

“TO RESPECT THE DIGNITY OF EVERY HUMAN BEING”



Sexual Misconduct and Child Abuse Prevention Policy and Procedure Manual Of the Episcopal Diocese of Fond du Lac

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*This Policy and Procedure Manual governs the behavior
Of Church Workers of the Diocese of Fond du Lac.*

*The Diocese of Fond du Lac, its congregations and agencies are to follow
the policies and procedures established in this Manual.*

*To obtain a digital copy of this document for congregational or agency use,
contact the Diocesan Office at (920) 830-8866 or diofdl@diofdl.org.*

STATEMENT OF POLICY

It is the policy of the Diocese of Fond du Lac that Sexual Misconduct and Child Abuse by a Church Worker will not be tolerated.

To implement this policy, the diocese will:

1. attempt to **prevent** the occurrence of Sexual Misconduct and Child Abuse;
2. provide **training** and other opportunities to raise awareness of issues surrounding Sexual Misconduct and Child Abuse; and
3. **respond** appropriately to alleged incidents of Sexual Misconduct and Child Abuse.

DEFINITIONS USED IN THIS MANUAL

Terms defined shall be distinguished in this manual by capitalization and are subject to interpretation by the Ecclesiastical Authority.

I. INDIVIDUALS

- A. **Cleric, member of the clergy, clergy:** *the Bishop, the Bishop Coadjutor, if there be one, Bishop Suffragan, if there be one, priests canonically resident in the diocese, priests licensed to officiate in the diocese, deacons canonically resident in the diocese, and deacons licensed to officiate in the diocese.*
- B. **Lay person, member of the laity, laity:** *An individual not defined as Clergy.*
- C. **Employee:** *any member of the Clergy or laity who receives compensation for doing a specific job or duty for the diocese, its congregations or agencies.*
- D. **Volunteer:** *any member of the Clergy or laity who is uncompensated for doing a specific job or duty for the diocese, its congregations or its agencies.*
- E. **Child:** *an individual who has not attained the age of 18 years. This term would include terms commonly used in the church such as “children” and “youth”.*
- F. **Adult:** *an individual not defined as a Child.*
- G. **Church Worker:** *any Employee or Volunteer of the diocese, its congregations or its agencies.*

II. PASTORAL SITUATIONS

- A. **Pastoral Relationship:**
 - 1. *a relationship between a member of the clergy and an individual to whom such member of the clergy provides pastoral care, spiritual direction or spiritual guidance;*
 - 2. *a relationship between a member of the clergy and an individual from whom such member of the clergy has received confession, confidential or privileged information.*
- B. **Pastoral Care Situation:** *a specific formal instance of the Pastoral Relationship (e.g. scheduled meeting or appointment).*
- C. **Spiritual Direction:** *a specific formal instance of the Pastoral Relationship (e.g. scheduled meeting or appointment) to focus particularly upon the individual’s relationship with God.*

III. SEXUAL MISCONDUCT AND CHILD ABUSE

- A. **Child Abuse (including Sexual Abuse):** *includes, but is not limited to*
 - 1. *any physical injury inflicted on a Child by other than accidental means;*
 - 2. *any sexual involvement, or sexual contact with an individual who is a Child;*
 - 3. *the threat of physical injury, sexual involvement or sexual contact.*
 - 4. *sexual abuse or Child Abuse as defined by Wisconsin Statutes*
- B. **Sexual Harassment:** *Activities which include, but are 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 unwanted repeated requests for social engagements, between Adults where there is an employment, mentor or colleague relationship (including aspirants, postulants and candidates for Holy Orders and seminarians working in this diocese or any other).*
- C. **Sexual Exploitation:** *the development of, or the attempt to develop, a sexualized relationship between a Church Worker and another individual with whom the Church Worker has a Pastoral Relationship, whether or not there is apparent consent from the individual. Sexual Exploitation includes, but is not limited to activities such as intercourse, kissing, touching of breasts or genitals, dating during the course of a counseling relationship, verbal suggestions of 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 because the imbalance of power between the Church Worker and the Adult individual in a Pastoral Relationship may undermine the validity of such consent.*

