

# **I. General Definitions**

## **A. Children and Youth**

A **child** is defined as anyone under the age of 12 years.

A **youth** is defined as anyone who is at least 12 years old, but not yet 18 years old. A youth may also be an individual who is 18 years old or older, but still in high school.

## **B. Church Personnel**

For the purposes of this policy, the following are included in the definition of Church Personnel when they are functioning in their respective roles for the church:

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church. Non-functioning retired clergy are excluded.
2. All lay employees whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies.
3. Those who contract their services to the diocese, its congregations, schools or other agencies. Examples are a church organist or choir director. Service vendors such as heating/air conditioning technicians, plumbers or similar contractors are excluded.
4. Volunteers, including any person who enters into or offers him or herself for a church related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Examples are members of advisory boards, vestries, Bishop's Committees, and boards of directors.
5. Lay volunteers who provide pastoral services. Examples include but are not limited to members of Total Ministry Teams, Eucharistic Ministers and Eucharistic Visitors.
6. All Church Personnel who regularly work with or around children or youth as defined in Section I.C of this *Safe Church Policy*.

All lay employees and volunteers defined as Church Personnel under this Section B shall be collectively referred to under this Policy as "Lay Church Personnel."

## **C. Church Personnel Who Regularly Work With or Around Children or Youth**

For the purpose of this policy, the following are included in the definition of "Church Personnel Who Regularly Work With or Around Children or Youth":

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
2. All paid or volunteer Church Personnel whose work regularly takes them throughout the facility or grounds or who have keys giving them access to the buildings on the grounds.
3. All persons who supervise or assist with supervising children or youth in ministries, programs or activities three or more times a year.
4. All persons who provide transportation to children or youth three or more times a year.
5. All persons whose living quarters are on the grounds of the church, school or other related agency.
6. All vestry members or other members of similar decision-making groups who have the authority to approve the creation of ministries, programs or activities for children or youth.
7. All persons who work or assist in the nursery three or more times a year.
8. All adults who participate in any overnight activity with children or youth.

Examples include, but are not limited to:

- Children's or youth choir directors
- Volunteer church schoolteachers
- Organists who work with children or youth
- Lay youth ministers
- Volunteer youth directors
- All Church Personnel who work in the nursery if they are the only person over 21 present at any time
- All staff, whether volunteer or paid, at church camps
- Peer leaders or mentors

For the purpose of this policy, the following are not included in the definition of "Church Personnel Who Regularly Work With or Around Children or Youth":

- All persons who supervise or assist with supervising children or youth in ministries, programs or activities infrequently, generally no more than three times a year or for one program or activity during a year that lasts less than a month (i.e. assisting with preparation for the Christmas pageant, or teaching one "unit" of Church School for a month).

## D. Types of Abuse and Misconduct

1. **Physical abuse** is non-accidental physical injury which is intentionally inflicted upon a child or youth.
2. **Sexual abuse** 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.
3. **Sexual harassment** is a situation, contact or activity 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 qualification; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated unwelcome requests for social engagements.
4. **Sexual exploitation**, includes but is not limited to the development of or the attempt to develop a sexual or romantic relationship between a cleric or lay employee or volunteer and a person with whom he/she has a Pastoral Relationship, whether or not there is apparent consent from the individual.
5. **Emotional abuse** is mental or emotional injury to a child or youth that could reasonably be determined to result in a material impairment in the child or youth's growth, development or psychological functioning.
6. **Neglect** is the failure to provide for a child or youth's basic needs or the failure to protect a child or youth from harm.
7. **Economic exploitation** is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a child or youth's or vulnerable adult's belongings or money.

## E. Pastoral Relationship and Services

1. **Pastoral Relationship** is a relationship between a cleric or Lay Church Personnel and any person to whom such cleric or Lay Church Personnel provides counseling, pastoral care, spiritual direction or spiritual guidance, or from whom the cleric or Lay Church personnel has received a confession or confidential or privileged information or to hold this role connotes trust. This relationship establishes a fiduciary relationship with the person who is the object of the pastoral relationship.
2. **Pastoral Services** is the provision of counseling, pastoral care, spiritual direction or spiritual guidance or the hearing of confession or confidential or privileged information.

