POLICY AND PROCEDURES

REGARDING

PREVENTION

of

SEXUAL MISCONDUCT

The Diocese of West Missouri

Version 6.0/June 2007
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POLICY

SEXUAL MISCONDUCT PROHIBITED

The Diocese of West Missouri adopts the following policy regarding sexual misconduct:

- The Diocese of West Missouri strictly prohibits sexual misconduct of any type by any cleric (bishop, priest, or deacon) canonically resident or functioning in the Diocese of West Missouri.

- The Diocese of West Missouri strictly prohibits sexual misconduct of any type by any aspirant, postulant or candidate for ordination sponsored by, or working in, this diocese.

- The Diocese of West Missouri strictly prohibits sexual misconduct of any type by any lay employee, licensed lay minister or volunteer of Episcopal congregations, parishes and/or other Episcopal entities within the diocese.

- The Diocese of West Missouri requires that all allegations of child abuse must be promptly reported to the appropriate civil authority.

- The Diocese of West Missouri strictly prohibits interaction with children and youth by anyone with a civil or criminal record of child sexual abuse, or anyone known to have a paraphiliac diagnosis (e.g., pedophilia, ephebophilia, exhibitionism, voyeurism, etc.) as defined by the American Psychiatric Association.

SEXUAL MISCONDUCT DEFINED

The Diocese of West Missouri defines sexual misconduct as including, but not limited to:

**Abuse**

Sexual abuse or sexual molestation of any person, including but not limited to, any sexual involvement, sexual activity, or sexual contact with a person who is a minor or who is legally incompetent.

**Harassment**

Sexually oriented humor or language, questions or comments about sexual behavior or preference unrelated to employment qualifications, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements, in a situation where there is an employment, mentor, or colleague relationship between the persons involved.
**Exploitation**  
The development, or the attempted development, of a sexual or romantic relationship between a cleric or other church worker and a person with whom he/she has a pastoral relationship, whether or not there is apparent consent from the individual.

*Pastoral relationship* means: A relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides pastoral counseling, pastoral care, spiritual direction, or spiritual guidance or from whom such cleric, employee, or volunteer has received confession or confidential or privileged information. A pastoral relationship exists *de facto* between a cleric and members of the congregation or institution served by the cleric.

While this manual deals with the prevention of sexual abuse, the Diocese recognizes that children can be subject to other forms of abuse including physical abuse, emotional abuse, neglect, economic exploitation and abuse as perpetrated by another child or youth. The policy of the Diocese of West Missouri is that any and all forms of abuse of children and youth are prohibited, and, where observed and/or suspected, must be reported immediately to the appropriate religious and civil authorities.

**COVENANT FOR SEXUAL RESPONSIBILITY**

* All ordained persons canonically resident or licensed to function in the Diocese of West Missouri, be they stipendiary, non-stipendiary, or retired, and all postulants and candidates for Holy Orders, are required to sign the Covenant for Sexual Responsibility.

* All lay employees and volunteers who regularly supervise or who assist with supervising youth ministries, programs or activities, (excluding unpaid Sunday School Teachers), are required to sign the Covenant for Sexual Responsibility.

* All persons licensed under Title III, Canon 4, are required to sign the Covenant for Sexual Responsibility.

* All Church Personnel, employee or volunteer, whose work regularly takes them throughout the facility or grounds or who have keys given them and aces to the buildings on the grounds are required to sign the Covenant for Sexual Responsibility.

* All Vestry members or other members of similar decision-making groups who have the authority to approve the creation of ministries, program, or activities for children or youth are required to sign the Covenant for Sexual Responsibility.
IMPLEMENTING THE POLICY

SUMMARY OF REQUIREMENTS

¾ All Members of the Clergy shall:

1) Undergo required background checks through Oxford Document Co. and ChoicePoint, coordinated through the diocesan office, prior to ordination, new employment within the diocese, or acceptance into the diocese via means such as letters dimissory (See page 8 regarding Background Checks).

2) Complete three hours of training in the area of sexual abuse within six months of employment

3) Complete three hours of training in the area of sexual exploitation and sexual harassment within six months of employment

4) Read and sign the "Covenant for Sexual Responsibility" which states that he/she has received the policy and procedures manual of the Diocese of West Missouri and that he/she agrees to abide by it and by the code of conduct contained therein. Signed copies shall be retained by the Diocesan Office, the church office, and the cleric.

5) Refer an individual to professional counseling after six sessions have been held around a given life issue. Fees or donations for pastoral care are proscribed.

6) Read and review a summary of current child abuse statutes and reporting requirements for the State of Missouri

7) Undergo a sexual offender registry check in any state where the cleric has resided.

