



Guidelines and Procedures in Cases of Sexual Abuse and Sexual Misconduct

Episcopal Diocese of Olympia, Seattle

Guidelines and Procedures in Cases of Sexual Abuse and Sexual Misconduct

Introduction The purpose of this document is to outline the process and procedures that are put into place when a complaint of sexual misconduct is made against a clergy person of the Diocese of Olympia. The procedures described move toward a conclusion in which the Bishop of the Diocese of Olympia is the adjudicator. Complaints that cannot be satisfied in this manner may be taken to the Standing Committee under the procedures described in Title IV of the Constitution and Canons of the Episcopal Church.

This document includes definitions, theological underpinnings, how to make a complaint, the process following the complaint, adjudication procedures, education requirements and roles and responsibilities of those involved.

Definitions **Sexual Abuse** includes any unwelcome physical or verbal sexual contact with another person in a context that would be regarded as unlawful or improper by state and local governmental authorities. Such conduct would include any sexual conduct with a person who is a minor or who is legally incompetent, and non-consenting adults.

Sexual Harassment includes any unwelcome sexual advance or conduct (written, spoken, or physical), any direct or indirect request for a sexual favor or suggestion that one might be granted, and any tormenting behavior based on sex. It includes unwelcome sexually oriented humor or language including questions; undesired physical contact; inappropriate comments about clothing or physical appearance.

Quid pro quo: granting of a benefit is made contingent upon the granting of sexual favors.

Sexual Exploitation includes but is not limited to the development of or the attempt to develop a sexual or romantic relationship with an adult who may otherwise be consenting, but with whom the cleric, employee or volunteer has a ministerial relationship of trust and is acting on behalf of or representing the parish, or other institution of the Office of the Bishop

Ministerial/pastoral Relationship: 1) a relationship between a cleric, employee or volunteer and any person to whom such cleric, employee or volunteer provides counseling, pastoral care, spiritual

direction or spiritual guidance or from whom such cleric, employee or volunteer has received a confession or confidential or privileged information; it is an abuse of power and trust of a ministerial relationship to use or allow the ministerial relationship to provide sexual gratification. Such conduct is not only unethical and damaging to the parties involved, but also undermines the integrity of the Church and inflicts a wound in the Body of Christ.

and/or 2) a relationship between a cleric or lay professional worker and congregant.

**The position of the
Diocese of Olympia
regarding Clergy
Sexual Misconduct**

In the Catechism we state that we are part of God's creation, made in the image of God. It means that we are free to make choices: to love, to create, to reason, and to live in harmony with creation and with God. We live apart from God and out of harmony with creation when, as human beings, we misuse our freedom and make wrong choices.

The issue of sexual abuse and sexual misconduct—choices that cause us to live apart from God—are not new within the Church. What is relatively new is the realization that it must be brought out into the open, acknowledged, and addressed. This more open stance opens the way for understanding, Christian love, and care to replace the secrecy, silence, and ignorance of the past.

In this Diocese, it is our intention to work toward a climate free of sexual abuse, harassment and exploitation. It is also our intention, when any such misconduct surfaces, to deal with it fairly and promptly, working toward healing with justice.

The Church carries out its mission through the ministry of all its members. The ministers of the Church are lay persons, bishops, priests, and deacons. The office of minister—lay or ordained—has significant responsibility, power and trust. People often turn to clergy at vulnerable times in life, seeking affirmation, support, and guidance. In the care of souls, a pastor enters into a trusting relationship, characterized by openness, nurturing and grace. This pastoral relationship personifies Christ's message of love and healing. It may often be intensely personal. It is the responsibility of the clergy, lay professional worker or volunteer to maintain the integrity of this pastoral relationship at all times, and to protect those who come for help—emotionally, physically, and spiritually.

For all persons in pastoral relationships, the vows taken at Holy Baptism and at Confirmation require them to renounce sin and evil, and to seek and serve Christ in all persons, which includes the avoidance of sexual misconduct. For clergy, the vows made at ordination require those who pastor to be faithful pastors, which

includes the avoidance of sexual misconduct. Everyone who undertakes pastoral ministry accepts a high standard of conduct. When any Christian offers pastoral care, Christ and His body, the Church, are represented. Thus, sexual misconduct by those who pastor, damages not only the immediate victim but is a sin against Christ which wounds His body, the Church.

Process & Procedures

Bringing a Complaint and the Response to that Complaint:

These issues need to be dealt with openly and fairly. When an accusation is made, it is received, evaluated and adjudicated as quickly as possible. Those involved are supported in a manner consistent with the gospel values of dignity, compassion and justice. Both the complainant and the accused clergy will be informed of Title IV options.