## II. Safeguards

### A. Screening and Selection

1. Any and all Lay Church Personnel shall be screened and selected utilizing at least the following:
  - **A standard application** completed by the applicant that includes an authorization for the release of information to conduct background checks and an executed copy of the **Code of Conduct** (Appendix C).
  - **Criminal records check (CORI)** in any state or country where the applicant has resided during the past seven (7) years, and other jurisdictions, if any, as determined by the church.
  - **Sexual offender registry check** in any state where the applicant has resided during the past seven (7) years.
  - Individual **interview** with the applicant.
  - **Reference Checks** from persons outside the congregation who know the applicant. For applicants that will regularly work with children or youth, preferably from references who know how the applicant works with children.
  - **Driving or motor vehicle records check** if the person may be transporting children or youth, along with proof of a valid driver's license and current vehicle insurance coverage.
2. All information gathered about an applicant will be carefully reviewed and evaluated to make a determination, in consultation with others as necessary, of whether or not the person is appropriate for the position to which the applicant is applying.
3. The Safe Church Committee will maintain a personnel file containing the person's screening and selection records. These records are to be treated in strict confidence and be securely maintained, preferably kept in a locked file with limited access.
4. Criminal records checks and sexual offender registry rechecks will be conducted every five (5) years for Lay Church Personnel.
5. It is not recommended (within realistic constraints) that lay personnel supervise an immediate family member when working with or around children or youth. For the purpose of this policy, immediate family member is defined as spouse, partner, child, parent, sister, brother, similar in-law relationship, stepchild, stepparent, stepsibling, grandparent, or cohabitant.

6. Lay Church Personnel who transfer church membership within the Diocese of Massachusetts and apply for or are asked to or who do undertake positions working with or around children, are required to undergo the same screening and selection process set out in this Section A. This requirement may be met through a transfer of a copy of the personnel file to the new congregation, school, agency, or program together with completion of a new application, individual interview and reference checks with the congregations, schools, agencies or other programs for which the applicant has worked with or around children since the screening was last done as shown in the applicant's personnel file.

## **B. Education and Training Requirements**

1. A six (6) hour module of Safe Church Training provided by the Episcopal Diocese of Massachusetts is required for all Church Personnel within twelve months of the person's start date. Short term or temporary volunteers (participation 3 or less times per year) are not required (but are strongly encouraged) to attend the Safe Church Training module IF that volunteer is at all times acting in the presence of Church Personnel who have fulfilled this training requirement.
2. It is recommended that Church Personnel participate in the Safe Church Training module every five (5) years for refresher.

## **C. Monitoring and Supervision of Programs Involving Children and Youth**

All programs and activities involving children or youth shall conform to the following structured guidelines:

1. Every program for children and youth must have established ratios for adults and children. Compliance with the established ratio is required at all times, including activities that occur off church premises.
2. Church Personnel are discouraged from being alone with a child or youth or multiple children or youth where other adults cannot easily observe them.
3. Church Personnel over the age of 21 must directly supervise Church Personnel who are 21 years of age and under and must be physically present during all activities.
4. No person is permitted to develop new church related or affiliated activities for children and youth without approval from the rector or a canonical equivalent. The Safe Church Committee shall be consulted to ensure whether the plan for a new activity includes adequate adult supervision.
5. An up to date list of approved congregation-sponsored programs for children and youth will be maintained in the church office or other place

where church records are kept and is to be conspicuously posted or regularly published in the congregation's newsletter or similar communication.

6. Each program will use age-appropriate procedures to ensure the safety of children and youth using restrooms and showers or baths.
7. When supervising or assisting private activities such as dressing, bathing or diapering infants or children, Church Personnel will remain in an area observable by other adults or work in pairs.
8. When both boys and girls are participating in an activity, chaperones must be present at all times to ensure appropriate conduct is maintained by the participants.

The behaviors and interactions of persons interacting with children and youth are covered in the preceding structured guidelines, the section on **General Conduct for the Protection of Children and Youth** and in the **Guidelines for appropriate Affection** (Appendix A).