¾ All Lay Employees (including paid summer camping staff) shall:

1) Complete a standard application completed by the applicant (available online at www.diowestmo.org )

2) Undergo an individual interview by the employing entity prior to being hired

3) Undergo required background checks through Oxford Document Co. and ChoicePoint, coordinated through the diocesan office, prior to employment within the diocese (see page 8 regarding Background Checks).
4) Complete three hours of training in the area of child sexual abuse for those presently employed and within six months of employment for new employees. This includes professional, clerical, and maintenance staff.

5) Complete three hours of training in the area of sexual exploitation and sexual harassment for those presently employed and within six months of employment for new employees.

6) Read and sign the "Covenant for Sexual Responsibility" which states that he/she has received the policy and procedures manual of the Diocese of West Missouri and that he/she agrees to abide by it. New employees shall read and sign the covenant document prior to beginning employment. Signed copies shall be retained by the Diocesan Office, the church office, and the lay employee.

7) Read and review a summary of current child abuse statutes and reporting requirements for the State of Missouri.

8) Undergo a sexual offender registry check in any state where the applicant has resided.

¾ All Volunteers who regularly supervise youth activities or who assist with supervising youth ministries, programs or activities or whose work regularly takes them throughout the facility or who have keys given them and access to the buildings on the grounds (excluding Altar Guild members) or who have unsupervised access to children, including volunteers who serve at Happening or any other diocesan youth activity (excluding unpaid Sunday School teachers) or who are licensed under Title III, Canon 4 as Pastoral Leaders and/or Eucharistic Visitors shall:

1) Complete a standard application completed by the volunteer (available online at www.diowestmo.org)

2) Undergo a formal interview prior to beginning the volunteer activity

3) Undergo required background checks through Oxford Document Co., and ChoicePoint, coordinated through the diocesan office, prior to the beginning of the volunteer activity (See Page 8 regarding Background Checks).

4) Complete three hours of training in the area of child sexual abuse within six months of the beginning of the volunteer activity.

5) Read and sign, prior to the beginning the volunteer activity, the "Covenant for Sexual Responsibility" which states that applicant has received the policy and procedures manual of the Diocese of West Missouri and that the applicant agrees to abide by it.
Signed copies shall be retained by the Diocesan Office, the church office, and the volunteer.

6) Read and review a summary of current child abuse statutes and reporting requirements for the State of Missouri.

7) Undergo a sexual offender registry check in any state where the volunteer applicant has resided.

¾ Parish Vestries shall:

1) Adopt the Diocesan Policy and Procedures Manual as the policy and procedures manual of the parish.

2) Provide the Diocesan Office with an annual certification by the rector and warden:
   a) That the parish has liability insurance for sexual misconduct equal to or greater than level provided by the Church Insurance Corporation.
   b) That all staff, employees and volunteers have met the requirements of the Policy and Procedures Manual of the Diocese of West Missouri.

¾ Bishop’s Committees shall:

1) Adopt the Policy and Procedures Manual of the Diocese of West Missouri as the policy and procedures manual of the congregation.

2) Maintain liability insurance for sexual misconduct through the Church Insurance Corporation.

3) Provide the Diocesan Office with an annual certification by the vicar and warden that all staff, employees and volunteers have met the requirements of the Policy and Procedures Manual of the Diocese of West Missouri
COVENANT FOR SEXUAL RESPONSIBILITY

I, the undersigned, understand that the Diocese of West Missouri defines sexual misconduct as including, but not limited to Abuse, Harassment, and Exploitation, as defined on Page 1.

I understand that the Diocese of West Missouri defines a pastoral relationship as a relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides pastoral care, spiritual direction, or spiritual guidance or from whom such cleric, employee, or volunteer has received confession or confidential or privileged information. A pastoral relationship exists de facto between a cleric and members of the congregation or institution served by the cleric.

I agree to abstain from any behavior that constitutes sexual abuse, sexual harassment or sexual exploitation of children, youth or adults, or any other form of abuse or misconduct, while I minister in any institution or ministry related to the Diocese of West Missouri, regardless of whether I function as a member of the clergy, paid employee or volunteer.

I agree to do my best to prevent abuse and neglect among children and youth involved in church activities and services.

I agree not to physically, sexually or emotionally abuse a child or youth or adult.

In the event that I observe any inappropriate behaviors or possible policy violations with children or youth or adults, I agree to immediately report my observations.

I acknowledge my obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities.

I agree to conform to the General Conduct and Specific Procedures for the Protection of Children and Youth (Appendix A), and the Guidelines for Appropriate Affection, (Appendix B).

I understand that the church will not tolerate abuse of children, youth or adults or the harassment and exploitation of adults, and I agree to comply in spirit and in action with this position.

