

POLICIES
REGARDING ALLEGATIONS AND INCIDENTS
of
SEXUAL MISCONDUCT AND CHILD ABUSE
by
CLERGY, EMPLOYEES AND VOLUNTEERS
in the
EPISCOPAL DIOCESE OF PITTSBURGH

In accordance with Constitution and Canons
for the Government of the Protestant Episcopal Church in
the U.S.A.: Title IV



Approved by
The Bishop and Standing Committee

April 2002

Background Checks

The Episcopal Diocese of Pittsburgh's policy requires complete background checks of all members of the clergy seeking canonical residence or license in the diocese prior to the acceptance of Letters Dimissory or issuance of a License to Officiate. The Bishop's office will not sign Letters of Agreement for parishes calling clergy without the complete results of the Background Check available. Therefore, it is the responsibility of the parish to notify Bonnie Catalano at the diocesan office at catalano@pgh.anglican.org or 412.281.6131 x150, to begin a background check as soon as the vestry has made a decision on who they would like to call. It is recommended that a call not be issued until the results of that background check are complete. The parish is responsible for the cost of the Background Check.

In addition, each member of the clergy is required to attend a diocesan sponsored training class on Adult Misconduct and Child Abuse. If they have attended these classes in another diocese, they may submit certification that they have completed the training in lieu of attending a second class. The training must be completed within 6 months of their employment in the diocese.

Enclosed is a copy of the Episcopal Diocese of Pittsburgh's *Policies Regarding Allegations and Incidents of Sexual Misconduct and Child Abuse by Clergy, Employees and Volunteers in the Episcopal Diocese of Pittsburgh* approved by the Bishop and Standing Committee in April 2002 which describes these policies for your reference.

I. THEOLOGICAL STATEMENT

Christians believe that human beings were created in the image of God, that we are called to be stewards of creation and that God values sexuality as good, blessed and purposeful; sexuality is understood to be a gift to be celebrated, held within the bond of love and covenant of heterosexual marriage. Sexuality is central to our humanity; it carries our longing to reach out to others and to be in relationship. Our God-given nature invites us to the responsible fulfillment of our sexuality. This understanding of sexuality calls for equal respect for all men, women and children as persons made in God's image and for everyone's right to sexual and bodily integrity.

Have always therefore printed in your remembrance, how great a treasure is committed to your charge. For they are the sheep of Christ, which He bought with his death, and for whom he shed his blood. The Church and the congregation whom you must serve, is his Spouse and his Body. -- The 1549 Book of Common Prayer

Cranmer's words from the Ordinal are a forcible reminder of the serious responsibility laid upon those set apart for ordination. Ordained leaders are entrusted with power in the lives of the faithful and carry a deep trust relationship with them. Because bishops, priests and deacons are regarded by the faithful and the world as examples of what a Christian life should be, any moral offense is doubly hurtful. It betrays not only the trust committed to them by the Church to nurture and care for every member but also the trust placed in the ordained by those members. Any abuse of that power and violation of that trust in a sexual relationship destroys the spiritual integrity of the ordained and great harm is done to the community of faith.

Because we are also called into a baptismal covenant that commits us to "seek and serve Christ in all persons, loving your neighbor as yourself," and to "strive for justice and peace among all people and respect the dignity of every human being," it is imperative that we work to make the Church a safe place for all persons; where care givers, teachers, leaders, both paid and volunteer, ordained and lay, minister appropriately to the needs and concerns of the world. Those who work and minister in Christ's name must model God's trustworthiness. For any Christian, ordained or lay, to betray that trust by sexually abusing a child or harassing or exploiting an adult, is to deny Christian identity. Such a betrayal is a gross injury to the one abused and a violation of faithfulness to Christ.

Although infrequent it has become clear that some members of the clergy have engaged in inappropriate sexual behavior, hurting the persons and congregations committed to their care. Church authorities have often denied the behavior or dealt with it secretly in an effort to protect the church. Members of the clergy were sent on to another congregation or diocese, the victims neglected and blamed and congregations ignored. These responses fell far short of the standards of justice and love required by our Holy God.