IV. OTHER DEFINITIONS

- A. **Church Sponsored Event:** *any formal gathering of members of the diocese, its congregations or agencies. Examples would include the Eucharistic Festival, Summer Camp, Sunday school classes and youth programs as well as meetings of committees or commissions such as the Executive Council, the Commission on Ministry, or Vestry meetings.*
- B. **Church Setting:** *any gathering of individuals under the auspices of the diocese, its congregations or agencies. Examples would include Church Sponsored Events, hospital calls, day care centers, worship services, or a “regular” work day in the church office.*

PREVENTION PROCEDURES

The procedures in this section are provided so the diocese, its congregations and agencies can “*attempt to **prevent** the occurrence of Sexual Misconduct and Child Abuse.*”

I. CHILD ABUSE PREVENTION

- A. **Screening** - Prior to beginning service to the diocese, its congregations or agencies, each Church Worker who comes into contact with Children as a part of specific jobs or duties, will be asked to sign a statement indicating he/she has never been convicted of Child Abuse, has never had such a conviction expunged, has never admitted committing prior Child Abuse, and has never had a paraphiliac diagnosis (e.g. pedophilia, voyeurism, exhibitionism) as defined by the American Psychiatric Association. A Church Worker who admits to such, as well as anyone refusing to sign the statement, will be prohibited from interacting with Children.
- B. **Background Checks** - All Clergy entering the Diocese will have a background check completed by the diocese, congregation or agency with which the Cleric is affiliated. Clergy background checks shall extend back at least ten years and include a criminal history, driver's history and credit check. All Laity who come into contact with Children as a part of their specific job or duties may have a background check completed by the diocese, congregation or agency with which the member of the Laity is affiliated.
- C. **Overnight Events** - When a group of Children participate in an overnight Church Sponsored Event:
- 1) the event should be planned and thought out;
 - 2) at least two Adult chaperones must be present, and under no circumstances should one Adult be allowed to take Children on an overnight outing alone;
 - 3) both male and female Adult chaperones must be present if the group of Children includes both males and females;
 - 4) sleeping arrangements must include separate sleeping areas for males and females; and
 - 5) sleeping arrangements must include separate sleeping areas for Adults and Children.
- D. **Driving Policies** - Individuals who provide vehicular transportation for Church Sponsored Events must:
1. be at least 18 years old;
 2. show a valid state driver's license;
 3. be qualified for the vehicle being operated;
 4. have no record of convictions of reckless endangerment, of driving while under the influence or of driving with a suspended or revoked license;
 5. supply proof of insurance for the vehicle if it is privately owned;
 6. and, except in an emergency situation, avoid providing transportation for only one Child.
- Individuals providing vehicular transportation prior to or following Church Sponsored Events should obtain the consent of a Child's parent or guardian before transporting the Child, and attempt to avoid providing transportation for only one Child.
- E. **Gifts** - A Church Worker should promptly tell the parent or legal guardian of a gift to a Child. Gifts should be given only for special occasions, be modest and appropriate to the occasion.
- F. **Individual Interactions** - A Church Worker should participate in one-on-one interactions with a Child in an environment that provides visibility by other Adults. Another Adult should always have knowledge of the Church Worker's whereabouts and with whom they are meeting. If a Church Worker is asked to keep a "secret", the Church Worker should inform the Child that because of concern for the Child's well being, the Church Worker will keep information in confidence, but cannot keep information "secret" if it can cause or has caused harm to a Child or others and may need to report information to appropriate authorities. Under no circumstances should a Church Worker make a "secret deal" with a Child. After one-on-one interactions, it may be necessary (especially if a Child shares information that can cause or has caused harm to the Child or others) to refer the Child to a priest, parent, counselor, or a counseling professional. A Church Worker should inform the Child that a referral will be made and may wish to anonymously seek advice from another Adult in offering care.
- G. **Open Door Policy** - Church Sponsored Events will allow and encourage parents, guardians, or Clergy to visit and observe, at any time unannounced, a program involving Children.

