



Policy Statement on Sexual Misconduct

The Board with the advice of the Council of Bishops, of the Anglican Mission in the Americas (the “Anglican Mission”) is responsible for setting policies regarding sexual misconduct for all affiliated entities, and Anglican Mission clergy and lay leaders are responsible for knowing and abiding by these policies. Any allegation of sexual misconduct, as contemplated by this Policy Statement, will be taken seriously and investigated in a thorough and timely manner.

Sexual Misconduct Prohibited: The Anglican Mission strictly prohibits sexual misconduct, as defined in this Policy Statement, by any member of the clergy, any aspirant, postulant, candidate or seminarian sponsored by or working in the Anglican Mission, any lay employee, staff person or volunteer working in any capacity for the Anglican Mission. It is required that all Anglican Mission congregations either adopt this Policy Statement or a substantially equivalent policy acceptable to the National Executive Office.

Protection of Children: The Anglican Mission strictly prohibits interaction with children and youth under the age of 18 at any church sponsored or church related activity, on or off church property, by anyone with a civil or criminal record of child abuse or sexual Abuse of Children, or anyone who has admitted prior child abuse or sexual Abuse of Children, or anyone known to have a Paraphiliac diagnosis.

Child Abuse Reporting: All incidents of suspected child abuse or sexual abuse of children **must** be reported **immediately** to (1) appropriate civil authorities; (2) to the Chancellor of the Anglican Mission in the Americas (Mr. Hamilton DeSaussure/330-762-7377) **AND** the President of the Anglican Mission (the Rev. Canon Ellis Brust/843-237-0318). It is the responsibility of the Chancellor and President to develop a plan to respond to each allegation of child abuse or adult/professional sexual misconduct. Such reports do not necessarily constitute a formal allegation of abuse.

I. IMPLEMENTATION OF POLICY

1. Adult Misconduct Prevention Training: As of December 31, 2004, all members of the clergy who are associated with the Anglican Mission in any capacity and all employees of the Anglican Mission national and regional offices will be required to have a minimum of two hours of training on issues of sexual misconduct, mentor and colleague relationships, and sexual exploitation in pastoral relationships. Thereafter, training will be offered new clergy and employees as part of their orientation.

It is strongly recommended that all employees of Anglican Mission congregations attend either training sponsored by the Anglican Mission or equivalent training

approved in advance by the National Executive Office which complies with the congregation's insurance carrier's requirements.

2. Child Abuse Prevention Training: As of December 31, 2004, all members of the clergy who are associated with the Anglican Mission in any capacity and all employees of the Anglican Mission national and regional offices will be required to have a minimum of two hours of training on issues of sexual abuse of children. This training shall include a review of all types of child abuse (verbal, physical, neglect, and sexual), youth protection safeguards and a review of the applicable state child abuse statutes and reporting requirements. Thereafter, training will be offered new clergy and employees as part of their orientation.

It is also strongly recommended that all employees of congregations and adult volunteers who supervise youth activities attend either training sponsored by the Anglican Mission or equivalent training in compliance with their insurance carrier's requirements. Volunteer Sunday School teachers who work with children during regularly scheduled church school hours in places where other adults are present are not required to have this training, but it is recommended that they be encouraged to attend such training.

3. Background Checks: The Anglican Mission will conduct background checks of:

- (i) all individuals applying for eventual ordination to the Priesthood or the Diaconate;
- (ii) all clergy seeking acceptance by the Anglican Mission in any capacity; and
- (iii) all persons prior to employment by the national and regional offices of the Anglican Mission.

It is required that Anglican Mission congregations conduct equivalent background checks of all employees and volunteers whose duties would cause them to supervise children's or youth activities (excluding unpaid Sunday School teachers who work with children during regularly scheduled church school hours in places where other adults are present). **Congregations must comply with their insurance carrier's requirements.** Background checks must include the following:

- a) Oxford Document Management Company (ODM) or another equivalent agency investigation that includes all of the following:
 - (1) Inquiries of all bishops having past or present canonical authority over the individual during the past ten years, all schools attended by the individual during the past five years, and all employers of the individual during the past five years. If the individual has had one employer for over five years, then inquiries will be made of the two most recent employers. In the case of clergy,

“employer” shall be the senior wardens of congregations served during the past five years.

