

# **Respect the Dignity of Every Human Being**

## **“Safe Church” Policies and Procedures**



**The Episcopal Diocese of Delaware**

**2004 Edition**

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Dear Friends and Colleagues in Ministry:

Christian faith is incarnational and sacramental. Through baptism the living God invites women and men to share in Christ's on-going ministry of salvation. As ministers and disciples we become, as Paul writes, "ambassadors for Christ." The gift of ministry enriches the Church. It renews the world. The witness of Holy Scripture and the lives of the saints bear witness to this truth. As a Christian community we are hopeful. When the Church calls forth ministers, we believe that good things will happen. Jesus himself reminds us that when we ask for bread, we will not receive stones. The Scriptures teach us that as ministers we are sacred vessels. Drawing from the deep well of experience, Paul cautioned that these vessels are human and fragile. They can be broken. This is a reality that we cannot ignore.

Our goal is to make the Episcopal Church in the Diocese of Delaware a good place and a safe place for all to worship, work, and serve. The attached guidelines and policies are an attempt to find a point of balance between divine hope and human experience – between the creative and destructive potential that resides in each of us. They are offered to the Diocese of Delaware in a spirit of trust. Experience teaches that faith flourishes when all baptized people know that church leaders can be trusted. Church discipline is most effective when all know that it will be administered with justice, fairness, and mercy.

As you review the attached material, you will see that our approach is comprehensive and balanced. The emphasis is on building up the Church. We do this by recruiting and selecting gifted ministers. Our energies will be devoted to providing resources for continuing education, personal wellness, and pastoral care. When there is evidence of misconduct, procedures will be thoughtfully and carefully observed. There will not be a rush to judgment. The emphasis will be upon acting deliberately, communicating clearly, and building trust. We want this diocese to be a good place and a safe place for all to worship, work, and serve.

I am grateful to all who assisted in the process of preparing these diocesan policies and guidelines. Their contributions have been reviewed and approved by our Standing Committee. My prayer is that what we have written will prove to be a worthy guide as we order our community of faith in the Diocese of Delaware.

Faithfully,

The Rt. Rev. Wayne P. Wright

## Our Policy

The Diocese of Delaware understands sexual misconduct to refer to ways in which power and trust may be misused in a sexual way including: sexual abuse, sexual harassment, and sexual exploitation. Sexual misconduct is wrong. Clergy, employees and volunteers of the Diocese of Delaware shall not engage in any form of sexual misconduct. Postulants and Candidates for Holy Orders are also subject to this policy.

The Diocese shall provide and it shall required for all persons listed below to receive a minimum of four hours of education on issues of child sexual abuse in church settings and four hours of education regarding adult sexual misconduct in pastoral relationships and its prevention. A pastoral relationship is defined as a relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides counseling, pastoral care, spiritual direction, or from whom such cleric, employee, or volunteer has received confession or confidential privileged information.

Those required to receive this education include:

- + All Clergy canonically resident or licensed.
- + All employees of the Diocese and congregations (secretaries, sextons, organists, religious education directors, and anyone else considered an employee).
- + Anyone who regularly supervises youth activities (paid or volunteer), including youth group advisors, day care providers, acolyte trainers, youth choir leaders, camp counselors and staff.

While not required, this education is strongly recommended for and a copy of this Policy Statement shall be provided to church school teachers; anyone who sees people in their homes on behalf of the church, e.g., Eucharistic Visitors or parish visitors; and Vestries. The Diocese encourages broad training for all persons in positions of parish leadership.

We affirm that breaking the fidelity of pastoral trust by any form of sexual misconduct demands a disciplinary process by the Church apart from any action of civil or criminal law and may include the termination of employment for any Diocesan lay employee, and in the case of a person who is ordained, inhibition, suspension, or deposition according to the Canons of the Episcopal Church. A complaint alleging sexual misconduct by an ordained person may be brought either through a complaint to the Bishop or, as provided for in Title IV of the Constitution and Canons of the Episcopal Church, through a verified, written complaint to the Standing Committee of the Diocese of Delaware.

When such abuses do occur, the church must act with sensitivity and compassion toward all involved. It must also act in a way that produces justice. In order to provide this justice and begin the process of healing, those who have been hurt must be heard. Both victims and those accused of sexual misconduct need pastoral support, as well as assistance in obtaining appropriate counseling. Pastoral assistance to families, the congregation, and other church leaders will be offered. We are aware that the healing process is often lengthy, calling for the utmost in wisdom, justice, compassion and prayer.