H. **Discipline Policy**

1. A Church Worker should always treat a Child with respect. Discipline should never deprive a Child of basic rights to be safe and comfortable and should never be an angry reaction to misbehavior. Disciplinary action should be thought out and should consider a Christian response that respects the self-esteem of the Child. Under no circumstances may corporal punishment be used on Children.
 2. If a Child misbehaves during a Church Sponsored Event or violates a code of conduct for a Church Sponsored Event, logical consequences should be enforced. Inappropriate behavior by a Child should be stopped immediately.
 3. If the misbehavior is severe enough to endanger others, the designated Adult in charge of a Church Sponsored Event should contact the Child's parent or guardian and ask them to pick up their Child immediately.
 4. In cases of severe misbehavior, a Child's involvement in future Church Sponsored Events may be restricted.
- I. **Communication** - Church Workers should share information about a Child only on a need to know basis with individuals in positions to assist the Church Worker with the care of the Child.
- J. **Reporting Requirements** - Any Cleric or Employee who knows of or reasonably suspects a case of Child Abuse will report the suspicion to the proper civil and ecclesiastical authorities. Any Lay Volunteer who knows of or reasonably suspects a case of Child Abuse may report the suspicion to the proper civil and ecclesiastical authorities. The diocese, its congregations and agencies will cooperate fully with civil authorities in investigating any allegations of Child Abuse. (For additional information, refer to Wis. Stats. §48.981(2))

II. **SEXUAL HARASSMENT AND SEXUAL EXPLOITATION PREVENTION**

- A. **Ethical standards** - Church Workers responsible for Church Sponsored Events are expected to maintain the highest ethical standards in all their Pastoral Relationships with those for whom they have responsibility.
- B. **Background Checks** - All Clergy entering the Diocese will have a background check completed by the diocese, congregation or agency with which the Cleric is affiliated. Clergy background checks shall extend back at least ten years and include both a criminal history, driver's history and credit check.
- C. **Individual Interactions** - A Church Worker should participate in one-on-one interactions in an environment that provides visibility by other Adults. Another Adult should always have knowledge of the Church Worker's whereabouts and with whom they are meeting.
- D. **Gifts** - A Church Worker giving a gift to another Adult with whom they have a Pastoral Relationship should give a gift only for special occasions and the gift should be modest and appropriate to the occasion.
- E. **Pastoral Care Situations**
1. A Church Worker in a Pastoral Care Situation is to refer individuals when indicated to other sources of professional help, e.g. psychological or psychiatric examination or treatment, addiction, physical abuse or sexual abuse therapy.
 2. After six Pastoral Care Situations have been conducted on a given life issue, a Church Worker must either obtain on-going professional supervision by a third party or refer the individual elsewhere for professional counseling.
 3. A Church Worker may not solicit or accept fees for a Pastoral Care Situation.
 4. A Church Worker who charges a fee for counseling outside of a Pastoral Care Situation must possess appropriate current professional credentials and proof of separate professional liability insurance, including Sexual Misconduct coverage, that is in force at all times, and must inform the person receiving counseling that the fee is not being charged in the counselor's capacity as a Church Worker.
- F. **Spiritual Direction** - A Church Worker conducting Spiritual Direction must submit that ministry to peer review or supervisory review with a spiritual director approved by the Bishop or Ecclesiastical Authority.
- G. **Personal Relationships** - Any Cleric contemplating a personal relationship with an individual whom the Cleric has a Pastoral Relationship, must seek discernment with the Bishop, Ecclesiastical Authority or individual appointed by the Bishop, and with representatives of the congregation or other place of ministry.
- H. **Communication** - Church Workers should share confidential information about an Adult only on a need to know basis with individuals in positions to assist the Church Worker with the care of the Adult.
- I. **Reporting Requirements** - Any Church Worker who knows of or reasonably suspects a case of Sexual Harassment or Sexual Exploitation will report the suspicion to the proper ecclesiastical authorities.

