

Episcopal Diocese of Indianapolis

(Adopted by Executive Council 6/13/09)

Policies and Procedures Concerning Allegations and Incidents of and Response to Sexual Misconduct

***Including Child Sexual Abuse, Adult Sexual Harassment And Exploitation
By Clergy, Lay Employees And Volunteers
Serving In Positions Where Pastoral Responsibility Is Involved.***

INTRODUCTION

The Church has always recognized that those who are set apart for ordained ministry, as well as those lay employees and volunteers whose ministries entail the care and nurture of others, bear a responsibility to pattern their lives “in accordance with the teachings of Christ, so that we may be a wholesome example to all people” (Book of Common Prayer, pages 544 and 532).

Nevertheless, there have been instances of sexual misconduct on the part of clergy, and sometimes by laity who teach and serve in positions requiring pastoral responsibility. The Baptismal Covenant is unequivocal in asserting that members of the Body of Christ are to “respect the dignity of every human being” (Book of Common Prayer, page 305).

The policies and procedures that follow are intended to ensure that sexual misconduct does not occur in this Diocese. Sexual misconduct of all forms by clergy or laity carrying out the work of the Church in this Diocese is absolutely and unconditionally prohibited.

- Complainants who allege they have been victims of sexual harassment, exploitation, or abuse should receive both pastoral care and the assurance that their allegations will be taken seriously.
- In cases of sexual misconduct, the parish church or diocesan institution wherein the incident has allegedly occurred is deserving of pastoral care on the part of the bishop and those who serve with the bishop.
- Clergy (and others covered by these policies and procedures) can be wrongfully accused of sexual misconduct; thus, principles of fairness and due process must be upheld.
- While it is the bishop who holds both pastoral and disciplinary responsibilities, the bishop ought not be the only one who actually assesses or evaluates the substance of allegations.
- Accusations should be made directly to the bishop, and not by rumor alone; and these should be a written statement documenting the accusation. Instances of child abuse and sexual harassment should also be reported to the appropriate government authority.

- The bishop should refrain from placing conversations regarding allegations within the sacramental context; the privacy of all individuals concerned should be guarded with care.
- The bishop will employ the policy and procedures herein set forth in each instance of an allegation, unless the bishop be persuaded that the allegation is unfounded or of a trivial nature.

DEFINITIONS (FOR THE PURPOSE OF THIS POLICY)

A Pastoral Relationship is a relationship between a cleric, employee, contractor, volunteer, or authorized minister and any person to whom such cleric, employee, contractor, volunteer or authorized minister provides counseling, pastoral care, spiritual direction or spiritual guidance, ministration of any sacrament (other than the distribution of the Bread and Wine at Holy Communion by a lay person) or from whom such cleric, employee, contractor, volunteer, or authorized minister has received confession or confidential or privileged information.

SEXUAL MISCONDUCT means any:

Sexual abuse perpetrated by an adult is any contact or activity of a sexual nature that occurs between a child or youth and an adult; this includes any activity which is meant to arouse or gratify the sexual desires of the adult, child or youth

Sexual abuse perpetrated by another child or youth is any contact or activity of a sexual nature that occurs between a child or youth and another child or youth when there is no consent, when consent is not possible, or when one child or youth has power over the other child or youth. This includes any activity which is meant to arouse or gratify the sexual desires of any of the children or youth

Sexual harassment as defined by the Equal Employment Opportunity Commission (EEOC) which includes:

- Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - o Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - o Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
 - o Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

Sexual exploitation is the development or attempted development of a sexual relationship between a person in any ministerial position and an individual with whom he or she has a pastoral relationship