I understand that if I engage in any behavior defined as misconduct, or act contrary to what is outlined in Appendix A and Appendix B, that 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, and, if ordained, inhibition, suspension or deposition. I acknowledge that I have received the Diocese of West Missouri's Policy and Procedures Manual Regarding Prevention of Sexual Misconduct, I understand it, and agree to abide by it.

Signature
Print or type full name
Witness Signature
Witness print or type full name
Date
Congregation
Location
ABOUT BACKGROUND CHECKS

The Diocese of West Missouri is strongly committed to protecting persons from sexual misconduct by those, ordained and lay, who serve in the diocese. Therefore the Diocese has adopted the policy that background checks are mandatory for the following persons:

1) Clergy prior to acceptance of a cure; a non-parochial position, e.g. chaplain; or a position as an assistant, associate, or curate on a parish staff, or clergy presently serving in West Missouri who accept a new cure within the diocese.

2) Clergy prior to being licensed to officiate.

3) All aspirants, postulants, candidates for Holy Orders.

4) All clergy and lay persons, paid or volunteer, who regularly supervise youth activities at the congregational or diocesan level, (excluding unpaid Sunday School teachers).

5) All lay persons employed by, or seeking employment in the diocese, or in the congregations of the diocese, including sextons. Lay Employees presently serving in West Missouri who accept a new position within the diocese.

6) All clergy and lay persons, either paid or volunteer, who serve as summer camping program staff

7) All clergy and lay persons, either paid or volunteer, who serve at Diocesan Youth Events, e.g. Happening; or who travel with youth to DYE, PYE, or EYE.

8) All Volunteers who regularly supervise youth activities or who assist with supervising youth ministries, programs or activities or whose work regularly takes them throughout the facility or who have keys given them and access to the buildings on the grounds (excluding Altar Guild members) or who have unsupervised access to children, including volunteers (excluding unpaid Sunday School teachers) or who are licensed under Title III, Canon 4 as Pastoral Leaders and/or Eucharistic Visitors

Background checks for clergy will cover the period of the past ten years and will be conducted by Oxford Document CO. Criminal Records, Credit, and MVR checks are required for all clergy and will be conducted by ChoicePoint.

Background checks for lay employees and volunteers will cover the period of either five or ten years, according to the Misconduct Prevention Requirements and Recommendations for
Lay Persons Guidelines as found online at diowestmo.org, and will be conducted by Oxford Document CO. Criminal Records, Credit, and MVR checks as required for lay employees and volunteers according to the Misconduct Prevention Requirements and Recommendations for Lay Persons Guide will be conducted by ChoicePoint.

All background checks completed prior to January 1, 2002 shall be considered obsolete. However, individuals presently serving in West Missouri whose background checks were completed prior to that date will not be required to complete a new background check unless they accept a new position in the Diocese of West Missouri.

All clergy, lay professionals, and volunteers who regularly supervise youth activities, (excluding unpaid Sunday School Teachers) who begin a new ministry, paid or volunteer, in West Missouri, and who either 1) have never had a background check, or 2) have a background check which was completed prior to January 1, 2002 shall be required to complete a new background check covering the past ten years.

Those who have a background check which has been completed since January 1, 2002 shall be required to authorize Oxford Document Co. to provide the Diocese of West Missouri with a true copy of the results of said background check.

All background checks will be coordinated through the diocesan office. The costs incurred will be charged to the parish, congregation, or other entity requesting the background check. A record of such inquiry and the resulting findings will be kept in the Office of the Bishop.

All background checks shall be accomplished through the offices of Oxford Document Co., Minneapolis, Minnesota, and ChoicePoint, and will be coordinated through the Diocesan Office.
MONITORING & SUPERVISION OF CHILDREN AND YOUTH ACTIVITIES

The monitoring and supervision of programs and activities involving children or youth is important for safeguarding children and youth and involves several aspects. One aspect involves having structural guidelines or standards for the programs and activities for children and youth. These include such things as who approves new programs, how many adults need to be present and the like. In addition to setting structural guidelines and standards, church leaders must make sure the structural safeguards are followed. Programs and activities have to be monitored and supervised to do that.

Another aspect of monitoring and supervision is that supervisory personnel and others monitor and supervise the behavior of adults, youth and other children with children and youth so that inappropriate behaviors and interactions can be detected and stopped. Some behaviors and interactions are potentially harmful to children or youth in and of themselves. Examples include providing alcohol or drugs to children or youth or actually having sexual contact with a child or youth.

Other behaviors and interactions are not necessarily harmful in and of themselves but are the same behaviors and interactions known to be used by those who abuse children or youth to "groom" them or their parents for eventual abuse or which provide the privacy child molesters need in order to abuse children or youth. Examples of those behaviors and interactions include holding children over the age of three on the lap, transporting a child or youth alone, and the like.