Making a Complaint:

A complaint may first be made as an oral complaint to the Bishop or the case manager for sexual misconduct. Upon receipt of an oral complaint, the Bishop will request a written complaint and consult with the Office of the Bishop Response Team which includes the Chancellor of the Diocese, the Case Manager for sexual misconduct and the Canon to the Ordinary. An immediate preliminary investigation is made by a person functioning on behalf of the Office of the Bishop. The purpose of this investigation is to determine initially whether the complaint has merit and the possible need for restriction of clergy duties. The Bishop may, at any time, in accordance with national church canons, restrict the duties of or temporarily inhibit a clergy person against whom a complaint is made. Such an inhibition may be imposed in addition to any other actions taken under these guidelines.

Written complaint:

The written complaint, to the Bishop, and signed by the complainant, should include: complainant's name, address, and telephone number, a statement of the specifics of the misconduct with date, location and time, and the name and title of the alleged perpetrator. All signed complaints will be investigated. Upon receipt of this signed complaint, a full investigation will proceed. If the complainant refuses to submit a signed complaint, the Bishop may, nevertheless, determine that a full investigation should commence and the alleged perpetrator informed of the oral allegations. In certain instances the Bishop may commence a full investigation where no complaint, written or oral, has been given.

Child Abuse allegations:

If the complaint includes allegations of child abuse, the Child Protective Services will be notified within 24 hours by the office

of the Bishop, and timely notice given to any other state or local agency with jurisdiction over this form of misconduct. The Office of the Bishop will cooperate fully with state and local law enforcement officials in the investigation of this alleged conduct. Further, if the Bishop determines there is any merit to the allegations of child abuse, serious consideration will be given to the suspension of the accused pending the investigation. Protecting children will take precedence.

Support for complainant:

The complainant is encouraged to have someone not impacted by the alleged misconduct, who can stand with them during the course of the investigation and the adjudication. The case manager can assist in identifying this person. This support person may be present when the complainant talks with the Bishop, can assist in the preparation of the written statement and is the communication link with the case manager: (hearing of progress, asking questions for the complainant, taking questions for the complainant).

Support for the accused:

The accused is told of the complaint by the Bishop. The accused is encouraged to have someone not impacted by the alleged misconduct, who can stand with them during the course of the investigation and the adjudication. The case manager can assist in identifying this person. This person may be present when the accused talks with the Bishop and is the communication link with the case manager (hearing of progress, asking questions for the accused, and taking questions for the accused).

Privacy:

The privacy of all individuals is held in high regard and is maintained, to the extent possible, during the entire process. Because of the necessity of discovering facts and gathering corroborating information, complete confidentiality is not possible. Only persons directly involved in the case are contacted and, in most cases, names are disclosed only with permission. Individual needs regarding the extent of privacy will be dealt with on a case by case basis. The name of the complainant will not be given if the congregation needs to be informed.

Actions in response to a complaint:

The Bishop meets with the complainant to discuss the complaint, the action being taken and possible steps toward healing for the complainant.

The accused is informed, by the Bishop, of the charges that have been brought and is given an opportunity to respond.

The accused and/or complainant may be asked to undergo evaluation by appropriate professionals.

Should the complainant not choose to follow through with the investigating procedure, the Bishop may still determine to make further investigation or take certain action.

An independent investigator will be engaged by the Office of the Bishop for a full and complete investigation to be completed as quickly as possible. The complexity of the complaint and the availability of individuals determine the time required to complete the investigative process.

The Bishop will decide if, when, how, and to what extent a congregation may be advised prior to the conclusion of the investigation. If the situation becomes public, the congregation may be advised. A congregational meeting may be held in which all available and appropriate information is given regarding the nature of the complaint and the process that is in place.

All steps are recorded in writing and records kept in a locked file in the Bishop's office. Access to these records is limited to the Bishop, Chancellor, Case Manager and others on a need-to-know basis as identified by the Bishop, Chancellor or Case Manager.

When the investigation is complete

When the investigator has completed the inquiry and reported to the Bishop, the following may take place:

1. If allegations are found to be without substance, the investigation will be closed. The accused will be so informed and it will be noted in the accused person's personal file in the Bishop's office. The complainant will be so informed by the Bishop's office. If requested, an appropriate statement of exoneration may be made by the Bishop to the accused, the congregation (where appropriate) and all who may have been involved.
2. If allegations are found to have substance, the accused will be informed in writing and given the opportunity to respond.
3. The Bishop is ultimately responsible. At all times the Bishop will have available the counsel of advisors and will use the best judgement possible to decide what action is called for in each situation. When the action is determined, the Bishop will meet separately with each party concerned to explain the action taken. The action will be put in writing.

