

*The Episcopal Diocese of North Carolina*

# **Policy and Procedures**

*Concerning Allegations and Incidents  
of Sexual Misconduct*

*A Handbook for Church Workers and their Congregations*

***“From everyone to whom much has been given, much will be required;  
and from the one to whom much has been entrusted, even more will be  
demanded.” Luke 12:48***

March 2003

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## **The Bishop's Committee on Sexual Ethics**

Bishop Michael Curry, Diocesan  
Bishop Gary Gloster, initial responder in reported cases  
The Rev. Sally Harbold, committee chair/administrator

### **Training**

- 4 Programs
- Workshops: Prevention/Detection/Reporting
  - Child Sexual Abuse
  - Adult Sexual Misconduct
- Preschool Directors Training
- Diocesan Trainers Training

### **Pastoral Response**

- Responding to questions, reports, allegations of child abuse or sexual misconduct.
- Members of the team include: lay professionals, clergy, clinical consultants, legal consultants. (about 24 people on the team)

*This text is from a letter Bishop Curry wrote in October, 2002, and which appears in the front of our Diocesan Policy and Procedures Concerning Allegations and Incidents of Sexual Misconduct.*

Dear Brothers and Sisters in Christ:

Our call to be a community of disciples following our Lord Jesus Christ means that we are to be a community where all are loved, valued and cherished. The church is to be, therefore, a safe space for all of God's children. In that light we are committed to continuing the work to make our churches as free as possible of sexual abuse and misconduct, and whenever such abuse or misconduct occurs to confront it honestly and quickly.

To that end, this manual, is offered to the laity and clergy of our Diocese.

I endorse this revised manual and require adherence to its spirit and its standards, by myself and by all members of our Church. We simply must do all we can to make church a safe place for everyone and "to respect the dignity of every human being".

Because we love God, and because we love God's people, we can do nothing less.

Your brother in Christ,  
Michael B. Curry  
Bishop of North Carolina

## I. Theological Context

Living in a world where reports of incidents of violence, hatred, and sexual misconduct are increasing, the Church accepts a particular responsibility to clarify and maintain ethical and moral standards that make clear what is unacceptable on the part of those called to positions of church leadership. Such leadership is a gift of the Spirit that can only be effectively exercised in an environment of trust. As the Gospel witness makes abundantly clear

*"From everyone to whom much as been given, much will be required; and from the one to whom much has been entrusted, even more will be demanded. "* (Luke 12:48)

Since trust is so fundamental to the well-being of the Christian community, Christian people have the right to expect that those they choose as leaders, both lay and ordained, understand and are committed to standards of behavior that are trustworthy. In receiving the Sacrament of Baptism, we enter into a sacred covenant in which we pledge to live lives that "...seek and serve Christ in all persons," and to "...respect the dignity of every human being." When, therefore, this solemn trust is broken through some form of sexual misconduct, not only is someone's dignity diminished and her or his well-being seriously harmed, but harm is also done to the entire Christian community. Where there is no trust, there can be no community.

Sexual misconduct on the part of the ordained is especially egregious. Ordination is a sacrament which sets apart one among the baptized to gather the community, to teach and proclaim the message of the Gospel, to administer the sacraments and care for the people of God especially entrusted to him or her. Great authority, and therefore great responsibility, is conferred upon bishops, priests, and deacons. As those who are entrusted with power in the lives of the faithful, and bear a deep trust relationship to them, they must at all times put the welfare of those they serve before their own. Abusing this power and violating this trust by a sexual relationship destroys the spiritual integrity of the ordained and cannot be tolerated.

The Diocese of North Carolina joins with the National Church in making every effort to insure that the Church is a safe place for all. Our policy and procedures for responding to allegations of sexual misconduct reflect our conviction that the consistency of uniform procedures ensures that all involved will be treated with compassion.

## II. Diocesan Policy & Procedures Concerning Allegations and Incidents of Sexual Misconduct

### Policy

The Diocese of North Carolina strictly prohibits sexual misconduct by any ordained person, aspirant, postulant, candidate, or seminarian sponsored by or working in this Diocese, and by any lay employee or volunteer working in any capacity for the Diocese of North Carolina, any diocesan-related institution or any parish or other congregation in the Diocese of North Carolina. Recognizing that sexual abuse, exploitation, and harassment are all clear violations of the promise in the Baptismal Covenant to "respect the dignity of every human being," it is the responsibility of church workers to do all they can to make the church a safe environment. Activities that are harmful to others physically, emotionally, or spiritually are simply not permitted.