PROCEDURES FOR RESPONDING TO ALLEGATIONS OF ADULT SEXUAL MISCONDUCT BY CLERGY

1. Any allegation of sexual misconduct must be made in writing and must be signed by the person making the allegation or by a legal representative of that person, except in those instances where an anonymous disclosure is supported by strong corroborating evidence. (See Supporting Documents)
2. The bishop (or the deputy appointed by the bishop) will meet with the person making the allegation to listen to the complaints and concerns of the person making the allegation. At the bishop's discretion, such meetings may involve other staff members or consultants. A written report shall be kept of the interview, and the report reviewed and approved by the person making the allegation. Should the complainant ask to have legal counsel present for the interview, or at the bishop's discretion, the Chancellor of the diocese shall also be present.
3. Whenever an allegation is made, the bishop shall immediately notify the Chancellor of the diocese and the Church Insurance Company.
4. The bishop (or deputy appointed by the bishop) shall meet with the clergy person or other person against whom the allegation is made as soon as possible. Such meetings may include other person at the invitation of either the bishop or the person against whom the allegation has been made.
5. In the event the allegation already has been publicly aired, the bishop (or a deputy appointed by the bishop) shall confer immediately with lay leaders of the parish where the clergy person is resident, in order that the parish may be accorded pastoral care.
6. If the facts of the allegation are admitted by the person against whom the allegation has been brought, the bishop may institute canonical disciplinary procedures; and, in accordance with canon law, the bishop may inhibit the accused from serving as a priest or deacon while the procedures are pending.
7. Should the bishop be presented with conflicting stories ('my word against your word'), the bishop will advise both parties of their right to provide additional documentation or other material relevant to the matter.
8. In the event further investigation is warranted, the bishop may refer the matter to a specially appointed Response Team. Members of the Response Team shall include but need not be limited to a person trained in the law, a person accredited with pastoral skills, and a member of the Standing Committee. The accuser and the accused may each have an advisor or representative present at all meetings. In addition, the bishop shall appoint one advisor each to the accuser and the accused to act as guides through the investigation process.

9. It shall be the responsibility of the Response Team to:
 - o Determine if there are sufficient grounds for disciplinary action, and to report their findings to bishop and chancellor.
 - o Advise the bishop as to appropriate treatment resources and disciplinary procedures.
10. In the event that disciplinary action is recommended, should the accused person wish to challenge the recommendation, he/she may be placed under temporary suspension pending a resolution of the matter.
11. Written documentation shall be made of each of the procedural steps outlined above as these steps are taken. Such records will ordinarily be regarded as confidential, although the bishop will cooperate by furnishing to appropriate civil or criminal authorities, on request, any materials that would be obtained by a proper subpoena.
12. Should the accused person be recommended for treatment while continuing in some form of ministry, the bishop (or deputy appointed by the bishop) shall receive periodic reports from the clinical providers as to the progress in treatment.
13. Whenever an evaluation of evidence indicates sexual misconduct by an individual, before being reemployed or returned to service in the church (or diocesan institution) a professional rehabilitation assessment shall be secured.\
14. The bishop (or deputy appointed by the bishop) will maintain pastoral contact with the person making the allegation and will, in so far as possible, assist that person in securing appropriate treatment.
15. If it has been determined that there is no substance to the allegation, the bishop will place a note in the file of the accused recording the determination of “no substance”.
16. Written material that is produced in this process will be filed in the bishop’s office under lock and key. Except for circumstances detailed in Step #11, these files will not be released.
17. Communications with the media concerning the investigation and disposition of allegations shall be released only by an official spokesperson appointed by the bishop.
18. In the event that an allegation is brought against the bishop, the allegation shall be referred to the Standing Committee, and the Standing Committee shall be guided by these same policies and procedures.

PROCEDURES FOR RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT BY LAY EMPLOYEES (e.g., Education Directors, Youth Directors, Organists and Choirmasters) AND BY LAY VOLUNTEERS (e.g., Camp Counselors, Youth Workers)

- Steps #1,2,3,4,5,7,8,9,11,12,14,15,16,and 17, outlining policies and procedures in the case of allegations brought against clergy, shall apply in the case of allegations against Lay Professional Employees and Lay Volunteers.
- The bishop shall recommend to the Rector or Vicar of the congregation, or to the Executive Director of the diocesan institution, in which the alleged misconduct has occurred, that the accused individual be relieved of responsibilities pending completion of the investigation.