This attitude has changed, partly because of the increased awareness in American society of the problems of sexual abuse and harassment. Several states have enacted legislation making sexual misconduct by certain professionals, including members of the clergy, grounds for criminal or civil action. The Church has begun to confront the reality of

inappropriate sexual misconduct by members of the clergy, lay employees and volunteers; dioceses have developed policies for response.

II. POLICY STATEMENT

The Bishop's office in cooperation with the Standing Committee is responsible for setting clear diocesan policies and disciplines and diocesan leaders are responsible for knowing and abiding by them. **Any allegation of sexual exploitation or abuse must and will be taken seriously. If the allegation involves behavior directed toward a minor, it shall be reported to the relevant law enforcement authorities in conformity with applicable law.**

Sexual Misconduct Prohibited: The Bishop of the Diocese of Pittsburgh and the Episcopal Diocese of Pittsburgh strictly prohibit sexual misconduct, as defined in this document, by any member of the clergy, aspirant, postulant, candidate or seminarian sponsored by or working in this diocese, and by any lay employee, staff person or volunteer working in any capacity for the Diocese of Pittsburgh, any diocesan related institution or congregation in this diocese.

Protection of Children: The Diocese of Pittsburgh strictly prohibits interaction with children and youth under the age of 18 at any church sponsored or church related activity or program on or off church property by anyone with a civil or criminal record of child sexual abuse or other sexual crimes or who has admitted prior sexual abuse or anyone known to have a paraphiliac diagnosis (e.g. pedophilia, hebephilia, ephebophilia, exhibitionism or voyeurism).

Child Abuse Reporting: All incidents of child sexual abuse shall be reported to the relevant law enforcement authorities in conformity with applicable law. Call **CHILDLINE 1-800-932-0313**. (A report does **not** constitute allegation or incrimination (PA Act 151,1994)).

A. IMPLEMENTATION OF POLICY

1. **Adult Misconduct Training:** All members of the clergy canonically resident, licensed or serving in the diocese, and all employees of the diocese, are **required** to have a minimum of two hours of diocesan approved initial training on issues of sexual harassment, mentor and colleague relationships and sexual exploitation in pastoral relationship. **It is also required that all employees of diocesan institutions and congregations attend either the diocesan sponsored training or equivalent training in compliance with their insurance carrier's requirements.** Although secretarial and maintenance workers are not required to attend this training, it is strongly recommended they do.
2. **Child Abuse Training:** All members of the clergy canonically resident, licensed or serving in the diocese and all employees of the diocese are required to have a minimum of two hours of initial training on issues of child sexual abuse in a church setting. 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 state child abuse statutes and reporting requirements. **It is also required that all employees of diocesan institutions and congregations and adult**

volunteers who regularly supervise youth activities in diocesan institutions and programs and congregations attend the diocesan training or equivalent training in compliance with their insurance carrier's requirements. Volunteer Sunday School teachers who work with children during public 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.

In the Diocese of Pittsburgh, these two training sessions are combined into one four hour training session.

3. **Background Checks:** The diocese will conduct background checks as follows: of all individuals applying in the diocese as a Postulant for Holy Orders and may be conducted again prior to ordination to the Diaconate at the discretion of the bishop; of all members of the clergy seeking canonical residence or license in the diocese prior to the acceptance of Letters Dimissory or issuance of a License to Officiate; of all employees, lay or clergy, of the diocese **prior** to employment. **It is also required that congregations and diocesan institutions conduct equivalent background checks of all volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers) in diocesan institutions, programs and congregations ; and of all lay employees prior to employment in compliance with their insurance carrier's requirements.** Background checks include the following:

- a) Oxford Document Management Company (ODM) or another equivalent agency will conduct a background check that will include:

- (1) Inquiries of all bishops having past or present canonical authority over the individual, 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

ODM or an equivalent agency will not divulge, furnish or make accessible to any person or use in any other way, any confidential information other than as specifically set forth by written instruction of the diocese. ODM retains and stores all records under lock and key for a minimum period of five years, unless instructed otherwise by the diocese. Congregations may use the services of ODM or other equivalent agency at congregational expense to conduct background checks.

- b) Pennsylvania Child Abuse History Clearance if applicant lives in Pennsylvania.

