

DIOCESE OF VERMONT POLICIES AND PROCEDURES RELATING TO SEXUAL MISCONDUCT

I. POLICY STATEMENT

The Diocese of Vermont strictly prohibits sexual misconduct of any type by any ordained person (deacon, transitional deacon, priest or bishop) canonically resident or functioning in the Diocese of Vermont, or any employee or volunteer authorized to perform work or provide services within the Church.

II. RATIONALE AND GOAL

The Church has long recognized the possibility of sexual misconduct on the part of her leaders, and has sought to address such matters to the best of her knowledge and ability in ways that are pastorally appropriate and humane for both accuser and accused. It is now deemed necessary to define and codify the Church's expectations and responsibilities concerning such matters. In part, this is a concomitant of a greater awareness in American society of the problems of sexual abuse, harassment and exploitation. In part, it is the result of recent federal legislation that makes sexual misconduct by persons in positions of authority—including church leaders—grounds for civil or criminal action. This document aims to communicate in clear and unequivocal language the expectations and responsibilities incumbent upon all members of the Episcopal Church in the Diocese of Vermont that will help to assure that our community remains free from the personal pain and destructive influences that necessarily arise through the perpetration of sexual abuse, harassment and exploitation.

III. DEFINITIONS

The Diocese of Vermont adopts the 70th General Convention of the Episcopal Church definition of sexual misconduct:

Abuse

Sexual involvement or conduct by a cleric or other church employee or volunteer with a person who is a minor or is legally incompetent.

Harassment

Unwelcome or undesired sexually oriented humor or language, questions or comments about sexual behavior or preference, 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 persons involved.

Exploitation

A betrayal of trust in a pastoral relationship by the development, or the attempted development, of a sexual or romantic relationship between the cleric or other church worker and a person with whom she or he has a pastoral or fiduciary relationship, whether or not there is apparent consent from the individual.

IV. PROCEDURES TO AID THE PREVENTION OF SEXUAL MISCONDUCT

Preservation of the safest possible environments within the church requires clear expectations, openness, and vigilant and sensitive cooperation on the part of aware and informed workers. Of particular importance are environments which present a high degree of risk or opportunity for sexual misconduct. These procedures represent the minimum of preventative measures to be observed in all such environments.

At the Time of Recruitment

1. All clergy and lay employees of the church, and all volunteers authorized by the Vestry and clergy person in charge to work on behalf of the congregation in situations that are considered high risk for sexual misconduct (such as church school, individual counseling, youth programs, etc.) will be required to complete and sign an application form which specifically includes a request for personal references, information concerning any prior adjudication in regard to sexual misconduct, and acknowledgment of the church's right to conduct a confidential background check.

Compliance Assurance

2. Within the first thirty days of employment or assignment, newly elected vestry members and all persons engaged in high risk areas of service will be required to sign a statement indicating that they have read and understand, and intend to comply with, the Diocese of Vermont Policy and Procedures Relating to Sexual Misconduct (this document).

An Informed Workforce

3. Within the first six months of employment or assignment, all clergy and employees must receive a minimum of six hours of training on issues of sexual harassment and exploitation and on the prevention and detection of child sexual abuse in church settings. All persons engaged in high-risk areas of service must additionally participate in this training. All such training must be provided or approved by the Province of New England.

Risk Reduction

4. Whenever possible, persons engaged in high risk areas of service should arrange for a co-worker or chaperon to be present during the exercise of their duties. Activities that require one-on-one interactions should be conducted in an environment that provides for visibility by other adults.

Prohibition of Employment

5. Any clergy, lay employee, or volunteer person who refuses to complete and sign the required application form and assurances will not be admitted to the position or assignment in question.

Corrective Action

6. Any clergy, lay employee or volunteer engaged in high risk areas of service who fail to comply with the remainder of the above procedures should be immediately warned of the need for corrective action. Failure to correct a

deficiency within a reasonable period of time will result in the prohibition of the person from further engagement in that area of service.

V. PROCEDURES FOR RESPONDING TO A COMPLAINT

The Bishop represents the principal authority of the Episcopal Church in the Diocese of Vermont regarding all matters of sexual misconduct in which the alleged perpetrator is a member of the ordained clergy, a lay employee of the church, or a lay volunteer duly authorized to provide work or services within the church. The Canon on Ecclesiastical Discipline provides a process for dealing with such matters with regard to clergy.

