

POLICIES

REGARDING ALLEGATIONS AND INCIDENTS
of
SEXUAL MISCONDUCT AND CHILD ABUSE
by
CLERGY, EMPLOYEES AND VOLUNTEERS
in the
ANGLICAN DIOCESE IN NEW ENGLAND

Approved and adopted by
The Bishop and Standing Committee
On July 9th, 2011



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DIOCESAN SEXUAL MISCONDUCT AND CHILD ABUSE POLICIES

This document contains the sexual misconduct policies of the Anglican Diocese in New England as promulgated by the Bishop's office in cooperation with the Standing Committee. Any allegation of sexual misconduct or child abuse must and will be taken seriously. Those subject to these policies are responsible for knowing and abiding by them.

GENERAL DEFINITIONS

For purposes of this policy, unless the context requires a different interpretation, a reference to "the bishop" shall be deemed to include the ecclesiastical entity authorized to act in the absence of the bishop; a reference to "the rector" shall be deemed to include the person in charge of a parish where such person has a title other than "rector" (such as vicar, deacon, lay pastor, lay catechist or clergy in charge); a reference to "congregation(s)" shall refer to parish(es), mission(s) and house church(es); and the phrase "the complainant" shall be interpreted to include the words "the alleged victim, if not the complainant."

I. THEOLOGICAL STATEMENT

Christians believe that human beings are created in the image of God, that we are called to be stewards of creation and that God values sexuality as good, blessed and purposeful. Sexuality is understood to be a gift to be celebrated, held within the bond of love and covenant of Christian marriage. Sexuality is central to our humanity; it carries our longing to reach out to others and to be in relationship. Our God-given nature invites us to the responsible fulfillment of our sexuality. This understanding of sexuality calls for equal respect for all men, women and children as persons made in God's image and for everyone's right to sexual and bodily integrity.

It is our desire, therefore, that the Church be a safe place for all persons; where caregivers, teachers, leaders, both paid and volunteer, ordained and lay, minister appropriately to the needs and concerns of those involved in the life of the church. In furtherance of this goal, the Bishop's office, in cooperation with the Standing Committee, has promulgated these policies and procedures. Those subject to these policies are responsible for knowing and abiding by them

II. POLICY STATEMENT

Sexual Misconduct Prohibited: The Bishop of the Anglican Diocese in New England and the Anglican Diocese in New England strictly prohibit sexual misconduct, as



defined in this document, by any member of the clergy, ordinand, postulant, candidate, or seminarian working in this diocese, and by any lay employee, staff person or volunteer working in any capacity for the Anglican Diocese in New England, any diocesan related institution or congregation in this diocese.

Protection of Children: The Anglican Diocese in New England strictly prohibits interaction with children and youth under the age of 18 at any church sponsored or church related activity or program on or off church property by anyone known to the individuals subject to these policies to have a civil or criminal record of child sexual abuse or other sexual crimes or a paraphiliac diagnosis (e.g. pedophilia, hebephilia, ephebophilia, exhibitionism or voyeurism), or by anyone who has admitted prior sexual abuse.

Child Abuse Reporting: All incidents of child sexual abuse shall be reported to the relevant law enforcement authorities where required by applicable law. (See Appendix C).

A. IMPLEMENTATION OF POLICY

1. **Adult Misconduct Training:** All members of the clergy canonically resident, licensed or serving in the diocese, and all employees of the diocese, diocesan institutions and congregations are required to have a minimum of two hours of diocesan approved training on issues of sexual harassment, mentor and colleague relationships and sexual exploitation in pastoral relationships.
2. **Child Abuse Training:** All members of the clergy canonically resident, licensed or serving in the diocese and all employees of the diocese and diocesan institutions and congregations, and adult volunteers who regularly supervise youth activities and education, are required to have a minimum of two hours of training on issues of child sexual abuse in a church setting. This training shall include a review of all types of child abuse (verbal, physical, neglect, and sexual), youth protection safeguards and a review of the state child abuse statutes and reporting requirements.

In the Anglican Diocese in New England, these two training sessions may be combined into one four hour training session. The diocese will plan and implement these sessions.