*(Re-Published May, 2003)*

## Safe Church Practices in the Diocese of Delaware

### Summary

We want the Episcopal Church in the Diocese of Delaware to be a safe place for everyone to worship, work, and serve. This is an ambitious goal. It requires a comprehensive and balanced approach. The Diocese of Delaware will give priority, attention, and resources to the following areas:

- *Recruiting, Interviewing, and Placing Gifted Ministers to Serve in this Diocese*
- *Supporting these persons with pastoral care, continuing education, and programs to promote personal wellness*
- *Developing and Administering Safe Church training, standards, and guidelines that are clear, compassionate, and fair.*

### Recruiting, Screening, & Placement

The Bishop's Office works in close collaboration with the Standing Committee, diocesan clergy, search consultants, and congregational search committees to identify and recruit gifted ministers to serve in this diocese. Our goal is to match gifts, talents, and experience of the minister with the needs, opportunities, and challenges of the ministry. As we search for candidates, we will attempt to cast the net as broadly as possible. The resources used in this process include: the national Church Deployment Office, referrals, recommendations, and advice of search consultants.

In general we seek the following qualities in candidates:

*Holiness* – Do we have a lively sense of Christ's presence in the life of this person? Do others join in recognizing what we see? How would we describe the gifts, passion, creativity, energy, and enthusiasm that this person might bring to a new ministry?

*Competence* – Ministry requires a variety of talents and skills. Does this person have a share in these gifts that a new ministry will require? Can they be developed through training and formation?

*Stability of Life* – Extending a call is an investment of hope and trust by the Church in a person. Does this person demonstrate the notes of personal maturity and stability that point toward fruitful future ministry?

*Will This Ministry Be a Blessing to this Person?* Ministry is not simply a job. It is a way of life. It is a way of following Jesus. Can we see how this new ministry will be rewarding, satisfying and life giving to this person?

*Will the Ministry of this Person Be a Blessing to the Church?* What fruit will ordained ministry bear through the life of this person? Will the Church be built up? Will God's people be strengthened and encouraged? How do we imagine this happening?

Essential to matching candidates and new ministries are reference checking, personal interviews, and site visits. It is a diocesan policy that:

- The Bishop's Office will check references for every final candidate in a search.
- Search Committees will make at least three reference checks before interviewing a candidate.
- The Bishop's Office will have a personal interview with each final candidate before a call is extended.
- Search Committees will make site visits to the final candidates before a decision is made about recommending a final candidate to the Vestry.
- The decision to extend a call is made by the Vestry.

Once a decision is made and a call is extended, the Bishop's Office will be contacted. The Bishop as chief pastor of the diocese has the canonical responsibility for final decisions regarding canonical residence and licenses to serve in the diocese. It is diocesan policy that the following steps must be successfully completed before canonical residence can be established or a license issued for long-term service in the diocese:

- A fifteen-year background check will be completed by the Oxford Document Service or a similar agency.
- The candidate will complete two units of Safe Church Training offered by the Diocese of Delaware.
- The Bishop's Office will have on file a copy of the letter of agreement that defines the new ministry.

## **Wellness and Self-Care**

Wellness and self-care are personal responsibilities for all who serve in the Church. The Diocese of Delaware offers a variety of services and resources to support and encourage wellness and self-care. These include:

- *Fresh Start* – All clergy beginning new ministries in the Diocese of Delaware are asked to participate in the Fresh Start program. This program provides support for clergy and congregations during the first two years of a new ministry.
- *Mutual Ministry Review* – All clergy and congregations are encouraged to conduct a periodic review of their common ministry. The diocese offers both resources and consulting services to assist the review process.
- *Wellness Practices* – The diocese encourages all clergy to observe generally recognized wellness practices. These include such things as taking regular days off and vacations as specified in letters of agreement; participation in colleague and/or mentoring groups; spiritual direction; retreats; individual counseling; regular medical exams and physical exercise. The "Active Clergy Guide" reviewed annually by the Diocesan Council addresses wellness and compensation issues in more detail.

- *Clergy Life Meetings* – All clergy are encouraged to participate in the regular meetings, retreats, and conferences sponsored by the diocese Clergy Life Committee.

### **Continuing Education, Conferences, and Sabbaticals**

Opportunities for continuing education, conferences, and sabbaticals are written into the letters of agreement defining ministries in the diocese. The diocese has resources to plan programs of continuing education and sabbaticals. The diocese, upon request, can usually underwrite one-third of the cost of continuing education and sabbaticals.

### **Participation in Diocesan Events**

All Episcopal clergy make ordination vows to participate in the councils of the church. It is a diocesan expectation that clergy attend diocesan convention and clergy life events, and other regular diocesan meetings. Participation in ordinations and celebrations of new ministry are strongly encouraged.

### **Pastoral Situations and Emergencies**

The Bishop and diocesan staff want to be in regular pastoral contact with all who serve in the diocese – not only in times of emergency. This is a top priority. When emergencies arise, the Bishop and diocesan staff are ready to assist. The diocese also has funds reserved to cover emergency pastoral and medical expenses. Please contact the Bishop's office when an emergency need arises.

## **PROCESS OF RESPONSE TO COMPLAINTS OF CLERGY SEXUAL MISCONDUCT**

An allegation of sexual misconduct brought against anyone is a serious matter. The church believes that when an allegation is brought against an ordained person a thorough process of evaluation, investigation and pastoral care is due all parties.