Reporting Alleged Sexual Misconduct

1. Any person who believes her or himself to have been sexually abused, harassed or exploited by a member of the clergy canonically resident or functioning in the Diocese of Vermont, or by an employee or other person duly authorized to provide work or services, should report the matter directly to the Safe Church Officer. [The Safe Church Officer for the Diocese is: Lynn Bates, Canon to the Ordinary, 800-286-3437 (within Vermont) or 802-863-3431; lbates@dioceseofvermont.org.] The complainant must write down the details of the complaint within forty-eight hours of the report. This written record will be kept in the file.

Preliminary Investigation

2. When information concerning alleged sexual misconduct deriving from a credible source is received by the Safe Church Officer, an investigation into the matter will be undertaken. The Safe Church Officer may, at her discretion, enlist the services of a team of persons specifically trained to assist and advise her in the conduct of the investigation. Such team will normally consist of a priest, a lay person, a person with standing as an expert in the field, and, when appropriate, an attorney.

Protection of Rights

3. Throughout the investigation and any subsequent action, reasonable care will be diligently exercised to assure the privacy and due process rights of all parties.

If the Alleged Victim is a Minor

4. If the alleged victim is a minor, the Safe Church Officer must, immediately upon receiving a complaint or other information which, in her judgment, signifies sufficient cause to warrant a complaint, ascertain whether a report of suspected child sexual abuse has been filed with an appropriate official of the Vermont Department of Children and Families. If a report has not been filed, the Safe Church Officer must take such action as may be necessary to cause said report to be filed immediately.

Response to the Alleged Victim

5. The Safe Church Officer will, either in person or by delegation to qualified officers of the diocese, attempt to arrange a meeting or other means of conducting an interview with the complainant (and alleged victim, if other than the complainant). At the time of initial contact, the person(s) will be advised of

the right to be accompanied by a person of his, her or their choosing at the time and place of the interview. If appropriate, affected members of the alleged victim's family will be encouraged to participate.

Response to the Alleged Perpetrator

6. The Safe Church Officer will arrange a meeting with the alleged perpetrator at the earliest possible time. At the time of the initial contact, the accused person will be informed in clear terms of the nature of the charges made against her or him, and advised of the right to be accompanied by a person of her or his choosing at the meeting. If appropriate, affected members of the alleged perpetrator's family will be encouraged to participate.

Pastoral Meeting

7. The Safe Church Officer and one other diocesan representative will meet with the accused person to discuss the charges made against her or him, and to receive further information concerning the alleged sexual misconduct. A written record will be made of this meeting, and will be signed by the participants.

Possible Actions

8. As a result of the preliminary investigation, the Bishop may:
- A. Determine that no further action is required, and
 - a. So notify in writing the person against whom the charges were brought, or
 - b. Notify the person that immediate further action is not contemplated pending the discovery of other information supportive of the charge which had been brought against her or him.
 - B. Determine that sexual misconduct requiring corrective action had taken place and elect one of the following actions, which are non-exclusive and cumulative, and may be modified by addition or deletion as the investigation proceeds:
 - a. If the accused is an ordained member of the clergy:
 - i. A godly admonition or pastoral direction, as described in Title VI of the Canons of the Episcopal Church:
 - ii. Inhibition of functioning as a clergy person or, if warranted by further investigation, suspension or deposition according to the Canons, Title VI.
 - b. If the accused is either a clergy or lay person:
 - i. Initiate any action as may be required pursuant to Vermont and federal laws.
 - c. Refer the accused person for evaluation by a person specializing in sexual misconduct by persons of authority within the Church to assess the prognosis for her or his treatment and restoration.

C. Continue the investigation using a variety of resources to determine the validity of the allegations.

The Affected Congregation

9. The Bishop may at any time during the course of the investigation consider and decide regarding notification of the accused's Wardens, Vestry and congregation, and any actions needed in regard to the healing of the congregation.

Notification of Action

10. Upon completion of the investigation and formulation of any actions to be taken, the Bishop will formally notify the accused of all decisions and intended actions, and the procedures for and anticipated dates of their implementation.