TRAINING PROCEDURES

This section is provided so the diocese can “provide **training** and other opportunities to raise awareness of issues surrounding Sexual Misconduct and Child Abuse”

- A. **Workshops** - The diocese shall offer workshops regarding issues of Sexual Misconduct and Child Abuse.
1. The diocesan-wide online training “Safeguarding God's Children”, covering issues of child abuse prevention in church settings will administered by the Diocesan Office and offered to any and all Laity and Clergy for participation.
 2. A diocesan-wide training “Safeguarding God's People” covering issues of sexual harassment and exploitation prevention in church settings will be offered at least once each calendar to any and all Laity and Clergy for participation.
 3. These training opportunities will be advertised to the diocese on a regular basis.
 4. The Diocesan Office will offer assistance to congregations in incorporating abuse prevention training into the policies and procedures at the congregational level.
 5. Congregations and diocesan agencies may request any of the trainings be offered for their own congregation or agency with the understanding that a local training would be advertised to the diocese, when possible, to allow others to attend.
- B. **Required Attendance**
1. Within six months of employment or selection for volunteer work, all Church Workers who supervise Children’s activities in Church Settings are required to complete the online training “Safeguarding God's Children”.
 2. Within one year of employment, all Clergy and Employees of the diocese, its congregations and agencies are required to complete the training “Safeguarding God's People”.
 3. Church Workers who have completed either or both of the required trainings listed above in this or another diocese are exempt from repeating the training, but must provide written documentation and validation of their participation in such trainings previously.
- C. **Recommended Attendance**
- Any individual involved in the leadership of the diocese, its congregations and agencies is encouraged to complete the online training “Safeguarding God's Children” and the training “Safeguarding God's People”.
- D. **Resources**
1. The diocese will maintain resources related to issues surrounding Sexual Misconduct and Child Abuse with such resources being made available to any member, congregation or agency of the diocese with a nominal fee charged for their use to cover the expense of postage.
 2. The diocese shall distribute a summary of Child Abuse statutes and reporting requirements to members of the diocese, its congregations and agencies when warranted by a change in such statutes or reporting requirements.
- E. **Record Keeping**
1. The diocesan office shall maintain a record of completion for all trainings.
 2. Upon request and verification, the diocesan office will provide to any attendee a certificate of verification of completion of a training with such certificate including the date of completion.

RESPONSE PROCEDURES

The policies in this section are provided so the diocese, its congregations and agencies can “**respond** *appropriately to alleged incidents of Sexual Misconduct and Child Abuse.*” It is understood in this section that all references to the “Bishop” will become the “Ecclesiastical Authority” if there be no Diocesan Bishop at the time these Response Policies and Procedures are initiated.

I. Response Teams

- A. The Bishop shall appoint members of the laity and Clergy to serve on Response Teams.
- B. Each Response Team will consist of at least two Adults, and include one female and one male.
- C. Prior to serving on a Response Team, members will receive training in crisis intervention and interviewing alleged offenders, alleged victims, and witnesses.
- D. Training and ongoing supervision of Response Team members will be under the direction of an individual skilled in these areas and appointed for this purpose by the Bishop.
- E. When assigning Response Teams, the Bishop shall establish that no individual assigned may have their judgment or objectivity impaired because of a relationship with or knowledge of any parties or witnesses of the alleged misconduct.

II. Responding to Alleged Child Abuse

A. Reporting Requirements

1. All allegations of Child Abuse committed by a Church Worker shall promptly be reported to the proper civil authority. In addition, a report should also be made to the Bishop at (920) 830-8866.
2. The Bishop will report incidents or suspicions of Child Abuse to civil authorities.

B. Investigation

1. The diocese, its congregations and agencies will cooperate fully with civil authorities in investigating any allegations of Child Abuse.
2. When there are allegations of Child Abuse, the Bishop shall appoint a Response Team to assist in providing for the pastoral needs of the alleged victim(s), the alleged offender, and the community in which the alleged offenses occurred.
3. The Bishop shall issue a pastoral directive to the alleged offender prohibiting any contact with the individual making the allegation, the alleged victim (if not the individual making the allegation), any Children in Church Settings, and others as appropriate, until after the civil authority has completed its investigation.
4. The Bishop may recommend the alleged offender obtain private legal counsel (not from the Chancellor's office, congregation or agency's attorneys).

