



## *SafeKids Policy*

### The Old Catholic Apostolic Church

*“Whoever causes one of these little ones who believe in Me to sin, it would be better for him if a millstone were hung around his neck, and he were drowned in the depth of the sea.”*

-Matthew 18:5-7

## **Definition**

*“To ‘protect’ means to cover, shield or guard from exposure, damage, destruction, harm or injury.”*

-Merriam Webster Dictionary

## **Introduction**

The Archdiocesan Council (House of Bishops) of the Church has implemented a policy for guidance on protecting all God’s children and all vulnerable adults, called *KidsSafe*. With the most recent government and insurance guidelines, this document and policy form the basis of our Diocesan document. The Church policy is accepted by the greater Church and requires all clergy and parishes within its jurisdiction to meet these guidelines effective September 1<sup>st</sup> 2011.

## **The Policy**

The Old Catholic Apostolic Church of North America, hereinafter, “the Church”, in all aspects of its life, is committed to and will champion the protection of children and young people both in society as a whole and in its own community, and to extend this protection to the most vulnerable of our society that may well find their way to our borders, including vulnerable adults. It fully accepts, endorses, and will implement the principles enshrined in this *KidsSafe* policy, as the welfare of the child is paramount to the future of our Church. The Church will foster and encourage best practice within its community by setting standards for working with children and young people and by supporting parents in the care of their children. It will work with statutory bodies, voluntary agencies, and other faith communities to promote the safety and well being of children and young people. It is committed to acting promptly whenever a concern is raised about a child, vulnerable adult, or young person or about the behavior of an adult, and will work with the appropriate statutory bodies when an investigation into child abuse is necessary.

## **Our Theological Approach**

From beginning (in the cry of a baby) to end (in the cry from the cross), the life and death of Jesus Christ illustrates the willingness of God to be vulnerable in order to share to the full our world of pain, poverty, suffering and death. In his earthly ministry, Jesus constantly showed himself to be compassionately on the side of the outcast, the marginalized and the stranger, reaching across social barriers with the inclusive love of God.

This was wholly in line with the Hebrew Bible’s priority concern for orphans and widows, its obligation to provide a voice for the voiceless, and its prophetic call for justice to ‘roll down like waters, and righteousness like an ever-flowing stream’ (Amos 5.24). The risen Christ’s commission to his followers (‘As the Father has sent me, so I send you’ [John 20.21]) requires the Church to exercise that same concern for those whom some in society treat as the outsider and the stranger, to reach across barriers of exclusion and demonstrate a love which shows itself in compassionate pastoral care and in the quest for justice in all our relationships. The heart of Christian pastoral care is this: love for God and love for our neighbor, the social expression of which is justice in all human affairs. In line with the gospel of creation and redemption,

Christian pastoral care has often been described in terms of healing, sustaining and reconciling. All people, and especially those who may be marginalized through vulnerability, need to receive the healing love of God to rebuild relationships with others or within themselves which illness, disability or abuse may have fractured. Healing is a process of being made more whole. There can be substantial steps for some people in this life, which can be aided through the Church’s ministry of healing and reconciliation, though full healing in all dimensions of life must wait for the coming of Christ’s kingdom when all creation will be healed and renewed.

For those who have been abused, neighbor love includes the need for them to be listened to and believed,

supported as they cope with the effects of trauma, abled to make the choices which will lead to healing and start on the costly road towards forgiveness. The Christian gospel offers the grace of reconciliation with God, which can enable people to learn to live lives more reconciled with others and with their environment. Everyone needs the sustaining reassurance that they are treated with the respect that is due to all human beings made in the image of God and precious to God.

Those who have challenging personal situations must receive the resources they need to live independent lives with dignity. Everyone needs to know that they can live safely in a non-threatening environment. Christian pastoral care takes place in the context of the present world, which in gospel terms is provisional. We live in the time between God's living Word to us in Jesus Christ, and the coming of God's kingdom in its fullness, when there will be no more pain, no more tears, no more social exclusion, and no more death. In this world the Holy Spirit sustains our ministry – enabling us to do what we can within the constraints of “fallenness” and sin, and yet holding out the living hope that the day will come when God will be all and in all.