The behaviors and interactions of persons with children and youth that need to be monitored and supervised are covered in Appendix A, “Guidelines for Monitoring and Supervision and General Conduct & Specific Procedures for the Protection of Children and Youth,” and in Appendix B, “Guidelines for Appropriate Affection.”
REPORTING INAPPROPRIATE BEHAVIORS OR POLICY VIOLATIONS WITH CHILDREN OR YOUTH

When Church Personnel observe any inappropriate behaviors, behaviors that are inconsistent with those outlined in Appendix A and/or Appendix B, or which may violate any provision of these Policies for Protection of Children and Youth from Abuse, they must immediately report their observations. Examples of inappropriate behaviors or policy violations would be seeking private time with children or youth, taking children or youth on over-night trips without other adults, or selecting or using staff or volunteers without the required screening.

Such inappropriate behaviors or possible policy violations that relate to interactions with children or youth should be reported in one of the following ways:

a. A telephone call or meeting with the immediate supervisor of the person,

b. A telephone call or meeting with the rector, if the person is not the rector;

c. A telephone call or meeting with a church warden if the person is the rector;

d. A telephone call, meeting or fax to the Bishop;

e. Submitting a Notice of Concern (Appendix C), signed or unsigned, to the Bishop.

All reports of inappropriate behavior or policy violations with children or youth will be carefully and thoroughly investigated.

REPORTING SUSPECTED ABUSE OF CHILDREN OR YOUTH

All Church Personnel are required by this policy to report known or suspected abuse of children or youth to the appropriate civil authorities. Failure to report suspected abuse of children or youth may be a crime. Reports may be made confidentially or anonymously. Every state provides immunity from civil liability for persons required to report suspected abuse in good faith and without malice. Simply stated, "in good faith" means that the person submitting the report believes what he or she is reporting to be true.

In addition to reporting to the state authorities, Church Personnel are required to report any suspected or known abuse of children or youth that may have been perpetrated by Church Personnel directly to the rector, vicar, senior warden, or other person-in-charge, so that immediate and proper steps may be taken to ensure the safety of alleged victims.
Reports of suspected or known abuse that involve Church Personnel also may be reported to the Diocese in the following ways:

a. A telephone call, meeting or fax to the Bishop;

b. A telephone call or meeting with the rector, if the rector is not the person about whom the complaint is being made.

c. Submitting a NOTICE OF CONCERN (Appendix C), signed or unsigned, to the Bishop.

REPORTING INAPPROPRIATE BEHAVIORS OR POLICY VIOLATIONS WITH ADULTS

¾ BY A MEMBER OF THE CLERGY

Bring your concerns/allegations to the Bishop directly, to a vestry member, or to a trusted friend, who could communicate with the Bishop after consultation with you. Use the form found in Appendix C.

The canonical process which governs and describes the process for dealing with an allegation is set forth in Title IV of the Constitution and Canons of the Episcopal Church and Canon XXI of the Constitution and Canons of the Diocese of West Missouri.

Note: The Diocese of West Missouri has authority only concerning the ecclesiastical status of the member of the clergy. Civil and/or criminal issues must be determined through appropriate legal channels.

¾ BY A POSTULANT OR CANDIDATE

Whenever the Bishop has good and sufficient reason to believe that an alleged offense (i.e., sexual abuse, harassment, or exploitation) has been committed, the Bishop shall take whatever action he deems appropriate, including removal of the postulant from the register of postulants, or the candidate from the list of candidates.

¾ BY A LAY PERSON

Anyone who believes that they have been subject to sexual misconduct by a lay employee or volunteer associated with the Diocese of West Missouri should report the allegation immediately to an appropriate authority (e.g., Rector/Vicar of the congregation, Camp Director, Head Chaplain of a school or hospital).
Any employee or volunteer who believes that the actions or words of a supervisor or fellow worker constitute abuse, unwelcome harassment or exploitation should report the allegation as soon as possible to an appropriate authority and the Bishop of West Missouri.

Use the form found in Appendix C.

WHAT HAPPENS AFTER A CHARGE IS MADE?

All complaints of abuse, harassment, and exploitation will be investigated promptly in an impartial and in as confidential a manner as possible by the Rector or appropriate authority. In all cases the employee or volunteer will be advised of the findings and conclusions from the inquiry. Allegations of child sexual abuse shall be immediately reported to the proper civil authorities.

Any employee, volunteer, or supervisor who is found after appropriate investigation to have engaged in sexual abuse, harassment, or exploitation will be subject to appropriate disciplinary action up to and including termination.