#### **D. General Conduct for the Protection of Children and Youth**

The following guidelines are intended to assist Church Personnel in monitoring and supervising behaviors and interactions with children and youth to identify and stop those that may be inherently harmful to children or youth, which may be the type used by child molesters to "groom" children, youth and their parents, or which may create the conditions where abuse can occur more easily. They are also used to make decisions about interactions with children and youth in church sponsored and affiliated programs. They are not designed or intended to address interactions within families. When exceptions to these guidelines must be made, they will be reported to the Rector, supervisor of the Church Personnel or Safe Church Committee making the duration of the exception as short as possible.

1. All Church Personnel who work with children and youth must agree to comply with the **Guidelines for Appropriate Affection** (Appendix A).
2. No person will be allowed to volunteer to regularly work with children or youth until the person has been known to the clergy and congregation for at least six months.
3. Programs for infants and children under six (6) years old shall follow appropriate procedures to ensure that children are released only to their custodial parents or legal guardians or persons designated by them.
4. Church Personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the mis-use of legal drugs while participating in or assisting with programs or activities for children and youth specifically.

5. Custodial parents or legal guardians must complete written permission forms before Church Personnel transport children and youth for a church sponsored activity or for any purpose on more than an occasional basis, except for emergency situations.
6. Church Personnel will respond to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socioeconomic status. Church Personnel will portray a positive role model for children and youth by maintaining an attitude of respect, patience, and maturity. Favoritism is to be avoided.
7. One to one counseling with children and youth will be done in an open or public or other place where private conversations are possible but occur in full view of others and, for Lay Church Personnel, in consultation with the rector or canonical equivalent. If a door must be closed for the sake of confidentiality, first obtain permission of the child or youth involved in the meeting, and if at all possible, their parent or legal guardian. A dated memo about the meeting should be maintained for documentation should that meeting later be questioned. Such a memo should not reveal any confidential information.
8. If Church Personnel has an encounter with a child or youth where they feel there might be a misunderstanding, de-brief the encounter with the rector or supervisor and document the consultation. Where possible, discuss the matter with the child's parent or guardian.
9. Church Personnel are prohibited from dating or becoming romantically involved with a child or youth.
10. Church Personnel are prohibited from having sexual contact with a child or youth.
11. Church Personnel are prohibited from possessing any sexually oriented materials (magazines, cards, videos, films, clothing etc.) on church property or in the presence of children and youth except as expressly permitted as part of a pre-authorized educational program.
12. Church Personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of children and youth.
13. Church Personnel are discouraged from engaging in non-church related chat room or instant messaging conversations with children and youth who are or have participated in a church related activity in which the person is or has been involved.
14. Church Personnel are prohibited from discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with children or youth.

15. Church Personnel are prohibited from sleeping in the same beds, sleeping bags or tents with children or youth unless the adult is an immediate family member of all children or youth in the bed, sleeping bag or tent. Church Personnel are prohibited from sleeping in the same hotel rooms or other rooms with children or youth. It is acceptable to have **multiple** adults sleep with all the children or youth participating in one open space such as a church basement or camp lodge.
16. Church Personnel are prohibited from dressing, undressing, bathing, or showering in the presence of children or youth.
17. Church Personnel are prohibited from using physical punishment in any way for behavior management of children and youth. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force. Physical force may only be used in self defense to stop a behavior that may cause immediate harm to the individual or to a child, youth or others.
18. Church Personnel are prohibited from using harsh language, degrading punishment, or mechanical restraint such as rope or tape for behavior management.
19. Church Personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to children's or youth ministry or camp activities.



### III. Code of Conduct for Protection of Children and Youth

Relationships among people are at the foundation of Christian ministry and as such are central to the life of the St. Paul's church. Defining healthy and safe relationships through policies and codes of conduct is not meant, in any way, to undermine the strength and importance of personal interaction in our ministries. Rather, it is to assist in more clearly defining behaviors and practices that allow the church to more fully demonstrate its love and compassion for children and youth in sincere and genuine relationships. Relationships in ministry should, ideally, always be experienced as caring and without intention to do harm or allow harm to occur. The Code of Conduct has been adopted St. Paul's Episcopal Church to help create safe environments for children and youth and for those who minister to them. All Church Personnel are asked to carefully consider each statement in the Code of Conduct and in the *Safe Church Policy* before agreeing to adhere to the statements and continue in service to the church.