C. Determination

1. The Bishop will make a written determination of whether Child Abuse has been substantiated after the civil authority has completed its initial investigation.
2. When the determination is made, the Bishop will inform the individual making the allegation, the alleged victim (if not the individual making the allegation) and the alleged offender.
3. If the Bishop determines the allegation is unsubstantiated, the Bishop shall:
 - a) Transmit to the alleged offender and the parents or legal guardian of the alleged victim (if not the individual making the allegation) a written report to that effect;
 - b) place a written report to that effect in the Bishop's confidential file;
 - c) place a written report to that effect in the accused's diocesan personnel file;
 - d) If the alleged offender is a Cleric and is not canonically resident in this diocese, the Bishop will transmit a copy of the report to the Bishop of the diocese in which the Cleric is canonically resident.
4. If the Bishop determines the allegation is substantiated:
 - a) The Bishop, or a representative appointed by the Bishop, shall meet with the offender to discuss actions the Bishop intends to take.
 - b) If appropriate, the Bishop will refer the offender for therapy by individuals professionally qualified in treatment of Child Abuse.
 - c) The Bishop will provide resources and assistance for the pastoral care of the victim(s) and the community in which the offenses occurred.
 - d) The Bishop will also determine whether disciplinary action under Title IV of the Canons of the Episcopal Church is appropriate. Such disciplinary action may include the issuance of a pastoral directive, presentment, and inhibition following a presentment and pending trial.
 - e) Whenever an allegation of Clergy Child Abuse in a current position is substantiated, the Bishop normally will act immediately to remove the offender from all current positions of Pastoral Relationship.

- f) When an allegation that is substantiated relates to a previous context of ministry, the Bishop, at the Bishop's discretion, will act to remove the offender from current positions if this appears appropriate.
 - g) In making any decisions about professional rehabilitation and future employment for the offender, the Bishop will be guided by the assessments of experts in the treatment of Child Abuse. In most cases, significant involvement in individual psychotherapy and employment outside the Church will be required before any redeployment in the Church will be considered. Public acknowledgement of the misconduct, including exoneration of and restitution to the victim, will normally be required.
 - h) The Bishop will notify the Wardens, if the offender serves a congregation, or representatives of the place of ministry, if the offender does not serve a congregation, and discuss with them what assistance would be most helpful for healing.
5. If after it's initial investigation the civil authority continues legal proceedings, the Bishop shall continue to cooperate with the civil authority until the legal proceedings have been completed.

III. Responding to Alleged Sexual Harassment or Exploitation

A. Reporting Requirements

1. All allegations of Sexual Harassment or Sexual Exploitation committed by a Church Worker shall promptly be reported in writing to the Bishop at 1051 N Lynndale Dr, Ste 1B, Appleton, Wisconsin 54914. The allegation should include:
 - a) a brief description of the alleged Misconduct;
 - b) the date(s), time(s) and location(s) of the alleged Misconduct;
 - c) the name of the alleged offender; and,
 - d) if known, the name, addresses and telephone numbers of any witnesses.
2. If an allegation is reported with no written statement made, the Bishop at the Bishop's discretion, may decide to follow the procedures outlined in this policy, in which case the Bishop will follow all applicable procedures, including notification of the alleged offender.
3. An allegation of Sexual Harassment or Sexual Exploitation by the Bishop should be made to the Presiding Bishop's office at the Episcopal Church Center at (212) 716-6276.