Matters of the Church=s discipline of the laity shall be in accordance with Canon XXII of the Constitution and Canons of the Diocese of West Missouri. Civil and/or criminal issues must be determined through appropriate legal channels.

CONDITIONS FOR RE-DEPLOYMENT OF MEMBERS OF THE CLERGY WHOSE ACTIONS DO NOT LEAD TO RENUNCIATION OR DEPOSITION

Prior to the cleric's being eligible for future or continuing employment within the Diocese there shall be:

1. A professional rehabilitation assessment by a credentialed professional approved by The Church Insurance Company.

2. The endorsement by the Bishop of canonical residence and the Bishop of current jurisdiction (if different).

3. A requirement that the offender make amends to the aggrieved parties to the satisfaction of the ecclesiastical superior.
### REQUIREMENTS AND RECOMMENDATIONS FOR LAY PERSONS

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<th>National Criminal Plus through Choice-Point</th>
<th>Criminal Records Check - Single County, $15 each</th>
<th>National Background Check</th>
<th>National Sexual Offender Registry Check</th>
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<td>Happening Counselors/Staff</td>
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<td>Paid Staff, including custodians</td>
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<td>School Administration &amp; Faculty</td>
<td>R</td>
<td>S</td>
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<tr>
<td>Volunteers who regularly work with children and youth</td>
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<td>Volunteers/Staff who travel with youth to diocesan sponsored youth events, e.g. PYE, EYE.</td>
<td>R</td>
<td>N</td>
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**R = Required**  
**S = Strongly Recommended**  
**N = Not Required**
APPENDICES A-C
APPENDIX A
GUIDELINES FOR MONITORING AND SUPERVISION
AND
GENERAL CONDUCT FOR THE PROTECTION OF CHILDREN & YOUTH

1. Every program for children and youth must have established ratios for adults and children appropriate to the age of the children and youth, and to the situation and circumstances. Such circumstances include factors such as the nature of the activity or event, the location of the activity or event, and the duration of the activity or event, e.g. an overnight trip as opposed to an evening meeting. Compliance with the established ratio is required at all times, including activities that occur off church premises.

2. Church Personnel are prohibited from being alone with a child or youth or multiple children or youth where other adults cannot easily observe them. No activities should take place in any space or room where such activities can not be easily observed by other adults (e.g. in rooms with no windows unless the doors to such rooms remain fully open at all times).

3. Church Personnel over the age of 21 must directly supervise Church Personnel under the age of 18 and be physically present during all activities.

4. An up-to-date list of approved congregation-sponsored programs for children and youth will be maintained in the church office or other place where church records are kept.

5. Church Personnel are not permitted to develop new activities for children and youth without approval from the rector or canonical equivalent. Requests to develop new activities should be submitted in writing to the rector. The rector will consider whether the plan for a new activity includes adequate adult supervision.

6. Each program will develop age-appropriate procedures to ensure the safety of children and youth using restrooms and showers or baths.

7. When supervising or assisting private activities such as dressing, showering or diapering infants or children, Church Personnel will remain in an area observable by other adults or work in pairs.
8. At least two unrelated Church Personnel must supervise activities. When both boys and girls are participating, male and female adults must be present.

9. Church Personnel may not have children or youth in their home without other duly certified and trained church personnel being present according to the ratio stated above. Such in-home activities must have the written permission of the parent(s).

10. Doors to classrooms and other such spaces which do not have windows must remain fully open at all times unless there is see-through glass in the door itself.

**SPECIFIC PROCEDURES REQUIRED FOR THE PROTECTION OF CHILDREN AND YOUTH**

The following are intended to assist Church Personnel in monitoring and supervising behaviors and interactions with children and youth to identify and stop those that may be inherently harmful to children or youth, that are the type used by child molesters to groom children, youth and their parents, or that may create the conditions where abuse can occur more easily. These procedures should also be used to make decisions about interactions with children and youth in church sponsored and affiliated programs. They are not designed or intended to address interactions within families. When exceptions to these procedures must be made, they should be reported to the supervisor of the Church Personnel making the exception as soon as possible.

1. All Church Personnel who work with children or youth must agree to comply with the Diocese of West Missouri Guidelines for Appropriate Affection (Appendix A).

2. No person will be allowed to volunteer to REGULARLY WORK WITH CHILDREN OR YOUTH until the person has been known to the clergy and congregation for at least six months.

3. Programs for infants and children under six (6) years old will have procedures to ensure that children are released only to their parents or legal guardians or those designated by them.

4. Church Personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs
while participating in or assisting with programs or activities specifically for children or youth.

5. Parents or guardians must complete written permission forms before Church Personnel transport children and/or youth for a church sponsored activity or for any purpose on more than an occasional basis.

6. Church Personnel will respond to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socio-economic status. Church Personnel will portray a positive role model for children and youth by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism.