- c) Pennsylvania State Police Criminal Record Check if applicant lives in Pennsylvania.
- 4. **Pastoral Counseling and Spiritual Direction:** The Diocese of Pittsburgh requires that members of the clergy and other pastoral care givers have ongoing professional supervision or refer an individual to professional counseling after meeting for six sessions. **Fees or donations for pastoral care are prohibited.** 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 bishop.

For purposes of this policy, unless the context requires a different interpretation, a reference to “the bishop” shall be deemed to include the ecclesiastical entity authorized to act in the absence of the bishop, and a reference to “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 vicar, deacon, or lay pastor). Throughout this manual, the phrase “the complainant” shall be interpreted to include the words “the alleged victim, if not the complainant.”

III. GUIDING PRINCIPLES

These policies acknowledge the following concerns:

- ◆ That a person can be wrongly accused of sexual misconduct.
- ◆ That the protection of children shall be of utmost concern; allegations of sexual misconduct and/or child abuse within the church will be taken seriously. Allegations of sexual misconduct and/or child abuse within the church deserve a response from the diocese and will be acted upon in a timely manner.
- ◆ That the bishop cannot be the only one who actually assesses or evaluates the substance of allegations. An approach which involves legal, mental health and pastoral components is desirable; a uniform procedure ensures that all cases will be treated with compassion and justice. The protection of the complainant and the complainant's family will be of paramount concern.
- ◆ That the bishop holds both pastoral and disciplinary responsibilities; the bishop's pastoral concern is directed to alleged offenders as well as the alleged victims and the congregations involved.
- ◆ That the bishop should refrain from placing conversations regarding allegations within a sacramental framework (confession) but is well-advised to show concern for privacy of all individuals concerned.
- ◆ That the bishop may refer cases for further investigation under relevant canonical procedures when deemed appropriate. (Title IV, Canon 3)

- ◆ If a complainant alleges sexual misconduct by the Diocesan Bishop, the Standing Committee will ask a bishop serving in another diocese to perform the procedures outlined in this policy, pursuant to “Title IV.”
- ◆ That leader’s who learn of sexual misconduct of colleagues, even if the information is gained in a counseling setting, have an ethical responsibility to follow up on this information by reporting the information to appropriate ecclesiastical authorities. Such reporting is required by law in cases of child sexual abuse.

IV. **DEFINITIONS OF SEXUAL MISCONDUCT IN PASTORAL CARE**

For the purposes of and as used in these policies and procedures.

ADVOCATES are persons appointed by the bishop to assist the complainants and alleged victims in understanding and participating in the disciplinary processes of the Church, to obtain assistance to formulate and submit an appropriate charge and in obtaining assistance in spiritual matters. **Advocates** are not to serve as legal advisors or pastors. (Title IV, Canon 3, Sec. 4; Canon 15)

CHILD ABUSE means non-accidental serious physical or mental injury, sexual abuse or exploitation or serious physical neglect caused by the acts or omissions of the parent or caretaker.

CONSULTANTS are person(s) appointed by the bishop to consult with and advise the member of the clergy accused of sexual misconduct and his or her legal advisors at reasonable times prior to the issuance of a Presentment. The consultant shall explain the rights of the member of the clergy and the alternatives available under Title VI.

“DATING” RELATIONSHIPS are relationships excluded from the definition of Sexual Exploitation. These would include relationships in which two parties 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 within the diocese.

PARAPHILIC BEHAVIOR includes:

- ◆ Pedophilia: a sexual disorder which includes recurrent intense sexual urges and/or sexual fantasies involving sexual activity with a prepubescent child or children (generally age 13 or younger), the person has acted on these urges, or is markedly distressed by them, and the person is at least 16 years old and at least five years older than the child who is the subject of the urges and/or fantasies.
- ◆ 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 young males and has acted on these urges or is markedly distressed by them.

- ◆ Exhibitionism: a sexual disorder which includes recurrent intense sexual urges and/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 and/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 is drawn from psychologists, counselors, attorneys, and members of the clergy or other persons appointed by the Bishop of the Diocese of Pittsburgh to provide pastoral, emotional and spiritual support to congregations in crisis.

