the One who is described as the Way, the Truth, and the Life."

9. Such a meeting, regardless of the extent of the information given, constitutes a trauma for the congregation. Appropriate, trained persons, under the direction of the Pastoral Care Office, shall be part of the Congregational Debriefing Team and shall facilitate the Debriefing Process.

10. Regular follow-up sessions with the congregation should be held in the first year (or longer if necessary) after the disclosure of the incident(s). See section on Congregational Follow-up.
11. An Interim Pastor with special training shall be made available. That person should have regular opportunities to debrief, report and have consultation with the bishop (or the designated staff person) and other counselors.
12. Local mental health resources (including sliding-fee scale agencies) should be publicized so that members of the congregation know how to access these services.