

## Sexual Misconduct Policies and Procedures Manual



Have always therefore printed in treasure is committed to your Christ, which he bought with his blood. . . . And if it shall happen thereof, to take any hurt or negligence, ye know the greatness punishment that will ensue.

your remembrance, how great a charge. For they are the sheep of death, and for whom he shed his the same Church, or any Member hindrance by reason of your of the fault, and also the horrible

- *The 1549 Book of Common*

*Prayer* -

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## I. INTRODUCTION

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, priest 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. Cranmer's words, (on the title page of this document), which used to be in the Anglican ordination service, are a forcible reminder of how serious is this responsibility.

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 Episcopal Church 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 manual 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 the Episcopal Church of the Diocese of Albany, whether clergy, lay employee, or volunteer.

## II. POLICY

1. The Episcopal Diocese of Albany strictly forbids sexual misconduct of any type by any ordained person (deacon, transitional deacon, priest, or bishop) canonically resident or functioning in the Diocese of Albany; or by any employee or volunteer of either the Diocese of Albany or any parish or institution of the Diocese of Albany.
2. The Episcopal Diocese of Albany 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 .
3. All ordained persons (deacon, transitional deacon, priest, or bishop) canonically resident or functioning in the Diocese of Albany, and all aspirants, postulants and candidates for ordination, and all Diocesan employees, and all Diocesan 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 Bishop. Employees of each parish and volunteers who regularly work with youth at the parish level are required to sign the Covenant For Sexual Responsibility, copies of which will be kept on file in the Office of the Rector (or priest-in-charge).

### **III. DEFINITIONS**

**SEXUAL MISCONDUCT** means any:

- 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. Sexual abuse is a criminal offense in all jurisdictions in this diocese and must be reported to law enforcement officials. It is Diocesan policy to make such reports immediately and to cooperate fully with law enforcement officials in investigating any allegations of sexual abuse.
- b. 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.
- c. 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.

**PASTORAL RELATIONSHIP** means:

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 spiritual guidance or from whom such cleric, employee or volunteer has received confession or confidential or privileged information.

**VOLUNTEER** means:

A person including an ordained priest or deacon who, although not an employee of the Diocese, parish, or other Diocesan or parish organization or entity, works regularly with youth as a part of the ministry of the Church.

#### IV. PROCEDURES

Please note: Although we are specifying "clergy", these procedures also apply to diocesan lay employees and diocesan volunteers. For employees and volunteers at the parish level, the rector (or priest-in-charge) would take the role of the Bishop as described herein.

1. Any person who believes he or she has been sexually abused, harassed, or exploited by a member of the clergy canonically resident or functioning in the Diocese of Albany, is entitled to a timely meeting with the Diocesan Bishop.

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

3. The Bishop will contact the clergy person involved for a meeting to be held as soon as possible (normally within 48 hours). The clergy person will be told in clear terms the nature of the meeting.

4. The Bishop and one other diocesan representative will meet with the clergy person to question him or her and to receive further information about the allegation(s). Such meeting will be documented by the Bishop and/or diocesan representative.

5. After this meeting, the Bishop has several options:

a) If the Bishop decides no further action is needed, the complainant and the clergy person will both be notified in writing that the Bishop does not plan to take any further action, unless additional supporting information can be provided.

b) If the Bishop is undecided whether sexual misconduct took place after the preliminary investigation, the Bishop may continue the investigation using a variety of resources to determine the validity of the allegations. This shall include, when required by statute, rule or regulation, reporting to the appropriate public authority for action or investigation as it deems fit. If after further investigation the Bishop decides that sexual misconduct took place, the Bishop will decide what further actions as outlined in "c" are needed.

c) If the Bishop decides that sexual misconduct took place and corrective action is needed, the Bishop will then determine which of the following actions which are not mutually exclusive may be merited, which are cumulative and may be modified by the Bishop by addition or deletion as the investigation proceeds:

i) If a godly admonition or pastoral direction as described in the Canons of the Episcopal Church (Title IV) is appropriate;

ii) If inhibition of functioning as a clergy person is appropriate. During inhibition, further investigation of the alleged sexual misconduct will be done which may lead to suspension or deposition according to the Canons of the Episcopal Church (Title IV);

iii) What action, if any, must be taken pursuant to the New York State law;

iv) If the clergy person's behavior should be evaluated by a therapist specializing in assessment of clergy sexual misconduct;

- v) What alternatives the clergy person could explore and pursue for appropriate treatment;
- vi) What criteria would have to be fulfilled by the clergy person who had been inhibited or suspended before the possibility of restoration to ordained ministry could be pursued;
- vii) When the Wardens and Vestry of the clergy person's congregation (or the equivalent) will be notified;
- viii) Following the conclusion of the investigation, the complainant should be notified of what action was taken.

The Bishop may decide on any or all of the above actions or other actions that the circumstances indicate. The Bishop may consult with others regarding the Bishop's decision, but the ultimate authority to make such decision is vested solely in the Bishop.

The privacy and rights of the complainant and clergy person will be considered during all investigations and procedures. However, these interests must be balanced against the rights and interests of others.

## V. COVENANT FOR SEXUAL RESPONSIBILITY

For the purposes of this Covenant, I, the undersigned, understand that the Episcopal Diocese of Albany 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. Sexual abuse is a criminal offense in all jurisdictions in this diocese and must be reported to law enforcement officials. It is Diocesan policy to make such reports immediately and to cooperate fully with law enforcement officials in investigating any allegations of sexual abuse.

b. 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.

c. 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 Diocese of Albany, 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 Episcopal Church.

I acknowledge that I have received the Episcopal Diocese of Albany's Sexual Misconduct Policies and Procedures Manual, I understand it, and agree to abide by it.

*To be signed, dated and witnessed*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_