SEXUAL ABUSE refers to sexual involvement or 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 the state of Pennsylvania must be reported to law enforcement and/or child protective services officials.**

SEXUAL ABUSE of CHILDREN includes the obscene or pornographic photographing, filming or depiction of children for commercial purposes or exploitation, 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, or 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:

- ◆ 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 harassment (unwelcome 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 affiliated with the Diocese of Pittsburgh and a person with whom he/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 possible victim 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.**

V. RESPONDING TO COMPLAINTS OF SEXUAL MISCONDUCT

A. NOTIFICATION

1. All complaints of sexual misconduct by a member of the clergy, lay employee or volunteer of the Diocese of Pittsburgh will be reported immediately to the Bishop of the Diocese of Pittsburgh (Title IV, Canon 3, Sec.4) or the rector (See V. A. 2 below).
2. The head of any diocesan agency or institution or the rector of a parish or clergy in charge of a congregation who receives a complaint about a lay employee or volunteer will notify the Bishop of the Diocese of Pittsburgh.
3. If required by law, a complaint alleging abuse of a minor or incapacitated adult will be referred to the appropriate law enforcement officials by the bishop by contacting PA CHILDLINE 1-800-932-0313 immediately. The bishop will comply with the reporting and notification requirements as contained in the diocesan, parish or other liability policies for insurance claims.

B. RESPONSE

1. Upon receiving a complaint of sexual misconduct, the bishop or rector or clergy in charge will personally assure the complainant that the church is concerned and that the complaint will be investigated promptly and thoroughly.
2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the bishop to begin an investigation. The bishop is required to see that the requested investigation is done. (Title IV, Canon 3, Sec 6)
3. If the alleged offender is a lay employee or volunteer of the diocese, employment or volunteer activities may be suspended by the bishop, the rector of the parish, clergy in charge, or other person in charge of a congregation until such time as the allegations of sexual misconduct or child abuse are resolved. This leave is without prejudice, i.e. does not imply guilt or innocence of the person under

investigation and payment of benefits to the employee may continue at the discretion of the bishop.

- a) If the alleged offender is a lay employee or volunteer of an agency related to the diocese or congregation, employment or volunteer activities may be suspended by the employer or person responsible 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 and payment of benefits to the employee may continue at the discretion of the employer or person responsible. The employer or person responsible will notify the bishop of the suspension.
4. The bishop or anyone who may subsequently be involved in the process **will not at any time** following the first receipt of the complaint hear the sacramental confession of **any** of the persons involved.

VI. APPLICABILITY

The policies contained in this manual are applicable to all members of the clergy canonically resident, licensed or serving in the Diocese of Pittsburgh, to all lay employees and church volunteers affiliated with any activities and programs of the Diocese of Pittsburgh, including any committee, commission or similar body of the Diocese of Pittsburgh.

This manual is provided as a resource to the congregations in the Diocese of Pittsburgh. 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.

We believe that the policies set forth in this manual represent an appropriate standard of care, and we urge each congregation to adopt them as their own (Appendix A). However, this manual is not intended as a substitute for understanding the conditions of your particular congregation's insurance coverage. You have an obligation to yourself, your staff, your congregation and the diocese to assure that the conditions to your insurance coverage are met. Read your policy and call the diocesan Director of Administration if you have any questions. **The diocese assumes no responsibility for a congregation's non-compliance with their insurance carrier's policy.**

Documenting Compliance

The bishop will be required to notify all members of the clergy canonically resident, licensed and serving in the diocese, employees of the diocese, Postulants for Holy Orders, volunteers for the diocese who regularly supervise youth activities and lay members of Diocesan Council, and other diocesan leadership groups, including boards of any diocesan agency or institution of the contents of this manual. The manual will be reviewed annually

by the Standing Committee and, if changes are made, a revised copy will be provided to each of the listed parties with a signed receipt required (Appendix B).

It will be the responsibility of the rector of each parish or clergy in charge of a congregation to ensure that all clergy, volunteers who regularly supervise youth activities, vestry members and employees (full or part-time) affiliated with any activities and programs of the parish are made aware of the parish or 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. **The diocese assumes no responsibility for a parish or congregation's non-compliance with their insurance carrier's policy on acknowledgment of receipt of parish or congregation's policies and procedures or insurance carrier training requirements.**

As used herein, "congregation" includes all parishes, aided parishes and any other entity affiliated or in association with the diocese.