## **Key Concepts**

There are some key concepts relating to *KidsSafe* in Church and/or Parish life. The recognition and acknowledgement of the safety of children being of paramount importance, and relevant national standards of all legal and enacted “Children’s Acts” is required for activities taking place within the parish confines for all individuals 18 years of age or younger.

The recognition and acknowledgement that no community is exempt from child abuse – Churches, therefore, have a responsibility to prepare themselves to have a well-thought out response. The recognition and acknowledgement that children, as well as adults, have certain rights, namely:

- To stay safe from maltreatment, neglect, violence, and sexual exploitation.
- To stay safe from accidental injury and death.
- To stay safe from bullying and discrimination.
- To stay safe from crime and anti-social behavior in and out of school (whether this is supplementary school, Sunday school, or other places of learning or worship.
- To have security, stability and are cared for by the Church.

The recognition and acknowledgement that the law, particularly in the area of the physical punishment of children, is unclear and depends on circumstances. Parents may claim a defense of ‘reasonable chastisement’ if they hit their child, but:

- Physical punishment is unlikely to be seen as reasonable chastisement if there is a mark on the child, or if the child is hit with a cane, stick, belt or other implement.
- Parents can be prosecuted even if the chastisement takes place at home or at church/parish setting.
- It is illegal for teachers, (including those in supplementary schools) nursery workers and childcare workers to hit another person’s child, even if the parent has given permission.
- Our Church never condones any physical act against any person, child or adult, within our jurisdiction.

## **Main Principles of Policy**

1. We are committed to the safeguarding, care and nurture of the children within our Church community.
2. We will carefully select and train ordained and lay ministers, volunteers and paid workers with children and young people, using the Criminal Records Bureaus, to check the background of each person.
3. We will respond without delay to every complaint made, that a child or young person for whom we are responsible may have been harmed.

4. We will fully cooperate with statutory agencies during any investigation they make into allegations concerning a member of the church community.
5. We will seek to offer informed pastoral care to any child, young person or adult who has suffered abuse.
6. We will care for and supervise any member of our church community known to have offended against a child.

## **Specifically**

### **Keeping children safe in church should include the following:**

The recognition and acknowledgement that churches need to provide a safe environment, with a child-centered, open atmosphere that aims to minimize the risk of harm to children and young people.

The recognition and public acknowledgement that all are equal in the sight of God, and as such it is the responsibility of the Church to ensure that safety and justice be available to all its members, both young and old, black and white, able-bodied and disabled, gay, straight, or transgendered, etc.

The need to have guidelines when appointing people to work with children or young people in any capacity a named person specifically appointed by the Church to be responsible for Child Protection.

### **The need to provide regular training on child protection for:**

- Those with overall authority, i.e. pastors, elders, etc.
- Those who have the responsibility of appointing children's workers.
- Those who work directly with children i.e. CCD/PREP/Sunday School teachers, youth workers, etc.
  - Paying for Criminal Background Checks on staff and volunteers who work directly with children or young people.

### **The need for the issue of keeping children safe 'live' within the church, by undertaking the following:**

1. Continuing to mention the Biblical and moral importance of safety for children in preaching, teaching, etc.
2. Ensuring the Church and parish setting is "child friendly", i.e. having posters up, etc.
3. Displaying the name and a photograph of the person responsible for Child Protection in a prominent position in the parish setting, so that the children can recognize them.
4. Talking about this issue in less formal settings.
5. Having resources available in the parish or via the Church to borrow by parishioners.