3. **Clergy and Paid Lay Pastoral Personnel Background Checks:** The diocese will conduct background checks of all individuals applying in the diocese as an aspirant for Holy Orders, all members of the clergy seeking



canonical residence or license in the diocese prior to the acceptance of Letters Dimissory or issuance of a License to Officiate, and all paid lay employees with pastoral responsibilities. Clergy background checks include the following:

a. **Oxford Document Management Company (ODM)** or another equivalent agency will conduct a background check that will include:

- Inquiries of all bishops having past or present canonical authority over the individual, all schools attended by the individual during the past five years, and all employers of the individual during the past five 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 clergy, “employer” shall be the senior wardens of congregations served during the past five years.
- Credit Bureau Check
- Motor Vehicle Record Check
- Sexual Misconduct/Criminal Record Check

ODM or an equivalent agency will not divulge, furnish or make accessible to any person or use in any other way, any confidential information other than as specifically set forth by written instruction of the diocese. Congregations may use the services of ODM or other equivalent agency at congregational expense to conduct background checks.

b. **Respective state Child Abuse History Clearance** where applicable or available

c. **Respective state Police Criminal Record Check** where applicable or available.

4. **Lay Background Checks:** The diocese will also conduct background checks of all employees, of the diocese and diocesan institutions prior to employment. It is also required that congregations conduct appropriate background checks of all employees and volunteers regularly supervising youth activities. Such background checks will include Criminal Offender Record Information (“CORI”) and Sexual Offender Record Information (“SORI”) checks or equivalent checks as permitted by applicable law. Casual volunteers, who assist with such ministries on an irregular basis, are exempt from CORI and SORI checks, although diocesan and parish supervisory personnel are



encouraged to make reasonable inquiries to determine their suitability for the function they are performing.

III. GUIDING PRINCIPLES

These policies acknowledge the following concerns:

- That the protection of children shall be of utmost concern; allegations of sexual misconduct and/or child abuse within the church will be taken seriously. Allegations of sexual misconduct and/or child abuse within the church deserve a response from the diocese and will be acted upon in a timely manner.
- That the bishop cannot be the only one who actually assesses or evaluates the substance of allegations. Where appropriate, it may be helpful to include legal, mental health and pastoral resources; a uniform procedure ensures that all cases will be treated with compassion and justice. The protection of the complainant and the complainant's family will be of paramount concern.
- That the bishop holds both pastoral and disciplinary responsibilities; the bishop's pastoral concern is directed to alleged offenders as well as the alleged victims and the congregations involved.
- That the bishop should refrain from placing conversations regarding allegations of sexual misconduct or abuse within a sacramental framework (confession) but is well-advised to show concern for the privacy of all individuals concerned.
- That the bishop may refer cases for further investigation under relevant canonical procedures when deemed appropriate.
- That, with limited exceptions occurring in a Privileged Relationship (as defined below), anyone subject to this Policy who learns of sexual misconduct (i) by anyone subject to this Policy or (ii) against anyone intended to be protected by this Policy has a responsibility to report the information to appropriate ecclesiastical authorities promptly. Such reporting is required by law in certain cases described below.
- That those subject to these policies who learn of sexual misconduct of colleagues, even if the information is gained in a counseling setting, have an ethical responsibility to follow up on this information by reporting the information to appropriate ecclesiastical authorities. Such reporting is required by law in cases of child sexual abuse.



- That a person can be wrongly accused of sexual misconduct.

IV. DEFINITIONS OF SEXUAL MISCONDUCT IN PASTORAL CARE

For the purposes of and as used in these policies and procedures.

ADVOCATES are persons who may be appointed by the bishop to assist the complainants and alleged victims in understanding and participating in the disciplinary processes of the Church, to obtain assistance to formulate and submit an appropriate charge and in obtaining assistance in spiritual matters. Advocates are not to serve as legal advisors or pastors.

CHILD ABUSE means non-accidental serious physical or mental injury, sexual abuse or exploitation or serious physical neglect caused by the acts or omissions of those subject to these policies.

CONSULTANTS are person(s) who may be appointed by the bishop to consult with and advise the member of the clergy accused of sexual misconduct and his or her legal advisors at reasonable times prior to the issuance of a Presentment. The consultant shall explain the rights of the member of the clergy and the alternatives.