#### **Code of Conduct for Protection of Children and Youth**

- Church Personnel agree to do their best to prevent abuse and neglect among children and youth involved in church activities and services.
- Church Personnel agree to not physically, sexually or emotionally abuse or neglect a child or youth.
- Church Personnel agree to comply with the policies for general conduct with children and youth as defined in the *Safe Church Policy*.
- All Church Personnel agree to comply with the **Guidelines for Appropriate Affection (Appendix A)** with children and youth.
- In the event that Church Personnel observe any inappropriate behaviors or possible policy violations with children or youth, Church Personnel agree to immediately report their observations in accordance with this safe church policy.
- All Church Personnel acknowledge their obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to the appropriate state authorities in accordance with state law.
- Church Personnel understand that the church will not tolerate abuse of children and youth and agree to comply in spirit and in action with this position.

## **IV. General Policy on the Protection of Adults from Sexual Misconduct**

St. Paul's Episcopal Church is committed to creating and promoting a positive and safe environment for all persons. Sexual harassment and sexual exploitation are unacceptable behaviors and, under the law, are illegal. Church Personnel are prohibited under state law from engaging in these behaviors in their relations with other adults.

### **A. Protection of Adults from Sexual Harassment**

Sexual harassment is prohibited by both Federal and State laws. The Massachusetts statute, which is similar to the Federal law, defines sexual harassment as follows:

The term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decision; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Unwelcome sexual advance, requests for sexual favors and other verbal or physical contact of a sexual nature constitute sexual harassment when:

1. Submission is made either explicitly or implicitly a term or condition of employment.
2. Submission to or rejection of the conduct is used as the basis for employment decisions.
3. Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working atmosphere.

### **B. Protection of Adults from Sexual Exploitation**

**Sexual Exploitation** - A betrayal of trust in a pastoral relationship by the development, or the attempted development, of a sexual or romantic relationship between the cleric or other church worker and a person with whom she or he has a pastoral or fiduciary relationship, whether or not there is apparent consent from the individual.

Church Personnel engaged or formerly engaged in a Pastoral Type Relationship are to be cognizant of the power differential that exists between them and the recipients of their pastoral ministrations.

Church Personnel are responsible for adhering to the following guidelines:

1. Be cognizant of the power differential that exists between them and the other person(s) in a Pastoral Relationship and not exploit the trust or dependency of the other person(s).
2. Be aware of the general danger signs that indicate there has been a sexual boundary breakdown. These signs include:
  - Excessive self-disclosure by the Church Personnel
  - Excessive availability
  - Giving or receiving inappropriate gifts
  - Excessive touching
  - Undue anticipation of future meetings
  - Frequent Fantasies about the other person
  - Meeting at unusual, secretive locations
  - Keeping secrets beyond the requirements of professional confidentiality
3. Report any knowledge of sexually exploitive behavior by colleagues.

## **V. Responding to Problems**

### **A. Reporting of Safe Church Policy Violations**

When Church Personnel observe any actions or activities that are inconsistent with or violate any provision of this Safe Church Policy they must immediately report their observations in the manner outlined below. Some examples of policy violations would be an individual seeking private time with children or youth, swearing or making inappropriate comments to children or youth, or selecting staff or volunteers without the required screening.

Possible or suspected policy violations that relate to interactions with children or youth should be reported in one of the following ways:

- A telephone call or meeting with the immediate supervisor of the person
- A telephone call or meeting with the rector, if the person is not the rector or a canonical equivalent
- A telephone call or meeting with a church warden if the person is the rector or a canonical equivalent thereof
- A telephone call or meeting with a member of the safe Church Committee

All reports of inappropriate behavior or policy violations with children or youth will be taken seriously.