## **Background Checks**

Despite imperfections, background checks are yet another viable tool to avoid sexual abuse and molestation before it occurs within an agency. Background checks are invasive by their very nature and can be offensive, as they imply that the word and reputation of the person being checked are under suspicion. These concerns, however, pale in the face of the risk taken by a failure to conduct such checks. Furthermore, it is assumed that the skilled and determined perpetrator can avoid detection if determined to do so, but may be deterred by the threat of a background check.

All staff and volunteers **must** complete an application. (Applications or background materials of contracted service providers should be obtained and reviewed.) All employment applications should state in bold lettering words to this effect:

## **The purpose of conducting background checks is threefold.**

1. To learn if the person being checked has any record of perpetrating sexual abuse or any kind.
2. To learn if the person being checked has a criminal or poor driving history.
3. Performance of the check itself acts as a deterrent to the potential perpetrator.

## **Ranking of Component Combinations**

- Far above average and ideal in most circumstances State child welfare department report, state police criminal background check, FBI-generated fingerprint check, MVR, personal references with résumé, credit report

### **Above average and commonplace:**

- State child welfare department report, state police criminal background check, FBI-generated fingerprint check
  - Now required by this policy for all seminarians, off-site School and CCD/PREP workers, and anyone who removes a child from the primary place of ministry, with permission of the legal guardian/parent of said child(ren).

### **Average and used when a state child welfare department relationship does not exist**

- State police criminal background check and/or FBI-generated fingerprint check (fingerprinting is commonplace for youth coaches, etc.)
  - Now required by this policy for all in-house CCD/PREP and child workers.

### **Slightly below average**

- State police criminal background check only.
  - Recommended for all volunteers within the parish setting, at the discretion of the pastor.

### **Below average**

- Use of personal references with no official checking process
  - Not recommended via this policy as only means of validation.

### **Far below average**

- Résumé only
  - Not permitted via this policy as only means of validation.

# **Sexual Abuse & Misconduct Policy for The Old Catholic Apostolic Church**

## **I. PURPOSE:**

It is the policy of The Old Catholic Apostolic Church, 'the Church', that all ministers of the Church, including but not limited to, bishops, priests, deacons, church officials, church officers, employees, and volunteers, and or any other person, or persons, who are participating in any Church/Parish activity or function which is sponsored by or may reflect upon the Church are to maintain the highest integrity of the ministerial, employment, and professional relationship at all times.

Sexual Abuse and misconduct is contrary to Christian principals, Scripture, and violates the very essence of the Church's moral teaching. This policy is intended to establish a Church procedure aimed at preventing and addressing Sexual Abuse misconduct as defined below and the resulting harm to others and to provide guidance to Church Personnel on how to respond to allegations of Sexual Abuse and misconduct.

## **II. KNOWLEDGE OF POLICY:**

This policy is to be distributed to all Church Personnel, as defined herein, and to the following:

- 1) All those who seek ordination before being admitted to candidacy;
- 2) All those who seek to work either through paid employment or volunteer in any Church or Parish activity before being allowed to volunteer. All personnel shall thoroughly read and sign an acknowledgment of receipt, understanding and acceptance of the policy. A copy of the required receipt accompanies this policy. Their immediate supervisor shall promptly forward the signed receipt to the local Bishop and then to their canonical or employment file where it shall be maintained on file.

**NO CHURCH PERSONNEL – PAID OR OTHERWISE - SHALL BE PERMITTED TO ACT IN ANY CAPACITY ON BEHALF OF THE CHURCH PRIOR TO READING AND SIGNING THE ACKNOWLEDGEMENT FORM AND PRESENTING IT TO THEIR SUPERVISOR FOR FILING IN THEIR CANONICAL OR PERSONNEL FILE.**

## **III. APPLICABILITY:**

This policy is intended to address violations of criminal, civil, and the moral teachings of the Church as pertaining to sexual abuse and misconduct against any person. While this policy is not State specific, it seeks to be reflective of the presently mandated criminal reporting requirements throughout the United States. Each Bishop must familiarize him/herself with the applicable reporting requirements for Sexual Abuse of a minor, vulnerable adult, or adult, for his/her jurisdiction and must comply strictly with those requirements.