7. One-to-one counseling with children or youth will be done in an open or public or other place where private conversations are possible but occur in full view of others.

8. Church Personnel are prohibited from dating or becoming romantically involved with a child or youth.

9. Church Personnel are prohibited from having sexual contact with a child or youth.

10. Church Personnel are prohibited from possessing any sexually oriented materials such as magazines, cards, Internet material, videos, films, clothing, etc. on church property or in the presence of children or youth except as expressly permitted as part of a pre-authorized educational program.

11. Church Personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of children or youth.

12. Church Personnel are prohibited from discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials, such as pornography, videos or materials on or from the Internet, with children or youth.

13. Church Personnel are prohibited from sleeping in the same beds, sleeping bags, tents, hotel rooms or other rooms with children or youth unless the adult is an immediate family member of all children or youth in the bed, sleeping bag,
tent, hotel room or other room. It is acceptable to have multiple adults sleep with all the children or youth participating in one open space such as a church basement or camp lodge.

14. Church Personnel are prohibited from dressing, undressing, bathing, or showering in the presence of children or youth.

15. Church Personnel are prohibited from using physical punishment in any way for behavior management of children and youth. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force. Physical force may be used only to stop a behavior that may cause immediate harm to the individual or to a child, youth or others.

16. Church Personnel are prohibited from using harsh language, degrading punishment, or mechanical restraint, such as rope or tape, for behavior management.

17. Church Personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to children’s or youth ministry or camp activities.

18. Church Personnel are prohibited from engaging in inappropriate email, text message, or Instant Message communication with children and youth.

19. Church Personnel are prohibited from communication with children & youth via sites such as MySpace or Facebook, be that on a site created by a child or youth or on a site or sites created by Church Personnel

N.B. A child is defined as anyone under the age of 12 years. A youth is defined as anyone who is at least 12 years old but not yet 18 years old. A youth may also be an individual who is 18 years old or older but still in high school.
APPENDIX B
GUIDELINES FOR APPROPRIATE AFFECTION

The Diocese of West Missouri is committed to creating and promoting a positive, nurturing environment for our children’s and youth ministries that protect our children and youth from abuse and our Church Personnel from misunderstandings. When creating safe boundaries for children and youth, it is important to establish what types of affection are appropriate and inappropriate; otherwise that decision is left to each individual.

Stating which behaviors are appropriate and inappropriate allows Church Personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with children or youth.

These Guidelines are based, in large part, on avoiding behaviors known to be used by child molesters to groom children or youth and their parents for future abuse. The following guidelines are to be carefully followed by all Church Personnel, paid or volunteer, who work around or with children or youth.

1. Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with children and youth.

Some POSITIVE and APPROPRIATE forms of affection are listed below:

- Brief side hugs.
- Pats on the shoulder or back.
- Handshakes.
- "High-fives" and hand slapping.
- Verbal praise.
- Touching hands, shoulders, and arms of children or youth.
- Arms around shoulders.
- Holding hands while walking with small children.
- Sitting beside small children.
- Kneeling or bending down for hugs with small children.
- Holding hands during prayer.
- Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).

2. The following forms of affection are considered INAPPROPRIATE with children and youth in ministry setting because many of them are the behaviors that child
molesters use to groom children or youth and their parents for later molestation or can be, in and of themselves, sexual abuse.

- Full body hugs
- Inappropriate or lengthy embraces.
- Kisses on the mouth.
- Holding children over three years old on the lap.
- Touching bottoms, chests, or genital areas other than for appropriate diapering or toileting of infants and toddlers.
- Showing affection in isolated areas such as bedrooms, closets, staff only areas or other private rooms.
- Occupying a bed with a child or youth
- Touching knees or legs of children or youth.
- Wrestling with children or youth.
- Tickling children or youth.
- Piggyback rides.
- Any type of massage given by a child or youth to an adult.
- Any type of massage given by an adult to a child or youth.
- Any form of unwanted affection.
- Comments or compliments (spoken, written, or electronic) that relate to physique or body development. Examples would be, "You sure are developing," or "You look really hot in those jeans."
- Snapping bras or giving wedgies or similar touch of underwear whether or not it is covered by other clothing.
- Giving gifts or money to individual children or youth or to their families.
- Emailing children or youth for other than church business
- Private meals with individual children or youth.
APPENDIX C
CONFIDENTIAL NOTICE OF CONCERN

Individual(s) of Concern:

Date of occurrence:

Time of occurrence:

Type of Concern:
[  ] Inappropriate behavior with a child, youth, or adult
[  ] Policy violation with a child, youth, or adult
[  ] Possible risk of abuse
[  ] Other concern:

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to the State, what was their recommendation about investigating? Attach additional sheets if needed.