### **B. Reporting of Inappropriate Behavior, Misconduct Abuse of Children or Youth**

It is the responsibility of adults who come into contact with children to report suspected abuse or neglect to the Department of Social Services. DSS is the Massachusetts State agency charged with protecting children and strengthening families. DSS responds to reports 24 hours a day and offers a wide range of services through contracted agencies appropriate to each circumstance. If DSS determines that a situation is an emergency, the investigation is completed within 24 hours. If the Department determines a child has been abused or neglected, DSS will take immediate and appropriate steps to protect the child from further abuse or neglect and will provide services to the family. Likewise, if serious abuse or neglect has occurred, DSS is mandated under Massachusetts General Law (Chapter 119, §51B) to notify the District Attorney, who has the authority to file criminal charges. DSS will also notify the mandated reporter who filed the report of its decision. If the report is supported, the Department provides the family with services to reduce the risk of harm. Even if the report is unsupported, the Department will offer family services on a voluntary basis.

**1. Who is a mandated reporter:**

- All clergy (The only exception for clergy would be reports heard in confession pursuant to “The Reconciliation of a Penitent” found in The Book of Common Prayer, according to the use of The Episcopal Church, pgs. 447-452, 1979 edition).
- Church Personnel who supervise, educate, coach, train, counsel or interact with children on a regular basis. Employees who are mandated reporters must notify the Rector of any report that is filed directly with DSS about suspected child abuse or neglect.
- All volunteers should also consider themselves reporters. Volunteers and non-mandated reporters may give their report to the Rector or another mandated reporter rather than contact DSS directly. In turn, the Rector or mandated reporter must file the report.

**2. When to report:**

- Massachusetts law requires that mandated reporters immediately make an oral report to the local office of the Department of Social Services when, in their professional capacity, they have reasonable cause to believe that there has been suspected or known child abuse or neglect of a child under 18. The report should be made regardless of where the suspected abuse has occurred or by whom. Absolute proof is not required to report.

**3. How to report:**

- Call the local DSS area office Monday through Friday. A list of all DSS offices and phone numbers can be found in Appendix H.
- Call the Child-At-Risk-Hotline after hours, weekends or holidays at (800) 922-8169.
- Within 48 hours of the oral report, you must follow-up with a written report. (See Appendix H) The form for filing the report can be obtained from the local DSS Area Office or downloaded from the web at [www.mass.gov/dss](http://www.mass.gov/dss).

**4. Following the report:**

- The Rector may notify and meet as soon as possible with the person suspected of abuse or neglect, regardless of whether the individual is an employee, volunteer, parishioner or a member of the victim’s family. If advisable, the Rector may want to include a warden in this initial meeting.
- If the allegation of abuse is against someone who is a paid employee or volunteer, the Rector will suspend that individual’s contact with children, the elderly or disabled until all investigations are complete.

- Any effort on the part of the Rector or others to investigate an allegation of child sexual misconduct should be done in cooperation with DSS and not conducted independently.
- The Rector should notify the Diocesan Bishop of any reports made to the DSS without identifying the names of those involved.
- The insurance company should be notified of any possible claim of abuse or neglect by the Rector, a paid employee or volunteer.
- Seek legal counsel.
- All contact and conversations concerning alleged abuse or neglect should be documented and kept in a locked filing cabinet. These matters are sensitive to the injured and alleged abuser and should remain confidential until such time as it is deemed necessary or appropriate to share information with specified individuals within the parish.

#### **5. Protection of reporters:**

- Under G.L. c.199, §51A, non-mandated reporters who report in good faith, have reasonable cause to believe that a child is suffering or has died as a result of abuse or neglect, and if they did not inflict said abuse, shall not be liable in any civil or criminal action.
- Mandated reporters are protected from liability and “in any civil or criminal action by reason of such report.”
- Any employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney’s fees.

### **C. Reporting of Known or Suspected Sexual Exploitation of Adults**

All Church Personnel are required by this policy to report known or suspected Sexual Exploitation in the following ways:

- A telephone call or meeting with the rector or a canonical equivalent if he or she is not the subject person of the complaint
- A telephone call, meeting or letter to the bishop

The Episcopal Diocese of Massachusetts will promptly initiate an inquiry into any allegations of Sexual Exploitation.