### Definitions

**Sexual misconduct** means any:

(1) **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; or

(2) **Sexual harassment** in a situation where there is an employment, mentor, or collegial relationship between the persons involved, including but not limited to:

- Sexually-oriented language or humor;
- Questions or comments about sexual behavior or preference unrelated to employment qualifications;
- Undesired physical contact;
- Inappropriate comments about physical appearance or clothing;
- Repeated requests for social engagements;

(3) **Sexual exploitation**, including but not limited to, the development of or the attempt to develop a sexual relationship between a cleric, employee, or volunteer and a person with whom he/ she has a pastoral relationship, whether or not there is apparent consent from the individual.

A **pastoral relationship** is a relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides counseling, pastoral care, spiritual direction, and/or spiritual guidance or from whom such cleric, employee, or volunteer has received confession and/or confidential or privileged information.

### **III. Diocesan Procedures for Responding to Complaints of Sexual Misconduct**

#### **Pastoral Response Process for Reports of Sexual Misconduct in Church Settings in the Diocese of North Carolina**

This process precedes the application of Title IV proceedings, which may or may not be invoked, depending on the outcome of this process, or upon the action of the complainant. If the Title IV process is engaged, response team personnel will remain the same, with such necessary additions as might be prescribed by the Canons.

**Time limits:** This is a pastoral response process offering healing; therefore, no time restraints apply. This is in contrast to civil or ecclesiastical legal processes. If the complainant or respondent chooses a legal process, they must adhere to the specified time constraints of that particular process.

**Access:** A resource line for concerned persons is available through a publicized 800 number. All calls will be returned promptly and confidentially. (1-877-332-3394)

**Response Team Pool:** The Diocese will maintain, at the Bishop's direction, a team of twelve to fifteen persons -clergy and lay, including mental health professionals and at least one attorney - who have been trained according to the guidelines provided by the Sexual Exploitation Committee of the General Convention. The work of this team will be held in strictest confidence, and written documents will be turned over to the Bishop at the end of any proceeding.

**Coordinator:** The Bishop will appoint a coordinator who will maintain a list of complaints received, keep the Bishop informed, maintain a roster of trained response team personnel (with availability schedules), and maintain contact with coordinators in other dioceses, and with the Office of Pastoral Development of the Presiding Bishop and the Sexual Exploitation Committee of the General Convention. All the coordinator's documents of this work will remain sealed and addressed to the attention of the Bishop. The coordinator will convene regular meetings of the Response Team Pool, no fewer than three per year.

**When a complaint is reported:** If the pastoral process is to be invoked, then the Bishop and coordinator are notified.

**If the complainant is ready to file a written complaint:**

Support person from the Response Team Pool is offered to complainant if not already in place. Support is also offered for spouse, family members, or others desiring it. Support person and coordinator gather details of alleged event. Complaint -if prepared -reviewed by coordinator and delivered to the Bishop.

**If complainant does not wish to make written complaint:**

At the discretion of the Bishop, if desired by complainant, a support person from the Response Team Pool is provided for complainant. Support is also offered for spouse, family members, or others desiring it. Coordinator stays in touch with support person and Bishop regarding possible future action.

In the absence of a written complaint, details of an allegation will be confidential.

**NOTE:** In any case complainant may meet with Bishop for initial reporting. Both Bishop and complainant are entitled to the presence of a support person for this meeting. Complainant always has the option of legal action, in addition to or instead of this pastoral process.

**If a written complaint is filed:**

Bishop contacts respondent and arranges a meeting. Details and names are not revealed in telephone conversations. In the meeting, the Bishop indicates a complaint has been received. For the pastoral response to continue, the respondent must consent to participation. Support person made available for respondent. Support person also made available for respondent's spouse, family members, or others desiring it. Bishop meets with respondent, support person, and coordinator for formal presentation of allegation.

**NOTE:** In all meetings, both the Bishop and the respondent are entitled to the presence of a support person. Respondent always has the option of legal action, in addition to or instead of the pastoral process.

