

ANGLICAN PROVINCE OF AMERICA

INTRODUCTION

The problem of unethical sexual contact, a form of sexual exploitation by clergy, church employees, and volunteers, has been noted in other jurisdictions. This is an issue of professional ethics which compromise the integrity of the church's clergy, employees, and volunteers and causes serious damage to the whole Body of Christ.

There is a need to both acknowledge and address openly the problem of sexual abuse by clergy, employees, and volunteers in professional relationships. There is a need for the (Church) Province to create an atmosphere where silence, ignorance, and minimization are overcome by understanding, Christian love, and mutual respect.

The Church has always recognized that those who are set apart for ordained ministry bear a particular responsibility to pattern their lives according to Jesus' example. Not only are bishops, priests, and deacons regarded by the faithful and the world as examples of what a Christian life should be, but any moral offense by clerics is especially hurtful because it betrays that trust committed to them by the Church to nurture and care for every member. We acknowledge the goodness of our natures as sexual beings. Feelings of attraction are human and good, ordained by God as revealed to us in such passages from the Holy Scriptures as the creation stories (Gen. 1:1-2:25). These feelings can enhance the chemistry of working relationships.

Within the Church in both educational and pastoral settings, occasions arise that can lead to intense, self-revelatory occasions of intimacy. These occasions can foster a degree of intimacy between clergy and their parishioners which has at times contributed to the blurring of physical and emotional boundaries that should be maintained between them. When feelings of sexual attraction approach the threshold of one's becoming unfaithful to baptismal, ordination or marriage vows, acting out such feelings is crippling and destructive to the authenticity of ministry.

By virtue of the Canons of the Anglican Province of America and their baptismal and ordination vows, clergy are charged to love, teach, and nourish others and to be models for Christian Living. Thus clergy are to treat members of their congregations, other staff members, other clergy and all in need who come to them, in such a manner that they may experience the healing ministry of Christ and be received with the same care and dignity our Lord showed to those who came to him.

The purpose of this document is to set the parameters of expected behavior around the topic of sexual misconduct and to establish consequences for stepping over these boundaries. These parameters and consequences apply to all who minister in Anglican Province of America, whether clergy, lay employee, or volunteer.

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UNETHICAL SEXUAL CONDUCT

Any time Church employees or volunteers use the influence of their role to engage in sexual activity with parishioners or clients; they involve themselves in irresponsible and unethical acts which take advantage of vulnerable persons. Sexual contact or activity may take a variety of forms:

1. **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 abuse is a criminal offense in all jurisdictions of the Province and must be reported to law enforcement officials. It is the Church's policy to make such reports immediately and to cooperate fully with law enforcement officials in investigating any allegations of sexual abuse.
2. **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 employment qualifications; undesired physical contact; in-appropriate comments about clothing or physical appearance; or repeated requests for social engagements.
3. **Sexual exploitation**, including but not limited to, the development of or the attempt to develop a sexual relationship between a cleric, employee or volunteer and a person with whom he or she has a pastoral relationship, whether or not there is apparent consent from the individual. Sexual exploitation includes, but is not limited to, activity such as intercourse, kissing, touching breasts or genitals, dating during the course of a counseling relationship, verbal suggestions of sexual involvement or sexually demeaning comments.

POLICY

Pastoral leaders, be they clergy, employees or volunteers are to maintain the integrity of the ministerial relationship at all times. Sexual contact between church workers/volunteers and those in their care is a violation of the ministerial relationship and is therefore never permissible.

1. The Anglican Province of America (APA) strictly forbids sexual misconduct of any type by any ordained person (deacon, transitional deacon, priest, or bishop) or by any employee or volunteer of the Province.

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2. The APA strictly forbids interaction with children or youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or anyone known to have a paraphiliac diagnosis (e.g., pedophilia, exhibitionism, voyeurism) as defined by The American Psychiatric Association. Therefore, it shall be the policy of the APA that:
 1. Criminal background checks shall be conducted on all existing and new employees, both paid and unpaid positions, including clergy.
 - a. Criminal background checks shall be conducted on all existing and new volunteers involved in a nursery, a school, overnight activity, counseling, or one-on-one mentorship of minors.
 - i. That all new employees and volunteers shall, at a minimum, have two references checked. The references should be of an institutional nature, such as former employers or other organizations at which the individual has volunteered, as opposed to personal friends or relatives. The person serving as a reference also should have known the individual for some length of time.
 - b. There shall be signed release forms on file for all employees and volunteers that allow the APA to perform criminal background checks.
 - c. Minors (children less than 18 years of age) will never be allowed to be alone with one adult on the premises of the parishes of the APA or in any sponsored activity unless it's a counseling situation.
 - d. Anyone seeking to work with children and youth should be known by people of APA for at least six months prior to being allowed to interact with minors.
 - e. All background and reference check information that is gathered on a potential hire or volunteer shall be kept in a secured location and shall be treated with the highest level of confidentiality by those with access to or knowledge of it.