HEALING OF THE CONGREGATION

Sexual misconduct by clergy or lay employees will inevitably require special pastoral care within the parish or diocesan institution. Likely impacts include a breakdown of trust, and an attitude or diminished respect for clergy in general. Other symptoms which may result include:

- A loss of energy, a feeling of paralysis
- Division within a congregation
- Considerable anger, sometimes displaced on to unrelated issues
- Despair about what will become of the congregation
- Seeking a “quick fix” without thoughtful reflection; and
- Difficulty in making decisions which are normal and necessary.

What follows are some basic principles which may help in creating a climate for healing within the congregation or diocesan institution:

- When there has been an allegation of clergy sexual misconduct and the bishop (and the bishop’s advisors) have determined that the allegation is substantial, there needs to be an immediate opportunity for the congregation to voice its concerns and to hear directly from the bishop (or the bishop’s designated deputy).
- Lay leadership (Wardens and members of the Vestry or institutional Board members) should be among the first to know how the bishop intends to respond to the allegation. Because openness is important in healing, a parish meeting with

the bishop (or the bishop's deputy), the Chancellor, and the Wardens may be arranged.

- In many instances it will be helpful to make available the services of priests or other counselors (with specific training in crisis intervention and in sexual misconduct cases) for one on one conversations with parishioners, or with groups of parishioners.
- While openness as to what has happened is important, the privacy of the victim (or victims) should be safeguarded.
- Frequent and regular follow-up contacts by the bishop and diocesan staff with the congregation are important. As the lay leadership of the congregation begins to contemplate its future, they should be encouraged to consider calling an interim priest with training in crisis intervention (trained interims usually serve for about one year, but this can vary).
- Because inevitably there will be those who are victims of other kinds of abuse, clergy sexual misconduct is likely to reawaken old hurts. Sensitivity to those with a history of having been abused is important.
- As the healing process begins to happen, new learning may occur. The congregation may come to new levels of clarity about expectations of the clergy, professional standards and about the shared nature of ministry.

DEPLOYMENT AND TRAINING POLICIES AND PROCEDURES

This policy applies to all Clergy, Lay Employees and Volunteers serving in positions where pastoral relationships are involved.

Background Checks: Thorough background checks will be made of all clergy, lay employees and volunteers who serve in positions where pastoral relationships are involved, or who regularly supervise youth/children's activities, within the confines of permissible law, prior to ordination, employment, or acceptance into a diocese (either initial licensing or accepting letters Dimissory), to determine current or historic sexual misconduct allegations, criminal records, or paraphiliac behavior.

Such background checks will include inquires of all bishops having past or present canonical authority over the individual, all schools attended by the individual during the past seven years, and all employers of the individual during the past seven years. (If the individual has had one employer for over five years, then inquiries will be made of the two most recent employers. In the case of someone with no history of employment, the inquiry will be directed to those who have had oversight of the individual as a volunteer).

- In the case of clergy, this background procedure should be coordinated between the bishop (or bishop's appointee) and any search committee.

- For lay employees, the procedure normally may be conducted by the employing executive. It is also available through the bishop's office; the cost is assumed by the parish, diocesan institution, or cooperating ministry.
- For volunteers who regularly supervise youth/children's activities, such procedures normally would be conducted by the Rector/Vicar (or his/her designee). It is also available through the bishop's office; the cost is assumed by the parish, diocesan institution, or cooperating ministry.
- The investigator should supply the reference source with the diocesan definition of sexual misconduct and then ask the reference, among other important questions, to state in writing, whether:
 - o He or she knows or has reason to know that the individual has ever engaged in sexual misconduct; or
 - o He or she has the following information regarding the possibility that the applicant has engaged in sexual misconduct.

Safeguarding God's Children: *Training for the Prevention of Child Abuse* is currently offered in both online and platform training formats. Also see the diocesan *Policies for the Protection of Children and Youth from Abuse*.