(2) Credit Bureau Record Check.

(3) Motor Vehicle Record Check.

(4) Sexual Misconduct/Criminal Record Check.

Congregations may use the services of ODM or other equivalent agency, at congregational expense to conduct background checks as long as the above requirements are met.

b) Child Abuse History Clearance or the equivalent in the applicant’s state of residence.

c) State Police Criminal Record Check or the equivalent in the applicant’s states of residence.

4. Pastoral Counseling and Spiritual Direction: The Anglican Mission requires that members of the clergy and other pastoral care givers engaged in pastoral counseling have ongoing professional supervision or refer individuals to professional counseling after meeting for six sessions. Fees or donations for pastoral care are prohibited (except for salaries paid to professional staff counselors). Any person charging fees for counseling outside the scope of church employment must possess appropriate professional credentials and proof of separate professional liability insurance, including coverage for sexual misconduct, in force at all times. Persons practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual advisor approved by the Anglican Mission’s Executive Office.

For purposes of this Policy Statement, unless the context requires a different interpretation, (i) a reference to “the Bishop” shall refer to the Anglican Mission bishop responsible for oversight of the persons involved or the bishop to whom the matter may be referred by the Chancellor or Executive Office, (ii) “the Rector” shall be deemed to include the person in charge of a parish where such person has a title other than “Rector” (such as pastor, vicar, deacon, or lay pastor), (iii) “Congregation” includes all churches, congregations, parishes, fellowships, missions and any other entity formally affiliated or in official association with the Anglican Mission, (iv) the phrase “the Complainant” shall be interpreted to include the words “the alleged victim, if not the complainant,” and (v) “Accused” shall refer to the person against whom a complaint is made.

II. GUIDING PRINCIPLES

These policies acknowledge the following concerns:

- Allegations of sexual misconduct must be acted upon in a timely manner. The protection of the Complainant and the Complainant's family will be of material concern.
- A person can be wrongly accused of sexual misconduct, and the rights of the Accused as well as the Complainant must also be respected.
- The protection of children is of utmost concern, and all instances of sexual abuse of children or child abuse must be reported to appropriate civil authorities.
- The Chancellor of the Anglican Mission and the President of the Anglican Mission will work together to assess and evaluate the substance of any allegations. The Bishop(s) with oversight in the matter will be contacted by the Chancellor and/or President of the Anglican Mission as soon as appropriate. An approach which involves legal, pastoral and mental health components is desirable.
- The Bishop, upon consulting with the President, Chancellor and Council of Bishops, maintains both pastoral and disciplinary responsibilities. The Bishop's pastoral concern is directed to the Accused as well as Complainants and the Congregations involved.
- The Bishop and any clergy involved should refrain from placing conversations regarding allegations of sexual misconduct within a sacramental framework (e.g., confession) and show concern for privacy of all individuals concerned.
- Those in positions of authority in the Anglican Mission or in Congregations who learn of sexual misconduct of colleagues, even if the information is gained in a counseling setting, have an ethical responsibility to disclose the information to the Chancellor of the Anglican Mission and the President of the Anglican Mission. Such reporting may be required by law in cases of suspected child sexual abuse.

III. DEFINITIONS OF SEXUAL MISCONDUCT IN PASTORAL CARE

For the purposes of and as used in this Policy Statement:

Child Abuse means non-accidental serious physical or mental injury, sexual abuse or exploitation, or serious physical, mental or emotional neglect caused by the acts or omissions of the parent or caregiver.

Dating Relationships are relationships excluded from the definition of sexual misconduct. These would include relationships in which two parties (at least one of whom is subject to this Policy Statement) are publicly engaged, intending a Christian marriage or when two persons are exploring a relationship which may lead to a Christian marriage. In such situations, the relationship is to be conducted with the knowledge of the Rector and the Bishop and with the spiritual guidance of at least two pastoral care givers.