The range of actions available to the Bishop includes but is not limited to:

- Requirements for counseling, mentoring, reporting
- Censure without suspension
- Temporary suspension during which the accused undergoes personal therapy until there is clear evidence of rehabilitation.

The offender must undergo a psychological evaluation by a trained professional recommended by the Bishop at Diocesan expense. The offender must also engage in therapy with a trained professional recommended by the Bishop or chosen by the offender with the Bishop's approval.

The evaluator and the therapist shall not be the same person. Clergy may retain their clergy status but not be assigned to parish duties during the course of rehabilitation. Periodic reviews are required.

In each of the above circumstances it is expected that the offender will be under supervision and that the Bishop will receive regular reports from the therapist, mentor, or other appointed person working with the offender. These reports will include information about the process and the engagement of the offender. They will not include the content of the conversations between the therapist and the offender. These records become part of the record kept in the Bishop's office.

- Permanent suspension in response to clearly unethical behavior where there is little chance of rehabilitation. If deposition of orders is called for, the Diocese will assist the priest in discovering how baptismal ministry can be exercised in other than clerical ministry.

4. In instances where charges have been confirmed and disciplinary action is taken and/or litigation may arise, the Standing Committee may be informed.

Actions following the adjudication

Parties informed: All parties will be informed in writing of the findings and the action taken.

Pastoral care extended: The case manager will see that pastoral care is extended to the complainant and professional follow-up care made available if appropriate. This may include reasonable financial support. In so far as possible the offender shall be held responsible.

Congregation informed: In such cases where the accused has responsibility for or connection with a congregation, the Bishop or his representative will meet with the congregation and inform the members of the results of the investigation and the disciplinary action taken.

Congregation assisted: Assistance will be offered to the congregation, in the form of both written resources and individuals with specialized skills to help the congregation move toward healing and reconciliation. Someone within the congregation will be identified as a liaison to the Office of the Bishop and available to the congregation.

Title IV The procedure described above assumes the Bishop will be the adjudicator. At any point in the process either the accused or the complainant can request the case be taken to the Standing Committee. The Standing Committee will arrange for an Ecclesiastical trial as described in Title IV of the Constitution and Canons of the Episcopal Church.

Education Ministers of the church are mandated to engage in a workshop or seminar approved by the Office of the Bishop, every 3 years to help them understand the variety of issues involved in sexual misconduct and to raise awareness of behavior that may be problematic. Articles in the *FYI* will provide information about such seminars and workshops. In addition, ministers are encouraged to read books and articles, and view videos on the subject. The Diocesan Resource Center has a wide range of books and videos available. New materials will be described in the *FYI*. The Child Abuse Classes, offered regularly by the Office of Faith Development, are another source of up-to-date information with an opportunity for questions and discussion.

Attachment

Roles & Responsibilities:

Bishop hears/receives the complaint, informs the accused of the complaint, and initially consults with the Office of the Bishop Response Team to determine the specific needs and process needed to deal with this complaint. Since the Bishop is also the adjudicator, details of conversations and findings are held until the investigation is complete. At that time the Bishop studies the investigative report, consults with the response team, often the investigator, and others as needed, to determine the appropriate adjudication.

Chancellor of the Diocese is responsible for the legal aspects involved in a complaint, investigation and adjudication. The Chancellor advises the Bishop, the case manager and others working on the case. The Chancellor represents the diocese, not the accused or the complainant. Sometimes the Chancellor provides suggestions to the complainant and the accused regarding the need for legal counsel and may provide referrals of those who might provide that counsel.

Case manager serves as the contact person for those involved in a complaint, to assist the complainant and the accused in identifying support persons, and to assist the Bishop and the Chancellor as they deal with issues involved in the complaint. The case manager works directly with the investigator, stays in touch with complainant and the accused through their support persons, and maintains the file for the Bishop's Office.

Investigator is a person trained in conducting investigations of this nature, independent of the Diocese of Olympia, and hired by the Diocese for the purpose of discovering the facts about the events that resulted in a complaint to the Bishop. The investigator conducts interviews, writes a summary report of the findings and submits that report to the Bishop. A judgement regarding innocence or guilt is not part of the report.