## **D. Reporting Clergy Misconduct**

Canon 1.Sec. 1 of Title IV of the Constitutions and Canons of the Episcopal Church lists the Offenses for which clergy (Bishops, Priests or Deacons) shall be liable for Presentment and Trial. Some of these Offenses include: Crime, Immorality, Violation of the Rubric of the Book of Common Prayer, any act that violates Ordination vows, conduct unbecoming a member of the clergy, etc.

If an allegation concerns sexual misconduct or other misconduct by a clergy person as defined under Title IV, it should be reported immediately.

### **1. How to report:**

An allegation of abuse or clergy misconduct should be made to one of the Bishops or to the Office of Pastoral Response at the Diocesan Center. An allegation can be brought in a number of ways, including:

- in writing
- through a personal meeting
- through a phone call.

### **2. Who reports:**

Allegations of clergy misconduct may be raised by:

- the alleged victim
- a parent or guardian of an alleged minor victim or an alleged victim who is under a disability
- a spouse or adult child of an alleged victim.

### **3. Receiving the allegation:**

Upon receiving an allegation, the Bishop and/or a Case Manager from the Office of Pastoral Response will follow up with the victim/complainant, arrange an initial meeting or phone conversation to discuss the allegation and to better understand the nature of the complaint. In addition:

- The Case Manager, in consultation with the Bishop, may appoint an Advocate to help the complainant understand all options under Title IV of the Canons.
- The Case Manager will work with the complainant to explore what characteristics he or she might want in an Advocate, such as gender, lay or ordained, geographic location, language, etc.
- When appropriate, the Case Manager will coordinate with DSS or other civil authorities.

The Case Manager will see that all allegations regarding clergy misconduct are handled sensitively and appropriately.

#### **4. Role of an Advocate:**

It is the role of an Advocate to work with the victim/complainant and to listen to him/her, to answer questions about the disciplinary process of the Church and to help formulate a detailed accounting of the misconduct, which could include:

- what the misconduct consisted of
- when it occurred (date and time)
- who else was present or where other people were
- surrounding circumstances such as –
  - > why the complainant and clergy person were together at the location where the misconduct occurred
  - > who else may know about the alleged misconduct and how they learned of the misconduct.

The Advocate, with the help of the Office of Pastoral Response, may assist the complainant by providing referrals for services such as counseling and pastoral care.

#### **5. Notifying clergy:**

The Office of the Bishop will contact the clergy person/respondent soon after learning of an allegation of misconduct, inform him/her that there has been an allegation and set up a meeting with the Bishop, the clergy person and the Case Manager. The Bishop will also contact a cleric if there has been a rumor of misconduct, even if an allegation has not been formally made.

The clergy person will be offered a Consultant prior to the meeting and may have that Consultant present at the meeting. A Case Manager will work with the clergy person/respondent to explore what characteristics he or she might want in a Consultant, such as gender, lay or ordained, geographic location, language, etc. The Bishop will coordinate contact between the clergy person/respondent and DSS if the allegation is of child abuse or neglect of a child under the age of 18.

#### **6. Role of a Consultant:**

It is the role of a Consultant to work with the clergy person/respondent, to listen to him/her and to answer questions about the disciplinary process of the Church.



## **7. Rights of the clergy person/respondent:**

Before entering into a discussion of the accusations, the Bishop or his/her representative should advise the clergy person/respondent of his/her rights, including:

- the right to be informed of the nature of the allegation,
- the right not to make any statement regarding the allegation,
- the right not to testify against himself or herself,
- the right to an attorney and to have that person present, and
- that any statements made may be used as evidence against him/her.

## **8. Disposition of allegations:**

After consultation with the clergy person and after hearing both sides of the issue, the Bishop may:

- Dismiss the matter if there is insufficient evidence to support the allegation and advise the clergy person/respondent of that decision.
- If the allegation involves child sexual misconduct, the Bishop should await the findings of DSS before dismissing the matter.
- Impose a Temporary Inhibition against the clergy person.
- Impose a sentence after voluntary submission by the clergy person.