“DATING” RELATIONSHIPS are relationships excluded from the definition of Sexual Exploitation. These would include relationships in which two parties are publicly engaged, intending a Christian marriage or when two persons are exploring a relationship which may lead to a Christian marriage. In such situations, the relationship is to be conducted with the knowledge of the rector and the bishop and with the spiritual guidance of at least two pastoral care givers within the diocese.

PASTORAL RELATIONSHIP means a relationship between a member of the clergy, employee or volunteer and any person to whom such member of the clergy, employee or volunteer provides formal counseling, pastoral care, spiritual direction or spiritual guidance or from whom such member of the clergy, employee or volunteer has received a confession or confidential or privileged information.

PRIVILEGED RELATIONSHIP means a relationship between a member of the clergy and a person in which communications regarding past actions are made by the person to the member of the clergy with the expectation that such communications are secret and confidential (as in confession).

RESPONSE TEAM may be drawn from psychologists, counselors, attorneys, and members of the clergy or other persons appointed by the Bishop of the Anglican Diocese in New England to provide pastoral, emotional and spiritual support to congregations in crisis.



SEXUAL ABUSE refers to sexual involvement or contact by one person with another who does not, or is unable to, consent. Sexual abuse of a minor or of a person who is deemed legally incapable of consent is a criminal offense and must be reported to law enforcement or child protective services, with the very limited exception of information received in a Privileged Relationship.

SEXUAL ABUSE of CHILDREN includes the obscene or pornographic photographing, filming or depiction of children for commercial purposes or exploitation, the employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction of any sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

SEXUAL MISCONDUCT refers to:

- 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.
- Sexual harassment (unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature) 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 employment qualifications, undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements.
- Sexual coercion, including the use of physical or emotional power to gain sexual gratification.
- Sexual exploitation, including but not limited to, the development of or the attempt to develop a sexual relationship between a member of the clergy, employee or volunteer affiliated with the Anglican Diocese in New England and a person with whom he/she has a pastoral relationship, whether or not there is apparent consent from the individual. Sexual exploitation includes activity during the course of a pastoral relationship such as sexual involvement, or sexually demeaning comments. The apparent consent of a possible victim to the sexual or romantic relationship seldom determines whether there has been sexual exploitation. The fact that sexual activity is initiated by someone other than the church worker does not relieve that worker of responsibility, nor does it make sexual activity under those circumstances acceptable.



V. RESPONDING TO COMPLAINTS OF SEXUAL MISCONDUCT

A. NOTIFICATION

1. All complaints of sexual misconduct by a member of the clergy, lay employee or volunteer of the Anglican Diocese in New England will be reported immediately to the Bishop of the Anglican Diocese in New England or the rector of the congregation where the alleged misconduct occurred (See V. A. 2 below).
2. The head of any diocesan agency or institution or the rector of a parish or clergy in charge of a congregation who receives a complaint about a lay employee or volunteer will notify the Bishop of the Anglican Diocese in New England by telephone and/or email followed by a signed letter delivered by U.S. mail or hand delivery.
3. If required by law, a complaint alleging abuse of a minor or incapacitated adult will be reported to the bishop by telephone and/or email followed by a signed letter delivered by U.S. mail or hand delivery.
4. All mandated reporters will report allegations of child abuse to the appropriate HOTLINE as listed in Appendix C immediately and advise the bishop that such notification has been made.

B. RESPONSE

1. Upon receiving a complaint of sexual misconduct, the bishop or rector will personally assure the complainant that the church is concerned and that the complaint will be investigated promptly and thoroughly.
2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the bishop to begin an investigation. The bishop is required to see that the requested investigation is done.
3. If the alleged offender is a member of the clergy, a lay employee or volunteer of the diocese, employment or volunteer activities may be suspended by the bishop or rector of the congregation until such time as the allegations of sexual misconduct or child abuse are resolved. This leave is without prejudice, i.e. does not imply guilt or innocence of the person under investigation and payment of compensation and benefits to the employee



may continue at the discretion of the bishop. The employer or person responsible will notify the bishop of the suspension.

4. The bishop or anyone who may subsequently be involved in the process will not at any time following the first receipt of the complaint hear the sacramental confession of any of the persons involved.