Safeguarding God's People: *Training for the Prevention of Sexual Exploitation in Communities of Faith and Sexual Harassment of Church Workers* is currently offered in platform training format. Also see the *Policies for the Prevention of Sexual Exploitation of Adults and the Policies for the Prevention of Sexual Harassment of Church Workers*.

Pastoral Care Safeguard: Clergy and other pastoral care providers are required to have ongoing professional supervision or to refer the individual to professional counseling **after five sessions have been held**, and may not receive fees or donations for pastoral care. Anyone charging fees for counseling outside the scope of church employment must possess appropriate professional credentials and proof of appropriate professional liability insurance, including coverage for sexual misconduct, in force at all times.

- Pastoral relationship means a relationship between a clergy person, employee, or volunteer and any person to whom such clergy person, employee, or volunteer provides counseling, pastoral care, or spiritual direction, or spiritual guidance.
- Some pastoral care providers practice the traditional art of spiritual direction, meeting with a directee no more than once a month to focus specifically on that person's relationship with God. Those practicing formal spiritual direction are requested to submit that ministry to peer review with a spiritual advisor approved by the bishop (or ecclesiastical authority).

Response to requests: In responding to requests for information from another diocese or participating in the transfer of a clergy person who has been guilty of sexual misconduct, the bishop will provide to the receiving bishop full disclosure of the facts of the sexual

misconduct (except the name of the victim), the assessment, and whatever discipline and treatment may have been imposed.

Redeployment Accountability: The Church places great stock in confession, repentance and restitution to aggrieved parties as part of reconciliation and conversion of life. With sexual misconduct and other breaches of trust, sincere and forthright apologies acknowledge personal responsibility and promote the healing that allows others to get on with life. Such gestures afford a profound Christian witness and may lessen the need for aggrieved persons to seek vindication through civil redress. Hence, the following conditions will govern consideration of future re-employment within the church:

- Professional rehabilitation assessment by a credentialed professional approved by the bishop (or other designated person in the diocese).
- In the case of clergy, endorsement by the bishop of canonical residence and the bishop of current residence (if different).
- Indication that the offender has made amends to any aggrieved persons, to the satisfaction of the bishop.
- Notification (where applicable) between the diocese and current vestries or other employers.

PREVENTIVE MEASURES

It is important that all possible steps be taken to prevent occurrences of sexual misconduct by clergy. Clergy are encouraged to adopt the following principles of self-care, and everyone in the diocese is urged to assist clergy in observing these guidelines.

Clergy Self Care

- A normal work week (including time spent in the preparation of sermons) should not exceed forty hours. Clergy should routinely have forty-eight hour blocks of time away from church activities for the sake of Sabbath.
- Clergy are to have a physical examination on an annual basis as provided by their medical insurance; they are responsible for their co-pay. At some time following their examination, clergy will be invited to meet with the bishop (such as at the time of their birthday), to discuss relevant vocational and personal issues.
- Vestries will be expected to encourage and to provide partial financial support for a minimum of two weeks of continuing education for parish clergy.
- Clergy will be encouraged to join with other clergy in collegial wellness groups.

In all of the above-stated policies and procedures, it is assumed that the Church's institutional task is to communicate God's transforming grace, and to create an environment in which relationships of trust can develop and flourish. The restoration of individual and corporate health requires careful preparation and the utilization of all the resources God makes available.

MISCELLANEOUS

Each parish, mission, diocesan institution or other institution shall keep on file signed statements of all its clergy, vestry members, lay employees, volunteers who serve in positions where pastoral relationships are involved, and those who regularly supervise youth/children's activities, that each such person has received, understands the content, and will abide by the following policies of the Diocese of Indianapolis:

- Policies for the Protection of Children & Youth from Abuse
- Code of Conduct for the Protection of Children and Youth from Abuse
- Policies for the Prevention of Sexual Exploitation of Adults
- Policies for the Prevention of Sexual Harassment of Church Workers
- Code of Conduct for Persons who Have Pastoral Relationships
- Policies and Procedures Concerning Allegations and Incidents of and Response to Sexual Misconduct