Additionally, this *KidsSafe* policy provides a procedure for the Church, the Bishops, and hierarchy of The Old Catholic Apostolic Church, *the Church*, when allegation of Sexual Misconduct are made, which do not rise to the level of criminal conduct, but which are contrary to the Gospel and the moral teachings and direction of the Church.

## **IV. DEFINITIONS:**

### **a. Sexual Abuse-Minors:**

- i. A minor is defined as any person under the age of 18 years old age regardless of State Statute.

ii. Sexual Abuse of a Minor shall be construed to include any kind of sexual contact or sexual act committed by Church Personnel against a minor, including but not limited to any physical sexual contact, nonphysical sexual interaction, exploitation, or molestation, perpetrated with intent to arouse either party. This policy encompasses allegations of Sexual Abuse of any individual who is currently a minor child as well as allegations of past Sexual Abuse of any individual who was a minor child at the time of the abuse, even if said individual is an adult at the time that the allegation is made.

**b. Sexual Abuse-Vulnerable Adults:**

i. A Vulnerable Adult is defined as a person 18 years or older who is a resident or inpatient of a facility or receives services from a licensed facility or a licensed home care provider, or who, regardless of whether he or she receives services or resides in a facility, possesses a physical or cognitive disability that impairs the individual's ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, or supervision, and because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect himself or herself from maltreatment.

ii. Sexual Abuse of Vulnerable Adults shall be construed to include any kind of sexual contact with a victim who is a mentally incapacitated individual or a physically helpless individual when the individual performing the sexual act knows or reasonably should know that the victim is a Vulnerable Adult. Sexual Abuse of a Vulnerable Adult includes, but is not limited to any physical sexual contact, nonphysical sexual interaction, exploitation, or molestation, perpetrated with intent to arouse either party.

c. The Church is defined as "The Old Catholic Apostolic Church".

d. Sexual Misconduct is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature which is intended to harass another individual who is not a minor or Vulnerable Adult as defined herein. Sexual Misconduct includes, but is not limited to the following: unwelcome sexual advances or touching, unwelcome sexual flirtations, advances, propositions or derogatory, vulgar, or graphic written or oral statements regarding one's sexuality, gender or sexual experience, unnecessary touching, patting, pinching or attention to an individual's body, physical assault, unwanted sexual compliments, innuendoes, suggestions or jokes, the display of sexually suggestive pictures or objects, requests for sexual favors as a condition of employment or for a promotion or compensation. Sexual Misconduct includes any act which is defined by the local, state or federal civil authority as a criminal act except where the Civil Authority's determination of a Criminal Act is contrary to the opinion of the Church as a basic Civil and Privacy Right of consenting adults.

e. "The Church" shall mean the present governing body of The Old Catholic Apostolic Church.

f. Church Personnel includes the following categories:

i. All clerics (including all bishops, priests, permanent deacons and transitional deacons).

ii. All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted.

iii. All personnel schools, including daycare of the Church including administration, faculty and support staff.

iv. All youth ministers in the parishes, schools and institutions of the Church.

v. All paid personnel in the offices Church Central or any parishes, schools or any institutions.

vi. All volunteers in the parishes, offices, institutions and programs of the Church who have as part of their volunteer activity come into regular contact with parishioners and the general public.

vii. Such other personnel as designated by the local Bishop.

## **V. REPORTING OF SEXUAL ABUSE OF MINOR OR VULNERABLE ADULT:**

- a. All Church Personnel are to adhere to all federal and state laws regarding reporting of abuse of minors or disabled adults and to cooperate fully with civil investigations.
- b. Allegations of Sexual Abuse-Minor or Vulnerable Adult: In any situation where an allegation of child Sexual Abuse is raised, Church Personnel are expected to comply with mandatory reporting requirements in accordance with state and federal laws.
- c. Any allegation of Sexual Abuse of a Minor or Vulnerable Adult must be reported to the police or to the appropriate civil authorities (such as the Department of Social Services or Adult Protective Services) immediately but under no circumstances no later than 24 hours of receipt of the allegation.