Has this situation ever occurred previously? Attach additional sheets if needed.

What action was taken? How was the situation handled, who was involved, who was questioned, were police called? Attach additional sheets if needed.

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation?
Attach additional sheets if needed.

Submitted by: (Please print)

Telephone number:

Location and address:

Signature:

Date:

Reviewed by:

Once completed, please mail the form – with notation “Confidential” – to the Bishop of West Missouri, PO Box 413227, Kansas City, MO 64141.
APPENDIX D

CHANCELLOR’S LETTER TO CLERGY
June 15, 2007

TO: The Diocese of West Missouri- Clergy

FROM: Richard H. Wagstaff, III, Chancellor

RE: Child Abuse and Neglect -- Reporting Requirements

I. Reporting Requirements:

Certain persons who have reasonable cause to suspect that a child has been or may be subjected to abuse or neglect must immediately make a report to the Division of Family Services. V.A.M.S. § 210.115. Such persons include physicians, health practitioners, psychologist, social workers, day care workers, teachers, law enforcement officers, ministers, and any person with responsibility for the care of children. V.A.M.S. §§ 210.115 and 352.400. Persons not in this group are not precluded from making reports. V.A.M.S.§ 210.115

Ministers or a designated agent of the minister’s religious organization are required to immediately report or cause a report to be made to the Division of Family Services if the minister has probable cause to believe that a child has been subjected to abuse or neglect. It should be noted that privileged communications made to a minister continue to be excepted from reporting requirements. A minister is allowed to report suspected abuse or neglect to a designated agent of a religious organization and the designated agent shall be responsible for making the report to the Division of Family Services. § 352.400.

Those persons required to make a report must turn over any evidence of sexual abuse or sexual molestation of any child under age 18 to the Division of Family Services within 24 hours. V.A.M.S. § 210.130.

“Abuse” is defined as “any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his care, custody, and control except
that discipline including spanking, administered in a reasonable manner shall not be construed to be abuse.” V.A.M.S. § 210.110.

"Neglect" is defined as "failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for his well-being." V.A.M.S. § 210.110.

Reports are made to the Division of Family Services by calling the Child Abuse Hotline at 1-800-392-3738. The Hotline is available 24 hours a day.

Reports are confidential. V.A.M.S. § 210.150. Children who are the subject of the report and their parents may obtain any information in the report except the name of the person who made the report. Information in the reports may not be made available to anyone else except:

1. physicians with abused or neglected child before them
2. Division of Family Services staff
3. grand jury or law enforcement officials
4. bona fide researchers (but cannot print names of children or persons who made report)
5. any day care facility or school which exercise temporary supervision or care for a child (but cannot receive any names except that of the alleged perpetrator of the abuse).
6. any person who inquires about abuse or neglect regarding a day care center or school (but cannot receive any names)
7. other state agencies

Failure to make a report when required is a type A misdemeanor (prison term, if given, not to exceed one year). Id. and V.A.M.S. § 210.165.

Persons making reports are immune from any liability, civil or criminal, so long as that person did not intentionally file a false report. V.A.M.S. § 210.135.

II. Protective Custody of Child

Any police officer, law enforcement official, or physician who has reasonable cause to suspect that a child is suffering from illness or injury or is in danger of personal harm due to...
abuse or neglect, may request that the juvenile officer take the child into protective custody. V.A.M.S. § 210.125.

Any police officer, law enforcement official or physician who has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of child abuse or neglect may retain temporary protective custody of the child without the consent of the child's parents or guardians. Such custody is only permitted where the harm or injury may occur before a juvenile court has time to issue a temporary protective order. Any person taking a child into custody of this kind must notify the juvenile officer of the county court within 12 hours. V.A.M.S. § 210.125.

Persons taking children into protective custody under this law are protected from liability in the same way as persons making reports. V.A.M.S. § 210.135.

III. Testimony in Court

Missouri law recognizes a "priest / penitent" privilege. V.A.M.S. § 491.060. The privilege applies not merely to priests and penitents, but to a wide variety of communications. According to the statute, "[a]ny person practicing as a minister of the gospel, priest, rabbi or other person serving in a similar capacity for any organized religion, concerning a communication made to him or her in his or her professional capacity as a spiritual advisor, confessor, counselor or comforter," may not be compelled to testify regarding that communication. Id.

The priest holds the privilege. V.A.M.S. § 491.060; see Eckmann v. Board of Education of Hawthorn School District, 106 F.R.D. 70 (E.D. Missouri, 1985). Regardless of the wishes of the person communicating to the priest, the priest has the choice whether to disclose or withhold such communications. Id. In 2001, Missouri law was changed to recognize the “priest/penitent” privilege in cases of child abuse. V.A.M.S. § 210.140.