Bishop may choose to activate a response team from members of the Response Team Pool. The particular team may consist of any or all of the following: support person for complainant: to listen to the complainant's story, to assist complainant, if desired, in referral to appropriate supportive therapy; to move through the entire matter with complainant; and assist in understanding of church procedures. Support person for respondent, any spouses, family members as needed: as above. Chaplain for team: to provide prayer, pastoral support for members of the response team, as the procedure unfolds. Congregational advocate: to work with the congregation or community affected by the complaint, to ensure that proper aftercare is provided.

The Response Team proceeds as directed by the Bishop. Support personnel in consultation with the complainant and the respondent develop a recommendation for resolution. The Response Team presents a written recommendation to the Bishop.

The Bishop presents his resolution of the case in a meeting with respondent, coordinator, and support personnel. Support is continued for all concerned as long as necessary. A record of the proceedings will be placed in the respondent's confidential file in the Bishop's office. The complainant has a right to know the Bishop's resolution of the case.

In case of misconduct by a layperson employed by congregations, the above process and resources are available to the rector or clergy in charge who bears ecclesiastical

responsibility for response in parish situations. The Bishop or coordinator is to be informed of such cases and the disposition of them. Details remain with the responsible clergy.

#### **IV. Legal Summary**

**North Carolina General Statutes 48-A-2 provides that "a minor is any person who has not reached the age of 18 years.**

A "juvenile" under the **North Carolina Juvenile Code, General Statutes 7-A, Articles 41- 44**, is in fact a minor.

**Section 543** of that Code, Confidentiality, reads as follows:

" Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent ...or has died as a result of maltreatment, shall report the case of that juvenile to the Director of the Department of Social Services in the county where the juvenile resides or is found... "

**Section 550** provides immunity to the reporter in subsequent proceedings so long as the reporter was acting in good faith, and good faith is presumed until it is shown to be otherwise.

**Section 551** removes the availability of any privileged relationship (except the attorney-client relationship in the particular case) either as grounds for failure to report or to exclude evidence developed from such a report.

## **V. Implementation of Policy & Procedures Concerning Allegations and Incidents of Sexual Misconduct**

### **Adoption of the policy by congregations**

Unless otherwise approved in writing by the Bishop of North Carolina, the vestry of each parish and congregation in this Diocese shall adopt this policy by a formal resolution, the text of which shall be recorded in the official minutes of the vestry.

In addition, on an annual basis:

- (1) The vestry of each parish and congregation shall reaffirm the applicability of these policies to all clergy, lay employees, and volunteers of each parish and congregation; and
- (2) All clergy, all lay employees, and all volunteers who regularly supervise youth activities shall be furnished with a copy of this policy by the Diocese -after they have completed the appropriate training.

### **Personnel procedures**

In accordance with applicable civil legal requirements, prior to ordination, employment, or acceptance into this Diocese (either through initial licensing or acceptance of a letter dimissory), a thorough background check will be made of all clergy, volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers), and employees. Among other things, such background checks shall determine current or past sexual misconduct allegations, criminal records, driving records, or paraphiliac behavior.

Background checks shall include, at a minimum, 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. Written records documenting completion of the required training and subsequent compliance with this policy shall be made contemporaneously and retained indefinitely. The congregation in which the person is employed or is a volunteer is responsible for seeing that the background checks are done. Churches may contract with outside agencies for the completion of those background checks. Records of all background checks conducted need to be kept on file in the church office. The church must notify the diocesan business office upon completion of required background checks.

**If you think there's a problem -resources for individuals & congregations**

If a situation arises in which you feel sexual misconduct may have occurred, there are many resources to help you clarify the experience and proceed as is appropriate.

**Confidential assistance may be sought from any or all of the following:**

**The Bishop's Coordinator for Pastoral Response and the Response Team** are women and men, lay and ordained, appointed by the Bishop, and trained to assist in allegations of sexual misconduct. Confidential messages may be left on this toll-free line and calls will be returned promptly 1-877-332-3394.

**A trusted member of the clergy** whom you know and with whom you feel comfortable speaking can also assist you pastorally and in acquainting you with the policy and procedures in our Diocese.

**The Bishop** is the chief pastor of the Diocese, and is available to you as a pastoral resource.

**Help from any and/or all of these sources will be prompt and confidential.**

**This booklet may be copied for wider distribution.**

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