### **The following procedure shall be followed in reporting an allegation of Sexual Abuse of a minor or Vulnerable Adult:**

- i. Any Church Personnel who has reasonable cause to believe that Sexual Abuse of a Minor or Vulnerable Adult has occurred shall report, or cause a report of that abuse to be made as required by law.
- ii. The Church Personnel shall also contact his or her immediate supervisor. Said supervisor, if not already the local Bishop, shall immediately inform the Diocesan Bishop by whatever means expedites notification of the allegations to the Bishop.
- iii. If the allegations of Sexual Abuse or Misconduct are made against the Church Personnel's local or Diocesan Bishop, then the Church Personnel shall contact the office of the Archbishop, or Presiding Bishop.
- iv. If deemed credible, the alleged offender shall be immediately placed within a *temporary inhibition* by the Bishop until a formal inquiry can be made per policy.

**These contacts shall be published annually and posted in a conspicuous place within each parish.**

iv. The Church Personnel making the report shall draft a detailed information summary containing all information known of the allegation including but not limited to the source of the allegation, circumstances of the allegation, any contact information of any party or parties involved or alleged to have been involved and the actions taken by the Church Personnel in reporting the allegation to the proper civil authority including to whom the allegation was reported, the date, time and contact information. A copy of that information summary shall be sent immediately and confidentially to the local Bishop who shall forward it to the Church Diocesan Office, or if accusations are against the local Bishop then to Presiding Bishop or Archbishop directly.

v. The Bishop shall immediately confirm with the proper civil authority that a report of alleged abuse has been made and if not, shall do so him/herself based upon the information provided by the Church Personnel.

## **VI. SEXUAL ABUSE OF A MINOR OR VULNERABLE ADULT: ACTION TO BE TAKEN IF ALLEGATION INVOLVES CLERGY OR THOSE STUDYING IN SEMINARY**

- a. Upon receipt of an allegation of Sexual Abuse involving a Minor or Vulnerable Adult, the accused shall be preliminarily notified verbally by the Bishop, or if applicable Church Presiding Bishop, et al, of the accusations and immediate action shall be taken to suspend the accused individual from his or her ecclesiastical duties and to prohibit public participation in the Eucharist and all other public ministries pending the outcome of civil and internal investigations.

- b. This interim suspension, or inhibition, is a temporary measure enacted to protect the safety of minor children or vulnerable adult and shall not be treated as a determination of the guilt or innocence of the alleged offender. The Church shall handle such reports in good faith, exercising sensitivity and caution. While strict confidentiality cannot be guaranteed, appropriate good faith precautions shall be taken to protect the identity of the victim, the reputation of the accused, and the confidentiality of the investigation.
- c. After the appropriate civil authorities have been contacted, the Church will then undertake a concurrent internal investigation to determine the veracity of the allegation(s) and to decide what if any corrective action should be taken in response to the act of Sexual Misconduct.
- d. When even a single act of Sexual Abuse of a Minor or Vulnerable Adult by a cleric is admitted or is established after an appropriate civil or internal process, the offending cleric shall be removed permanently from all ecclesiastical ministries.