B. Investigation

1. Upon receipt of the allegation
 - a) The Bishop will assure the individual making the allegation of the Church's concern regarding the allegation and that the allegation will be investigated.
 - b) Within three calendar days of receiving a written allegation, the Bishop shall assign the allegation to a Response Team. The Response Team's responsibility shall be to assist the Bishop in:
 - (1) investigating complaints of Sexual Harassment or Sexual Exploitation;
 - (2) providing for the pastoral needs of the alleged victim(s), the alleged offender, and the community in which the alleged offenses occurred;
 - (3) providing advocacy, if desired, for the alleged victim(s), the alleged offender, and the community in which the alleged offenses occurred; and,
 - (4) any other appropriate way.
 - c) Within 24 hours of assigning a Response Team, the Bishop shall notify the individual making the allegation, the alleged victim (if not the individual making the allegation) and the alleged offender, that the allegation has been assigned to a Response Team for investigation.
 - d) The Bishop shall issue a pastoral directive to the alleged offender prohibiting any contact with the individual making the allegation, the alleged victim (if not the individual making the allegation), and others as appropriate, until after the Response Team has completed its investigation.
 - e) The Bishop may recommend the alleged offender obtain private legal counsel (not from the Chancellor's office, congregation or agency's attorneys).
2. Commencing the Investigation
 - a) The Response Team will begin investigating the allegation in fairness to both the accused and the accuser in accordance with national and diocesan canons.
 - b) The Response Team will strive to ensure the privacy of the individual making the allegation, the alleged victim (if not the individual making the allegation) and the alleged offender.
 - c) The Bishop will arrange for an evaluation of the alleged offender by an individual professionally qualified and experienced in the evaluation of Sexual Harassment or Sexual Exploitation. The Bishop will encourage the alleged offender to undergo the evaluation. Upon receipt of the appropriate releases, the results of the evaluation will be available to the Bishop, the Response Team and the alleged offender. The requirement of an evaluation may be waived at the Bishop's discretion if the Response Team reports that the evidence does not initially appear to warrant an evaluation.

3. Reporting the Investigation

- a) The Response Team will move as swiftly as possible towards completion of a written report and recommendations to the Bishop. The report shall include the original written statement of the accuser and all written statements submitted by other individuals.
- b) After reviewing the Response Team's recommendations and, if desired, meeting with any or all of the parties involved, the Bishop will make a determination as to whether the allegation of Sexual Harassment or Sexual Exploitation has been substantiated.

C. Determination

1. The Bishop will make a written determination of whether Sexual Harassment or Sexual Exploitation has been substantiated after performing the investigation. The written determination shall be made no later than 90 calendar days after receiving the allegation of misconduct; provided however, that this 90 calendar day deadline may be waived in exceptional circumstances.
2. When the determination is made, the Bishop will immediately inform the individual making the allegation, the alleged victim (if not the individual making the allegation) and the alleged offender.
3. If the Bishop determines the allegation is unsubstantiated, the Bishop shall:
 - a) place a written report to that effect in the Bishop's confidential file;
 - b) place a written report to that effect in the accused's diocesan personnel file;
 - c) If the alleged offender is a Cleric and is not canonically resident in this diocese, the Bishop will transmit a copy of the report to the Bishop of the diocese in which the Cleric is canonically resident.
4. If the Bishop determines the allegation is substantiated:
 - a) The Bishop, or a representative appointed by the Bishop, shall meet with the offender to discuss actions the Bishop intends to take.
 - b) If appropriate, the Bishop will refer the offender for therapy by individuals professionally qualified in treatment of Sexual Harassment or Sexual Exploitation.
 - c) The Bishop will provide resources and assistance for the pastoral care of the victim(s) and the community in which the offenses occurred.
 - d) The Bishop will also determine whether disciplinary action under Title IV of the Canons of the Episcopal Church is appropriate. Such disciplinary action may include the issuance of a pastoral directive, presentment, and inhibition following a presentment and pending trial.
 - e) Whenever an allegation of Clergy Sexual Harassment or Sexual Exploitation in a current position is substantiated, the Bishop may act immediately to remove the offender from all current positions of Pastoral Relationship.
 - f) When the allegation that is substantiated relates to a previous context of ministry, the Bishop, at the Bishop's discretion, may act to remove the offender from current positions if this appears appropriate.
 - g) In making any decisions about professional rehabilitation and future employment for the offender, the Bishop will be guided by the assessments of those experts in the treatment of Sexual Harassment or Sexual Exploitation who have treated the offender. In most cases, significant involvement in individual psychotherapy and employment outside the Church will be required before any redeployment in the Church will be considered. Public acknowledgement of the misconduct, including exoneration of and restitution to the victim, will normally be required.
 - h) The Bishop will notify the Wardens, if the offender serves a congregation, or representatives of the place of ministry, if the offender does not serve a congregation, and discuss with them what assistance would be most helpful for healing.
 - i) If it appears there has been a possible violation of any federal or state law, the Bishop will notify appropriate civil authorities.