## **9. Temporary Inhibition:**

A Temporary Inhibition imposes restrictions on the ministry of a Priest or Deacon and can be issued by the Bishop. A Bishop can issue a Temporary Inhibition without prior notice to the clergy person. A Temporary Inhibition can be issued only:

- when the allegations would constitute grounds for a Charge of an Offense (such as clergy misconduct) **and** the allegations are supported by sufficient facts.

The Temporary Inhibition must:

- be in writing
- set forth the reasons for its issuance
- be specific in its terms
- define the Offense(s)
- describe the acts that are to be inhibited

- be promptly served on the Priest or Deacon to be inhibited, and becomes effective immediately upon being served. (See Title IV.1.2.(b).)

After being issued a Temporary Inhibition, the Priest or Deacon may request a hearing before the Standing Committee, which hearing shall occur as soon as possible but not later than fourteen (14) days after receipt of the request. By a two-thirds vote, the Standing Committee may dissolve or modify the Temporary Inhibition.

#### **10. Voluntary Submission to Discipline:**

A Priest or Deacon, with the consent of the Bishop, may voluntarily submit to the discipline of the church. In such cases, the clergy person voluntarily waives all rights to a trial and agrees to accept a sentence imposed and pronounced by the Bishop. The cleric is informed of the sentence to be imposed **before** waiving his or her rights.

The Voluntary Submission must be documented in writing and contain:

- The name of the priest or deacon;
- Reference to the Canon that specifies the Offense committed;
- General information sufficient to identify the Offense;
- A statement that the Priest or Deacon is aware of the sentence to be imposed and the effect of that sentence;
- Signature of the Priest or Deacon after having an opportunity to consult with and get advice from legal counsel of the clergy person's choosing;
- If the priest or deacon has consulted with legal counsel, identification of legal counsel.

The Priest or Deacon cannot appeal a sentence imposed pursuant to Voluntary Submission to Discipline. The sentence is final.

Voluntary Submission to Discipline can happen anytime before the Ecclesiastical Trial Court makes a decision as to whether misconduct or an Offense has occurred. Once the Trial Court has made its decision, a Priest or Deacon can no longer voluntarily submit to discipline.

#### **11. Sentences/Disciplines a Bishop can impose:**

There are three types of sentences that can be imposed after waiver and voluntary submission:

- **Admonition:** A censure or reprimand that is a public and formal reproof of the conduct of the cleric.
- **Suspension:** Temporary removal from ordained ministry and all exercises conferred by Ordination. This generally terminates a clergy person’s pastoral relationship with a parish. The suspension may contain pastoral directives from the Bishop for which the cleric must comply during the period of suspension.
- **Deposition:** Permanent removal from ordained ministry and termination of all ecclesiastical and secular related offices and authority conferred by Ordination.

The Diocese and Standing Committee will follow the procedures and protocol contained within Title IV of the Constitutions and Canons of the Episcopal Church (Ecclesiastical Discipline) when pursuing disciplinary actions.

## 12. Definition of “PARTICIPANTS” in Title IV Proceedings:

- **Bishop:** The diocesan Bishop is the Ecclesiastical Authority responsible for the discipline of deacons and priests under Title IV of the National Church Canons.
- **Office of Pastoral Response:** The individuals in this office are called Case Managers and work with the Bishop to ensure that all allegations of clergy misconduct are handled sensitively and appropriately and in accordance with Title IV of the National Church Canons.
- **Pastoral Response Team:** A group of individuals who are available to assist congregations in transition, those that require intervention to resolve conflicts or when there have been allegations of clergy misconduct.
- **Congregational Policy Group:** A group that meets to assist in developing policies and procedures that will be used for interventions, education and training.
- **Complainant:** A person who raises an allegation of clergy misconduct. This person can be an adult who is the alleged victim, a parent or guardian if the alleged victim is a minor or disabled or the spouse or adult child of an alleged victim.
- **Advocate:** A support person for the complainant. The advocate’s role is to help the complainant understand the church’s disciplinary process, assist him or her in participating in the process and be a companion throughout the process.