Appendix A

CERTIFICATE OF COMPLIANCE

I hereby certify that the congregation of _____ Church has obtained and will maintain sexual misconduct insurance coverage.

I hereby certify that, in connection with such insurance coverage, the Congregation:

_____ has adopted the Diocese of Pittsburgh Policies concerning Allegations and Incidents of Sexual Misconduct, or

_____ has adopted equivalent policies and procedures that comply with the conditions of the Congregation's sexual misconduct insurance coverage (said policies are attached).

I hereby certify that all clergy, volunteers who regularly supervise youth activities, vestry members and employees (full or part-time) affiliated with any activities and programs of the Congregation who are required to complete diocesan approved training have done so.

Priest-in-Charge

Date

Senior Warden

Date

Return this form to:

**Episcopal Diocese of Pittsburgh
535 Smithfield Street Suite 900
Pittsburgh, PA 15222**

Appendix B

Acknowledgment of Receipt of Policies

Clergy, Lay Employees, Volunteers and Aspirants *

I hereby acknowledge that I have received a copy of the **Diocese of Pittsburgh's Policies Concerning Allegations and Incidents of Sexual Misconduct** adopted by the Bishop and Standing Committee, April 2002, and that I understand its content.

Please check **one** of the following: Clergy Lay

Signature *Date*

Print Name *Position*

Congregation *City*

***Please check one of the following:**

- I certify that I have completed the required diocesan approved training required in this manual.
- I haven't completed the required diocesan approved training but will complete the training within six months of my employment.

* This receipt must be signed by all clergy canonically resident, licensed or serving in this diocese, by all employees of the diocese, by Postulants for Holy Orders, volunteers for the diocese who regularly supervise youth activities, and lay members of diocesan leadership groups.

Return this form to:

**Episcopal Diocese of Pittsburgh
535 Smithfield Street Suite 900
Pittsburgh, PA 15222**

Appendix C
**Pennsylvania Department of Public Welfare Office of Children,
Youth and Families**
Headquarters

P.O. Box 2675
Harrisburg, PA 17105-2675
(717)787-3984
CHILDLINE 1-800-932-0313

Western Regional Office:

Office of Children, Youth and Families
701 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
412-565-2339
FAX 412-565-7808

County Children and Youth Agencies:

ALLEGHENY COUNTY

Administrative Office:

Children and Youth Agency
933 Penn Avenue
Pittsburgh, PA 15222
412-350-5701

Northern Office:

1972 Clayton Avenue
Pittsburgh, PA 15214
412-323-6100

ARMSTRONG COUNTY

Children and Youth Agency
310 South Jefferson Street
Kittanning, PA 16201
724-548-3466

BEAVER COUNTY

Children and Youth Agency
Stonepoint Landing, Suite 201
500 Market Street
Bridgewater, PA 15009
724-775-4510

BUTLER COUNTY

Children and Youth Agency
Court House Annex-Fourth Floor
P.O. Box 1208
Butler, PA 16003-1208

CAMBRIA COUNTY

Children and Youth Agency
Central Park Complex, Suite 400
110 Franklin Street
Johnstown, PA 15901-1831
814-539-7454

FAYETTE COUNTY

Children and Youth Agency
130 Old New Salem Road
Uniontown, PA 15401
724-430-1283

GREENE COUNTY

Children and Youth Agency
95 East High Street, Room 103
Waynesburg, PA 15370
724-852-1171 X217

INDIANA COUNTY

Children and Youth Agency
Court House, Third Floor
Indiana, PA 15701
724-465-3895

MERCER COUNTY

Children and Youth Agency
8425 Sharon Mercer Road
Mercer, PA 16137-1207
724-662-2703

SOMERSET COUNTY

Children and Youth Agency
212 East Main Street
Somerset, PA 15501
814-443-3618

WASHINGTON COUNTY

Children and Youth Agency
502 Court House Square
Washington, PA 15301
724-228-6884

WESTMORELAND COUNTY

Children and Youth Agency
2 North Main Street, Suite 303
Greensburg, PA 15601
724-830-3300