### **Complaint of Sexual Misconduct by a Clergy Person – Episcopal Process**

1. All complaints of sexual misconduct on the part of clergy serving in the Diocese of Delaware should be reported immediately to the Bishop. The Bishop or a designee will hear the specifics of the allegation through a written statement and/or a personal meeting. The Complainant will be offered an Advocate, who will offer pastoral care, information about the disciplinary processes of the Church, and support through the process and thereafter.
2. After hearing the complaint, the Bishop may seek the counsel of persons trained in specific areas to assist in investigating or evaluating the complaint. Those persons will be instructed to maintain the confidentiality of the information to the extent possible, however, information shall be disclosed, as necessary, to ensure a fair and thorough investigation. If an allegation is made involving sexual abuse of a minor or an incompetent adult, the Bishop will immediately notify the relevant law enforcement authorities.

3. The Bishop or a designee will meet with the Respondent promptly, outline the allegations, and hear all responses given. Such meeting may include other persons at the invitation of either the Bishop or the Respondent. A Consultant, to provide pastoral care, information about the disciplinary processes of the Church and pastoral support will be made available to the Respondent.
4. If the Bishop judges that an allegation against a priest or deacon merits further investigation, the Bishop shall notify the Respondent and the complainant. The Bishop may direct the Respondent to undergo psychiatric, psychological, vocational, or substance abuse evaluation. A Respondent may be temporarily inhibited by the Bishop without prejudice of guilt or innocence.
5. At the conclusion of the investigation of the allegations, a report shall be made to the Bishop providing the results of the investigation.
6. After considering the results of the investigation:
  - a. If the Bishop determines that there is not sufficient reason to believe that an offense has been committed, the Bishop will place a note in the Respondent's file recording the determination of 'no substance' with a copy of the allegations and send a copy to the Respondent and the Complainant.
  - b. If the Bishop determines that there are grounds for presuming that the allegations have substance and the Respondent denies the same, the Bishop may impose canonical inhibition on the exercise of ministry and/or request that further investigation or evaluation be done. The Bishop may decide to institute proceedings under Title IV, the disciplinary canons of the Church, and refer the case to the Standing Committee of the Diocese. In this and all other disciplinary matters referred to herein, the Bishop will act in a way consistent with the canons of the Church.
  - c. If the Bishop determines that there are grounds for presuming that the allegations have substance, and the Respondent acknowledges the allegations are true, the Bishop will take such disciplinary and/or corrective actions as the Bishop deems appropriate based on the circumstances and facts of the case.
7. The Complainant, alleged victim/s, the Respondent, and perhaps other concerned parties, such as the congregation, shall be informed of the decision of the Bishop.
8. Referrals or offers of support services will be made to all involved as appropriate.

#### **TITLE IV Process**

An Allegation of clergy sexual misconduct may also be brought to the President of the Standing Committee of the Diocese of Delaware under the provisions of Title IV of the Constitution and Canons of the Episcopal Church. The verified written complaint must be in the form specified in the Canons.

# Diocese of Delaware Anti-Harassment Policy

## A. Overview

The Diocese of Delaware is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunity and prohibits discriminatory practices, including harassment. The Diocese of Delaware expects that all relationships among persons in the workplace will be businesslike and free of bias, prejudice and harassment.

## B. Policy Statement

It is the policy of The Diocese of Delaware that no employee shall harass another, sexually or otherwise. The Diocese of Delaware's policy applies in all work-related settings, and is not limited to the workplace. This policy also prohibits the harassment of any non-employee by any employee of the Diocese of Delaware while on diocesan premises or while on diocesan business. Any employees found to be violating this policy will be subject to disciplinary action up to and including termination. In addition, the Diocese of Delaware will not tolerate employees being harassed by non-employees while in the work setting.

## C. Definitions of Harassment

1. Sexual harassment is unlawful discrimination under federal and state laws.

For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) 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 harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

2. Harassment on the basis of any other characteristic is also strictly prohibited. For purposes of this policy, "harassment" means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or his/her relatives, friends or associates because of his/her race, color, religion, gender, national origin, age, disability, marital status, sexual orientation, citizenship or any other characteristic protected by law, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material including electronic messages that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on diocesan premises or circulated in the workplace.

#### D. Reporting an Incident of Harassment, Discrimination or Retaliation

The Diocese of Delaware encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should follow the complaint procedure described below. If the conduct continues once reported, report it again, and retain any notes, letters or written material that relate to the complaint.

In addition, the Diocese of Delaware also encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The Diocese of Delaware recognizes, however, that an individual may prefer to pursue the matter solely through the complaint procedure described below. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, the offender's supervisor, the bishop, or the person in charge of the related diocesan activity.

#### E. Complaint Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should immediately notify his or her supervisor, the offender's supervisor, the bishop, the person in charge of the diocesan program, or the Personnel Committee in writing. All complaints of sexual misconduct on the part of clergy serving in the Diocese of Delaware should be reported immediately to the Bishop.

The Diocese of Delaware encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigative measures and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the diocese believes appropriate under the circumstances. If a party to a complaint does not agree with its resolution, that party may appeal to the Bishop or Standing Committee. False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.