VI. APPLICABILITY

The policies contained in this manual are applicable to all members of the clergy canonically resident, licensed or serving in the Anglican Diocese in New England, all postulants, ordinands and candidates for ordination, all volunteers regularly supervising children, and all lay employees and volunteers working in any capacity for the Anglican Diocese in New England, any diocesan related institution or congregation in this diocese including any committee, commission or similar body of the Anglican Diocese in New England.

This manual is provided as a resource to the congregations in the Anglican Diocese in New England. The policies set forth in this manual represent an appropriate approach to issues of sexual misconduct and child abuse and each congregation is urged to adopt them as their own (Appendix A). This manual is not intended as a substitute for understanding the conditions of a particular congregation's insurance coverage. Each entity subject to this policy has an obligation to congregation and the diocese to assure that the conditions under its insurance coverage are met. The diocesan archdeacon should be consulted with any questions about insurance coverage. The diocese assumes no responsibility for a congregation's non-compliance with their insurance carrier's policy.

DOCUMENTING COMPLIANCE

The bishop will be required to notify all members of the clergy canonically resident, licensed and serving in the diocese, employees of the diocese, aspirants for Holy Orders, ordinands, postulants and candidates for ordination, volunteers for the diocese who regularly supervise youth activities, lay members of the Standing Committee, and lay employees and volunteers of any diocesan related institution, of the contents of this manual. The manual will be reviewed annually by the Standing Committee and, if changes are made, a revised copy will be provided to each of the listed parties with a signed receipt required (Appendix B).

It will be the responsibility of the rector of each congregation to ensure that all clergy, volunteers who regularly supervise youth activities, vestry members and employees (full or part-time) affiliated with any activities and programs of the



congregation are made aware of the these policies and that those who are required to complete approved training do so. Appendix B is to be used to acknowledge the receipt of these policies and procedures.



Appendix A

CERTIFICATE OF COMPLIANCE

I hereby certify that the congregation of

_____ Church has obtained and will maintain sexual misconduct insurance coverage.

I hereby certify that, in connection with such insurance coverage, the Congregation:

_____ has adopted the Anglican Diocese in New England Policies concerning Allegations and Incidents of Sexual Misconduct and Child Abuse, or

_____ has adopted equivalent policies and procedures that comply with the conditions of the Congregation's sexual misconduct insurance coverage (said policies are attached).

I hereby certify that all clergy, volunteers who regularly supervise youth activities, vestry members and employees (full or part-time) affiliated with any activities and programs of the Congregation who are required to complete diocesan approved training have done so or will do so as soon as the diocesan training program is offered.

Priest-in-Charge

Date

Senior Warden

Date

Return this form to:

Anglican Diocese in New England
ATTN: Archdeacon
P.O. Box 440
Amesbury, MA 01913

Appendix B

ACKNOWLEDGMENT OF RECEIPT OF POLICIES

Clergy, Lay Employees, Volunteers and Ordinands, Postulants and Candidates for Ordination

I hereby acknowledge that I have received a copy of the Anglican Diocese in New England's Policies Concerning Allegations and Incidents of Sexual Misconduct and Child Abuse adopted by the Bishop and Standing Committee, July 9th, 2011, and that I understand its content.

Please check one of the following: Clergy Lay

Signature

Date

Print Name

Position

Congregation

City

*Please check one of the following:

- I certify that I have completed the required diocesan approved training required in this manual.
- I haven't completed the required diocesan approved training but will complete the training within six months.

* This receipt must be signed by all clergy canonically resident, licensed or serving in this diocese, by all employees of the diocese, by ordinands, postulants and candidates for Holy Orders, volunteers for the diocese who regularly supervise youth activities, and lay employees and volunteers of any diocesan related institution or congregation in this diocese.

Return this form to:
Anglican Diocese in New England
ATTN: Archdeacon
P.O. Box 440
Amesbury, MA 01913

Appendix C

Various State Hotlines

MA	Child at Risk Hotline	1-800-792-5200
ME	Child Abuse Hotline	1-800-452-1999
NH	Child Protection Services	1-800-894-5533
NY	Child Protective Services	1-800-342-3720
VT	Department of Children & Families	1-800-649-5285
CT	Department of Children & Families	1-800-842-2288