

POLICIES REGARDING

THE PREVENTION
of
SEXUAL MISCONDUCT AND CHILD ABUSE
by
CLERGY, EMPLOYEES AND VOLUNTEERS
in the
ANGLICAN DIOCESE OF PITTSBURGH

and the

INVESTIGATION AND PROSECUTION
of
ALLEGATIONS AND INCIDENTS



Approved by
The Bishop and Standing Committee

April 23, 2015

THEOLOGICAL STATEMENT

Christians believe that human beings are 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; ACNA Texts for Common Prayer (2013)

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.

Such a betrayal is a gross injury to the one abused and a violation of faithfulness to Christ. 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," (1979 Book of Common Prayer) 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.

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.

APPLICABILITY

The provisions of Section I of this manual dealing with the prevention of sexual misconduct and child abuse are applicable to all members of the clergy canonically resident, licensed or serving in the Diocese of Pittsburgh, and to all lay employees and volunteers affiliated with any activities and programs of the Diocese of Pittsburgh, including any committee, commission or similar body.

This manual is also provided as a resource to the congregations in the Diocese of Pittsburgh. We believe that the policies set forth in Section I of this manual represent an appropriate standard of care, and we urge each congregation to adopt them as their own (Appendix A).

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. 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 and Finance if you have any questions. The diocese assumes no responsibility for a congregation's non-compliance with their insurance carrier's policy.

The provisions of Section II of this manual dealing with the investigation and prosecution of allegations and incidents apply to all allegations and incidents arising within the diocese or the congregations.

SECTION I: PREVENTION OF SEXUAL MISCONDUCT AND CHILD ABUSE

POLICY STATEMENT

Authority: The Bishop's office in cooperation with the Standing Committee is responsible for setting clear diocesan policies regarding sexual misconduct and child abuse, and diocesan leaders are responsible for knowing and abiding by such policies.

Sexual Misconduct and Child Abuse Prohibited: The Bishop and the Diocese of Pittsburgh strictly prohibit sexual misconduct and child abuse 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, or any diocesan related institution. The Bishop and the Diocese of Pittsburgh require compliance with child abuse reporting requirements of the secular jurisdictions to which clergy, staff, and volunteers are subject.

PENNSYLVANIA LAW

As of January 1, 2015, Pennsylvania significantly broadened the scope of its child abuse statutes. One of the most significant changes is to require that those individuals identified as Mandatory Reporters must make a report when in the course of employment or volunteering, he or she comes to have "reasonable cause" to suspect that a child is victim of child abuse. The necessary suspicion need not be based on first-hand knowledge and the Mandatory Reporter need not be able to definitively identify the perpetrator of the abuse. Reports must be made directly by the person who suspects that abuse has occurred. It is no longer sufficient to report solely to a supervisor. Mandatory Reporters are protected from criminal and civil liability if the report was made in good faith. (The statute assumes that a report is made in good faith.) Penalties for willful failure to report range from a second degree misdemeanor to a second degree felony, depending on the severity of the abuse, whether the reporter had direct knowledge of it, and whether the failure is a first or subsequent offense.

IMPLEMENTATION OF POLICY

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 abuse or other sexual crimes, anyone who has admitted prior abuse, or anyone known to have a paraphiliac diagnosis (as defined below).

Sexual Abuse Training: All members of the clergy canonically resident, licensed or serving in the diocese, all employees of the diocese or diocesan related institutions, and adult volunteers who regularly supervise youth activities of the diocese or diocesan related institutions are required to complete the diocesan sponsored "Sexual

Abuse Awareness Training” program administered by Ministry Safe or equivalent training in compliance with their insurance carrier’s requirements. Contact the Rev. Donald Bushyager at bushyager@pitanglican.org for information.

Note: The Ministry Safe training program is available for use by congregations.

Comprehensive 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. Background checks include the following:

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.

Anglican Church in North America canons direct that clergy background checks be renewed every five years.

State Required Clearance: All clergy, lay employees and all volunteers (age 16 and over) who will have contact with children as part of their ministry will be required to comply with the regulations of the Commonwealth of Pennsylvania or the state in which they reside or perform ministry to include obtaining and keeping current (resubmission required every 3 years in Pennsylvania) all clearances stipulated. For Pennsylvania this includes:

- (1) Pennsylvania Child Abuse History Clearance if applicant lives in Pennsylvania.
- (2) Pennsylvania State Police Criminal Record Check if applicant lives in Pennsylvania.
- (3) If the individual has not resided in the Commonwealth for the past 10 years a Federal Criminal History (F.B.I.) Background Check (with submission of fingerprints).

Pastoral Counseling and Spiritual Direction: The Diocese of Pittsburgh requires that members of the clergy and other pastoral care givers either (i) have ongoing professional supervision or (ii) 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 offering regular formal spiritual direction to others shall submit that ministry to peer or supervisory review with a spiritual advisor approved by the bishop.

Interpretation: For purposes of this manual, 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 congregation 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.”

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 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 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 congregation are made aware of 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 congregation policies and procedures. The diocese assumes no responsibility for a congregation’s non-compliance with its insurance carrier’s policy on acknowledgment of receipt of a congregation’s policies and procedures or insurance carrier training requirements.