All ordained persons (deacon, transitional deacon, priest, or bishop) and all aspirants, postulants, candidates for ordination and deaconess, and all parish employees, and all parish volunteers who regularly work with youth, are required to sign the Covenant for Sexual Responsibility, copies of which will be kept on file in the Office of the Presiding Bishop.

The objective of these policies is to focus on those who have regular, ongoing contact with youth in small groups, because experience shows that misconduct is more likely to take place in these settings. Our policies do not include those in large group settings or those who only have occasional contact with youth, except where otherwise noted.

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ASSUMPTIONS AND GOALS

We begin with the assumption that the vast majority of clergy, professional ministers, church workers, and volunteers are competent, ethical, balanced, and mature. However, when a violation of the ministerial relationship takes place, the persons involved must have recourse and the situation must be evaluated and addressed in a just and evenhanded manner. For this reason, the Anglican Province of America has developed a comprehensive program designed to:

1. Intervene and respond appropriately to abuse situations.
2. Create an atmosphere of understanding through education that will help maintain the integrity of the ministerial relationship, and prevent misuse of power and authority.

Any person who believes he or she has been sexually abused, harassed, or exploited by a member of the clergy, church employee, or volunteer is entitled to a timely meeting with the Bishop.

When information from a confidential background investigation, letter, telephone call, or personal conversation is received by the Bishop regarding alleged sexual misconduct by a clergy person, church employee, or volunteer, the Bishop will begin a preliminary investigation into the matter.

I. RESPONSE TO ABUSE SITUATIONS

The response of the Anglican Province of America in cases of sexual misconduct by clergy, church employees, or volunteers must include the pastoral care of the victim, the well-being of the community, and the assessment of the accused and treatment of the offender. Care is to be taken so that all persons involved will be ministered to in a manner that is consistent with the gospel values of dignity, compassion, understanding, and justice.

A. GENERAL PRINCIPLES:

1. When an accusation is made, it is understood that the rights of all must be protected, and that prompt and incisive action is of the essence in responding.

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2. A preliminary investigation will be made by the Presiding Bishop assisted by the Provincial Chancellor.
3. A team of competent persons shall be established to advise and assist the Presiding Bishop in assessing and addressing individual cases.
4. A team of competent persons shall be maintained to review periodically the Provincial policies on sexual abuse.
5. Once these policies are established they shall be communicated to all clergy, professional ministers, employees, and volunteers of the Province.
6. Complaints involving clergy or persons in religious orders, or from other dioceses but residing within another diocese or missionary district, will be reported immediately to his or her own religious supervisor or Presiding Bishop.

B. PROTOCOL:

When an accusation is made:

1. It must be in writing and contain the signature of the complainant. In cases involving minors, the parent or guardian should sign the complaint. Complaints should be sent to the Office of the Provincial Chancellor.
2. One or more of the Presiding Bishop's representatives under the guidance of the Provincial Chancellor will meet with the complainant, parent, or guardian on behalf of the Province.
3. The investigating team will prepare a preliminary report for the Presiding Bishop.
4. The accused individual will be informed that we are investigating the case and will be given every opportunity to respond to the charges. During that time he/she may be temporarily relieved of his/her duties, and may be put on administrative leave.

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5. The accused may be required to undergo assessment with a person or facility specializing in the evaluation of sexual disorders.
6. The complainant may be asked to undergo assessment with a person or facility specializing in the evaluation of sexual abuse.
7. If the case involves criminal accusations, the accused may be advised to contact legal counsel distinct from the Provincial authority.
8. If the case involves child abuse, sexual or otherwise or other criminal accusations, Provincial officials will notify the appropriate government agency according to the law of the state where the accusation is made, notify every party who has the right to know and direct local church authorities to cooperate in the investigation of the case.
9. The Director of Public Affairs, if any, will be notified so that a spokesperson can be designated for the Province.
10. The insurance carrier for the Province, Diocese, Missionary District, or Parish will be contacted in a timely fashion.

C. ONCE THE PRELIMINARY INQUIRY HAS BEEN COMPLETED:

1. The designated officials will present a report to the Presiding Bishop. They can either find that:
 - a. There appears to be no substance to the accusations and the case should be considered closed (pending the outcome of the criminal investigation), or
 - b. That there is substance to the complaint and cause for further action.

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2. In the latter case, when it appears that the accusations are substantive and there is cause for further action, the lawful supervisor may institute the following procedure:

If the accused person is:

- a. A lay person, he, /she may be notified in writing that he/she has been placed on administrative leave and temporarily relieved of duties in the Province.
- b. An ordained person, he may be notified in writing that is local faculties to publicly exercise his ordained ministry have been temporarily withdrawn.
- c. The individual may be required to undergo rehabilitative treatment.
- d. If the accused are some clergymen, the Province may appoint a monitor during this time who can effectively supervise the individual's daily activities.