Paraphiliac Behavior includes:

Pedophilia: a sexual disorder which includes recurrent intense sexual urges or fantasies involving sexual activity with a prepubescent child, where the offender is at least 16 years old and at least five years older than the child who is the subject of the urges or fantasies, and the person has acted on these urges or is markedly distressed by them.

Hebephilia: a sexual disorder in which a male offender prefers adolescent females, and has acted on these urges or is markedly distressed by them.

Ephebophilia: a sexual disorder in which a male offender prefers adolescent males, and has acted on these urges or is markedly distressed by them.

Exhibitionism: a sexual disorder which includes recurrent intense sexual urges or sexually arousing fantasies involving the exposure of one's genitals to an unsuspecting stranger, and the person has acted on these urges or is markedly distressed by them.

Voyeurism: a sexual disorder which includes recurrent, intense sexual urges or sexually arousing fantasies involving the act of observing unsuspecting people, usually strangers, who are either naked, or in the process of disrobing, or engaged in sexual activity, and the person has acted on these urges or is markedly distressed by them.

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

Response Team may be drawn from psychiatrists, psychologists, counselors, attorneys, and members of the clergy or other qualified persons appointed by the Chancellor and the President to assist in the investigation of alleged sexual misconduct and provide pastoral, emotional and spiritual support to parties, including congregations, in crisis.

Sexual Abuse refers to sexual involvement or sexual contact by one person with another who does not or is unable to consent. Sexual abuse of a minor or of one who is legally incapacitated to consent is a criminal offense and in many states must be reported to law enforcement or child protective services officials.

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

Sexual Misconduct refers to:

Paraphiliac Behavior, Sexual Abuse and Sexual Abuse of Children as defined above.

Sexual Harassment (sexual advances, requests for sexual favors, sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature) in a situation where there is an employment, mentor or colleague relationship between the persons involved, including but not limited to, sexually oriented humor or language, questions or comments about sexual behavior or preference unrelated to employment qualifications, undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements.

Sexual Coercion, including the use of physical or emotional power to gain sexual gratification.

Sexual Exploitation, including but not limited to, the development of or the attempt to develop a sexual relationship between a member of the clergy, employee or volunteer (“church worker”) 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 activity during the course of a pastoral relationship such as sexual involvement, or sexually demeaning comments. The apparent consent of a person to the sexual or romantic relationship seldom determines whether there has been sexual exploitation. The imbalance of power between the church worker and the person in a pastoral relationship may undermine the validity of such consent. The fact that sexual activity is initiated by someone other than the church worker does not relieve that worker of responsibility, nor does it make sexual activity under those circumstances acceptable.

IV. RESPONDING TO COMPLAINTS OF SEXUAL MISCONDUCT

A. NOTIFICATION

1. All complaints of sexual misconduct against a member of the clergy, lay employee or volunteer of the Anglican Mission or any affiliated entity must be reported immediately to the Anglican Mission Chancellor and President.
2. The Rector of a congregation who receives a complaint about a lay employee or volunteer will promptly notify the Anglican Mission Chancellor and President.
3. The Anglican Mission Chancellor and President will involve the appropriate Bishop(s) as soon as possible in the process of investigation.
4. If required by law, a complaint alleging abuse of a minor or incapacitated adult will be referred to the appropriate civil authorities. The Chancellor and President will direct compliance with the reporting and notification requirements of any insurance policies.

B. RESPONSE

1. If the alleged offender is a lay employee or volunteer, employment or volunteer activities may be suspended by the Bishop or the Rector with oversight of the alleged offender until such time as the allegations of sexual misconduct or child abuse are resolved. This leave is without prejudice, and does not imply guilt or innocence of the person under investigation.
2. Any person covered by this Policy Statement who believes himself or herself to be under imputation of sexual misconduct may request the Chancellor and/or President to begin an investigation.
3. The Bishop, Rector or anyone who may subsequently become involved in the investigation of alleged sexual misconduct will not at any time following the first receipt of the complaint hear the sacramental confession of any of the persons involved.