SECTION II: INVESTIGATION AND PROSECUTION OF ALLEGATIONS AND INCIDENTS

GUIDING PRINCIPLES

- ◆ That any allegation of sexual exploitation or child 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.
- ◆ That a person can be wrongly accused of sexual misconduct or child abuse. Nevertheless, in the event of a credible accusation, the person so accused may be suspended without prejudice until such time as the allegations of sexual misconduct or child abuse are resolved (see *Responding to Allegations and Complaints* below).
- ◆ 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.
- ◆ That, with limited exceptions occurring in a Privileged Relationship (as defined below), anyone subject to this Policy who learns of sexual misconduct or child abuse (i) by anyone subject to this Policy or (ii) against anyone intended to be protected by this Policy has a responsibility to report the information to appropriate ecclesiastical authorities promptly. Reporting to secular authorities is also required by law in certain cases described below.
- ◆ That leaders 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. Reporting to secular authorities is also required by law in certain cases described below.

DEFINITIONS

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.

Child Abuse means any intentional, knowing or reckless act or failure to act, that results in a child's serious physical or emotional harm, sexual abuse, exploitation or death, or any act or failure to act that presents a risk of serious harm to a child. *Child abuse is a criminal offense and must be reported to child protective services.*

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.

“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.

Mandatory Reporter means clergy, staff, and volunteers who “regularly accept responsibility” for a child. This would include a volunteer who teaches weekly Sunday school.

Paraphiliac 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.

Privileged Relationship means a relationship between a member of the clergy and a person in which communications regarding past actions are made by the person to the member of the clergy with the expectation that such communications are secret and confidential (as in confession). See diocesan publication "Suggested Guidelines: Pastoral Counseling & Rite of Reconciliation" for further discussion. See also Canon XXX of the Constitution and Canons of the Anglican Diocese of Pittsburgh.

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 a person who is deemed legally incapable of consent is a criminal offense and must be reported to law enforcement or child protective services, with the very limited exception of information received in a Privileged Relationship.*

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.*

RESPONDING TO ALLEGATIONS AND COMPLAINTS

A. NOTIFICATION

All allegations of sexual misconduct or child abuse by a member of the clergy, lay employee or volunteer of the Diocese of Pittsburgh or any agency of the diocese will be reported immediately to the bishop. All allegations of sexual misconduct or child abuse by a member of the clergy, lay employee or volunteer of a congregation will be reported immediately to the rector of the congregation who will promptly inform the bishop.

A Mandatory Reporter who has “reasonable cause” to suspect that a child is victim of child abuse will immediately report at

www.compass.state.pa.us/cwis/public/home
or by calling 1-800-932-0313.

Reporting by phone will require a written report within 48 hours. The Mandatory Reporter will also report suspected child abuse to the Bishop of the Diocese of Pittsburgh and the rector or clergy in charge of the applicable congregation.

In the event of a complaint alleging abuse of a minor or incapacitated adult not required to be directly reported by the previous paragraph, the bishop will contact the appropriate law enforcement officials and comply with the reporting and notification requirements as contained in the diocesan, parish or other liability policies for insurance claims.

B. RESPONSE

Upon receiving a complaint of sexual misconduct or child abuse, the bishop or rector receiving the complaint will personally assure the complainant that the church is concerned and that the complaint will be investigated promptly and thoroughly.

If the alleged offender is a lay employee or volunteer of the diocese, employment or volunteer activities may be suspended by the bishop 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.

If the alleged offender is a lay employee or volunteer of an agency related to the diocese or a 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. The employer or person responsible will notify the bishop of the suspension.

Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct or child abuse may request the bishop to begin an investigation. The bishop is required to see that the requested investigation is done.

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.

Appendix A

CERTIFICATE OF COMPLIANCE

I hereby certify that the congregation of _____ 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 Regarding Prevention of Sexual Misconduct and Child Abuse, 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, 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.

Rector

Date

Senior Warden

Date

Return this form to:

**Anglican Diocese of Pittsburgh
ATTN: Director of Administration and Finance
One Allegheny Square, Suite 650
Pittsburgh, PA 15212**

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 Regarding Prevention of Sexual Misconduct and Child Abuse and the Investigation and Prosecution of Allegations and Incidents of Sexual Misconduct** (the "Policies") adopted by the Bishop and Standing Committee, April 2015, 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. If the Policies are adopted by a congregation, this receipt must be signed by clergy, volunteers who regularly supervise youth activities, and employees (full or part-time) affiliated with any activities and programs of the congregation who are required to complete diocesan approved training.

Return this form to:

**Anglican Diocese of Pittsburgh
ATTN: Director of Administration and Finance
One Allegheny Square, Suite 650
Pittsburgh, PA 15212**

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

CENTRE COUNTY

Children and Youth Agency
Willowbank Office Bldg.
Bellefonte, PA - 16823
814-355-6755

DAUPHIN COUNTY

Children and Youth Agency
1001 North 6th Street
Harrisburg, PA - 17102
717-780-7200

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