IV. Civil actions regarding children

1. Limitations:

In any civil actions commenced after August 28, 2004 for recovery of damages suffered as a result of childhood sexual abuse, the action must be commenced within ten (10) years of the date the plaintiff attains the age of twenty-one (21) or within three (3) years of the date the plaintiff
discovers or reasonably should have discovered that the injury or illness was caused by child sexual abuse. V.A.M.S. §537.046.

2. Action for medical neglect by interested persons:

Any interested person may bring an action in the circuit court in the county where any child under eighteen years of age resides or is located alleging the child is suffering from medical neglect. V.A.M.S. § 210.166. Interest persons include the division of family services, any juvenile officer, any licensed physician, any hospital or health care institution. Id.
APPENDIX E

CHANCELLOR’S LETTER
TO LAITY
June 15, 2007

TO: The Diocese of West Missouri- Laity

FROM: Richard H. Wagstaff, III, Chancellor

RE: Child Abuse and Neglect -- Reporting Requirements

I. Reporting Requirements:

Certain persons who have reasonable cause to suspect that a child has been or may be subjected to abuse or neglect must immediately make a report to the Division of Family Services. V.A.M.S. § 210.115. Such persons include physicians, health practitioners, psychologist, social workers, day care workers, teachers, law enforcement officers, ministers, and any person with responsibility for the care of children. V.A.M.S. §§ 210.115 and 352.400 Persons not in this group are not precluded from making reports. V.A.M.S. § 210.115

Ministers or a designated agent of the minister’s religious organization are required to immediately report or cause a report to be made to the Division of Family Services if the minister has probable cause to believe that a child has been subjected to abuse or neglect. However, it should be noted that privileged communications made to a minister continue to be excepted from reporting requirements. A minister is allowed to report suspected abuse or neglect to a designated agent of a religious organization and the designated agent shall be responsible for making the report to the Division of Family Services. § 352.400.

Those persons required to make a report must turn over any evidence of sexual abuse or sexual molestation of any child under age 18 to the Division of Family Services within 24 hours. V.A.M.S. § 210.130.

"Abuse" is defined as "any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his care, custody, and control except that discipline including spanking, administered in a reasonable manner shall not be construed to be abuse." V.A.M.S. § 210.110.
"Neglect" is defined as "failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for his well-being." Id.

"Those responsible for the care, custody and control of a child" include, but are not limited to, the parents or guardians of a child, other members of the child’s household, “or those exercising supervision over a child for any part of a twenty-four hour day.” Id.

Reports are made to the Division of Family Services by calling the Child Abuse Hotline at 1-800-392-3738. The Hotline is available 24 hours a day.

Reports are confidential. V.A.M.S. § 210.150. Children who are the subject of the report and their parents may obtain any information in the report except the name of the person who made the report. Information in the reports may not be made available to anyone else except:

1. physicians with abused or neglected child before them
2. Division of Family Services staff
3. grand jury or law enforcement officials
4. bona fide researchers (but cannot print names of children or persons who made report)
5. any day care facility or school which exercise temporary supervision or care for a child (but cannot receive any names except that of the alleged perpetrator of the abuse).
6. any person who inquires about abuse or neglect regarding a day care center or school (but cannot receive any names)
7. other state agencies

Persons making reports are immune from any liability, civil or criminal, so long as that person did not intentionally file a false report. V.A.M.S. § 210.135. Failure to make a report when required is a type A misdemeanor (prison term, if given, not to exceed one year). V.A.M.S. §§ 210.150 and 210.165.

At the time of the initial investigation of a report, the alleged perpetrator will be given a written notice and description of the investigation process. V.A.M.S. § 210.183.
II. Protective Custody of Child

Any police officer, law enforcement official, or physician who has reasonable cause to suspect that a child is suffering from illness or injury or is in danger of personal harm due to child abuse or neglect, may request that the juvenile officer take the child into protective custody. V.A.M.S. § 210.125.

Any police officer, law enforcement official or physician who has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of child abuse or neglect may retain temporary protective custody of the child without the consent of the child's parents or guardians. Such custody is only permitted where the harm or injury may occur before a juvenile court has time to issue a temporary protective order. Any person taking a child into custody of this kind must notify the juvenile officer of the county court within 12 hours. V.A.M.S. § 210.125.

Persons taking children into protective custody under this law are protected from liability in the same way as persons making reports. V.A.M.S. § 210.135.

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Any interested person may bring an action in the circuit court in the county where any child under eighteen years of age resides or is located alleging the child is suffering from medical neglect. V.A.M.S. § 210.166. Interest persons include the division of family services, any juvenile officer, any licensed physician, and any hospital or health care institution. Id.