- **Respondent:** The priest or deacon who is alleged to have engaged in misconduct.
- **Consultant:** A support person for the respondent. The consultant's role is to help the respondent understand the church's disciplinary process, assist him or her in participating in that process and be a companion throughout the process.

**Summary of Title IV**  
*Bringing allegations to the Bishop*

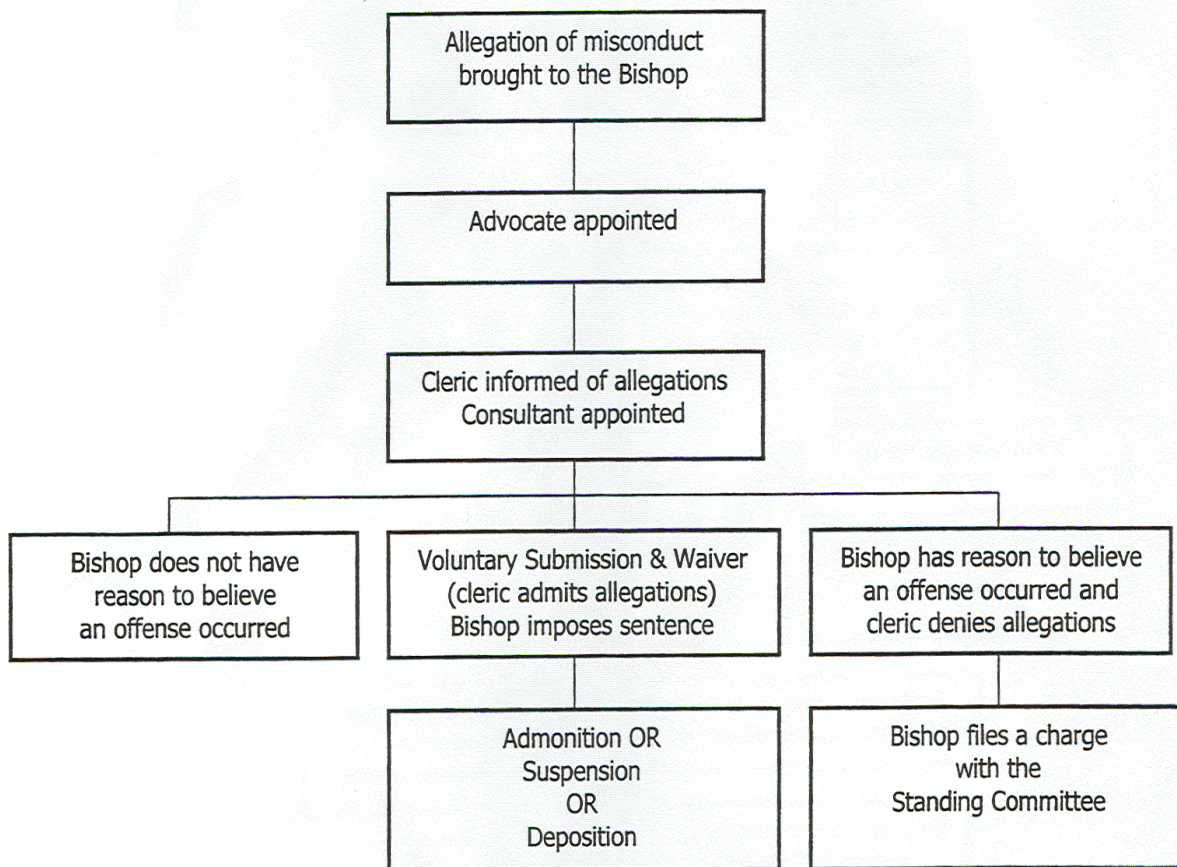


Chart Origination: Robin Hamneal-Urban  
Diocese of Connecticut

## **VI. Adoption of Safe Church Policies**

The Vestry of St. Paul's Episcopal Church has adopted this Safe Church Policy by formal resolution on January 2, 2008, in which the text has been appended to the official minutes of the Vestry.