If the accusations involve criminal activity, the individual will be required to:

- a. Reside in a non-ministerial setting chosen to protect the well-being of the community.
- b. Contact the selected treatment center within 24 hours.
- c. Have a trained monitor appointed to assist in arranging and defining his day to day activities, including non-ministerial work, therapy and living arrangements.

D. IF THE SEXUAL ABUSE IS VERIFIED

1. The presiding Bishop or his representative may elicit input and evaluations from various professionals and others involved in the case and make decisions based upon consultation.

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2. Once the evaluation, including diagnosis and prognosis has been received, the Presiding Bishop may limit or prohibit the ministry of the individual.

In cases involving criminal behavior by clerics the Presiding Bishop will decide whether or not to recommend that Trial Court begin a canonical process.

E. OTHER FACTORS:

1. It is recommended that written reports be kept of all steps taken at the Provincial or Diocesan level from the time the accusations were first received. Care should be taken to protect absolutely the confidentiality of such documentation.
2. A strict observance of Canonical rules would protect all parties involved and demonstrate that each individual's rights were fully respected.

II. RESPONSE TO VICTIMS

Since one of the primary concerns is for the welfare of the victims(s), the Province offers payment for abuse counseling to deal with the experience of victimization.

The Province will provide payment for counseling when assessment determines that the perpetrator was a priest, deacon, minister, lay worker, or volunteer acting as a representative of the Province, Diocese, Missionary District, or a Parish at the time when the abuse occurred, and when the Province, Diocese, or Missionary District was responsible for placement of the offender.

In all possible cases, the offender will be the primary person responsible for the payment of victim's therapy and attendant expenses, and will be required to reimburse the Province for all expenses incurred.

A referral list of trained, competent counselors sensitive to the issues of sexual abuse will be maintained and made available to persons requesting victim's therapy.

III. EDUCATION

The Anglican Province of America recognizes that in order to more fully address the problem of sexual misconduct by church personnel and volunteers, the Province must embark upon a program of education designed to create an atmosphere of understanding that will help maintain the integrity of the ministered relationship and prevent the misuse of power and authority.

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The educational component centered in a theological context will focus on:

- a. Working definitions of sexual abuse within pastoral and ministerial relationships.
- b. Characteristics of coercive and exploitative sexual behavior.
- c. Definitions and dangers of dual relationships.
- d. Strategies for maintaining the integrity of the ministerial relationship.

The educational component has prevention of abuse as its final goal and will provide intervention strategies when abuse situations have already taken place.

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Covenant for Sexual Responsibility:

For the purposes of this Covenant, I, the undersigned, understand that the Anglican Province of America defines sexual misconduct in the following way:

- a. 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.
- b. Sexual abuse is a criminal offense in all jurisdictions in this Province and must be reported to law enforcement officials. It is the Province policy to make such reports immediately and to cooperate fully with law enforcement officials in investigating any allegations of sexual abuse.
- c. 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 employment qualifications; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated requests for social engagements.
- d. Sexual Exploitation, including but not limited to, the development of or the attempt to develop a sexual relationship between a cleric, employee or volunteer and a person with whom he/she has a pastoral relationship, whether or not there is apparent consent from the individual. Sexual exploitation includes, but is not limited to, activity such as intercourse, kissing, touching breasts or genitals, dating during the course of a counseling relationship, verbal suggestions of sexual involvement or sexually demeaning comments.

I agree to abstain from any behavior that constitutes sexual abuse, sexual harassment, or sexual exploitation of children or adults while I minister in any institution related to the Anglican Province of America, regardless of whether I work as a paid employee or volunteer.

I understand that if I engage in such behavior I will be subject to a disciplinary process and agree to fully participate in that process. Further, I acknowledge that such process may result in termination of employment or assignment and, if ordained, inhibition, suspension or deposition according to the Canons of the Anglican Province of America. I acknowledge that I have received Anglican Province of America's ***Provincial Policies in the Cases of Sexual Misconduct***, I understand it, and agree to abide by it.

Signature

Date

Witnessed By

BACKGROUND INVESTIGATION CONSENT FORM

I _____ (applicant complete name) hereby authorize Anglican Province of America and/or its agents to make an independent investigation of my background, references, character, past employment, education, criminal, or police records, including those maintained by both public and private organizations and all public records for the

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purpose of confirming the information contained on my application and/or obtaining other information, which may be material to my qualifications as a volunteer or for employment now, and if applicable, during the tenure of my volunteering or employment with Anglican Province of America.

I release Anglican Province of America and/or its agents and any person or entity, which provides information pursuant to this authorization, from any and all liabilities, claims, or lawsuits in regards to the information obtained from any and all of the above referenced sources used.

The following is my true and complete legal name, and all information is true and correct to the best of my knowledge.

Full name (printed)

Maiden Name or other names used

Present street address

How long?

City/State

Zip

Former street address

How long?

City/State

Zip

Date of birth

Social security #

Driver's license #

State of License

Signature

Date