C. INVESTIGATION

1. A thorough investigation of all allegations of sexual misconduct will be conducted under the authority of the Chancellor and President of the Anglican Mission. At the discretion of the Chancellor and President of the Anglican Mission, a Response Team may be formed to assist.
2. Relevant parties will be interviewed in person whenever possible, or by telephone if necessary. Confidential written reports of these interviews will be

prepared. No interview may be electronically recorded without the prior written consent of all parties to the interview.

3. The Chancellor and President will make every effort to prepare a preliminary statement of allegations within seven days of the receipt of the complaint, along with a list of the individuals whose interviews are recommended.

4. Every reasonable effort will be made to complete the interviews of the necessary parties and the investigation of the factual matters within 60 days of the receipt of the complaint. A final confidential report will be prepared jointly by the Chancellor and President and filed under seal in the Anglican Mission's Executive Office.

5. The Complainant and the Accused may be given such information as is necessary to confirm that a thorough and timely investigation is ongoing, but no information that could reasonably be considered privileged or confidential may be disclosed.

6. If the Complainant or the Accused is under the pastoral care of another member of the Anglican Mission clergy, that other clergy person may not take part in the investigation. Similarly, anyone conducting any part of the investigation may not provide pastoral support to the Complainant or the Accused.

7. Parties involved in an investigation have a right to engage legal counsel. If a party is represented by an attorney, all interaction with that attorney must only be directed through the Chancellor.

8. Upon completion of the investigation, the Bishop, in cooperation with and subject to the review of the Council of Bishops, will render a judgment. The Bishop will have broad discretion in fashioning that judgment, depending on the facts of the case. Possible outcomes could be a determination that: (i) the complaint was unfounded, (ii) the complaint was overstated but of sufficient merit to warrant some counseling or disciplinary action, or (iii) the complaint was valid. If appropriate, the Bishop may elect to issue a written or oral reprimand, direct the respondent to undergo counseling, or, with the consent of the Council of Bishops, reassign the respondent or recommend that the respondent be deposed (if clergy) or dismissed from employment (if lay).

V. APPLICABILITY

The policies contained in this Policy Statement are applicable to all members of the clergy associated with the Anglican Mission in any capacity, any aspirant, postulant, candidate or seminarian sponsored by or working in the Anglican Mission, any lay employee, staff person or volunteer working in any capacity for the Anglican Mission.

This Policy Statement is provided as a resource to the congregations in the Anglican Mission. Insurance companies report a disturbing increase in claims alleging sexual

misconduct against members of the clergy and secular mental health practitioners. A congregation's adoption of written standards of conduct may be required by insurers as a condition of coverage. Strong warranty language in some policies requires careful compliance on the part of insured entities. Failure to comply with policy standards could result in denial of insurance coverage in the event of a claim.

The Anglican Mission believes that the provisions of this Policy Statement represent an appropriate standard of care, and we urge each congregation to adopt them as their own (Appendix A). However, this Policy Statement is not intended as a substitute for a rector's understanding the conditions of his or her particular congregation's insurance coverage. Each rector has an obligation to assure that the conditions of the congregation's insurance coverage are met. The President of the Anglican Mission and the Chancellor are available to answer any questions. The Anglican Mission assumes no responsibility for a congregation's non-compliance with its insurance carrier's policy.

Documenting Compliance

It will be the responsibility of the Rector of each congregation to ensure that all clergy, volunteers who regularly supervise children's or youth activities, vestry members and employees (full or part-time) affiliated with any activities and programs of the congregation are made aware of the congregation's policies and that those who are required to complete approved training do so. Appendix B may be used as an example of acknowledgment of receipt of parish policies and procedures.

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Anglican Mission
PO Box 3427
Pawleys Island, SC 29585
843.237.0318
info@theamia.org