## **VII. SEXUAL ABUSE OF A MINOR OR VULNERABLE ADULT: ACTION TO BE TAKEN IF ALLEGATION INVOLVES LAY EMPLOYEES OR VOLUNTEER**

- a. Upon receipt of an allegation of Sexual Abuse involving a Minor or Vulnerable Adult, the accused shall be preliminarily notified verbally of the accusations and immediate action shall be taken to suspend the accused individual from his or her employment or volunteer activities with the Church pending the outcome of either the civil or internal investigation.
- b. This interim suspension is a temporary measure enacted to protect the safety of a Minor or Vulnerable Adult and shall not be treated as a determination of the guilt or innocence of the alleged offender. The Church shall handle such reports in good faith, exercising sensitivity and caution. While strict confidentiality cannot be guaranteed, appropriate good faith precautions shall be taken to protect the identity of the victim, the reputation of the accused, and the confidentiality of the investigation.
- c. After the appropriate civil authorities have been contacted, the Church will then undertake a concurrent internal investigation to determine the veracity of the allegation(s) and to decide what if any corrective action should be taken in response to the act of Sexual Misconduct.

## **VIII. SEXUAL MISCONDUCT INVOLVING COMPETENT ADULTS**

This section shall apply to all other cases of Sexual Misconduct involving adults—i.e., adults not classified as “vulnerable” in the above definition. Any person who has any information pertaining to, or knowledge of, Sexual Misconduct involving Church Personnel is strongly encouraged to report such matters immediately. The Church shall handle such reports in good faith, exercising sensitivity and caution. While strict confidentiality cannot be guaranteed, appropriate good faith precautions shall be taken to protect the identity of the victim, the reputation of the accused, and the confidentiality of the investigation.

a. Allegations from Civil Authorities/Official Sources: Any notification from an official source (Police, Social Services, etc.) that a Church Personnel has committed an act of sexual misconduct shall be considered an allegation and shall be investigated internally as set forth in the Internal Investigation Procedures. If criminal charges have been filed and said charges in Church’s opinion are not contrary to the basic civil and privacy rights of consenting adults, the accused shall be suspended from public ministerial duties until the conclusion of either the civil or internal investigations as the Church shall see fit.

b. Allegations from Alleged Victim or Third Party:

- i. Any Church Personnel who learns of any Sexual Misconduct shall contact his or her immediate supervisor. Said supervisor, if not already the local Bishop, shall immediately inform the local Bishop by whatever means expedites notification of the allegations.
- ii. If the allegations of Sexual Abuse or Misconduct are made against the Church Personnel's local Bishop, then the Church Personnel shall contact The Office of the Presiding Bishop.
- iii. While initial notification of Sexual Misconduct may be made verbally by the victim or third party source, in order for an Internal Investigation to commence, the alleged victim or third party must place in writing all allegations in as much detail as possible. Said writing must be signed by the victim or third party as true and accurate to the best of their knowledge, information and belief.
- iv. If the alleged victim is unable to place the allegation in writing, the local Bishop shall promptly offer to the alleged victim or third party the assistance of an individual to interview the alleged victim or third party in order that a transcript of their information may be obtained for submission of the allegation in writing to the local Bishop. Said writing must be signed by the victim or third party as true and accurate to the best of their knowledge, information and belief.
- v. Unless received from a Civil Authority, an allegation of Sexual Misconduct is deemed not reported and no action may be taken until such time as the local Bishop receives a written report. For good cause and in the discretion of The Church, action may be taken without a written report if it feels the circumstances warrant immediate action.

c. Anonymous Allegations:

While the Church is aware of and sympathetic to the difficult nature of an individual bringing allegations of Sexual Misconduct against any of its clergy, seminarians, employees or volunteers, for the sake of fairness to the alleged offender and the integrity of the investigative process, anonymous allegations taken alone involving Sexual Misconduct against an adult other than a vulnerable **shall not be** considered an allegation. Anonymous allegations shall be documented, but no additional action shall be taken. In the case of an anonymous allegation involving a minor or a Vulnerable Adult, if the allegation is not obviously frivolous or excessively vague, it must be reported to civil authorities, and the accused shall be indefinitely suspended from public ministerial duties pending the outcome of the civil or internal investigation.

## IX. INTERNAL INVESTIGATION PROCEDURES

- a. Creation of **Confidential Working File (CWF)** upon receipt of written allegations of Sexual Abuse or Sexual Misconduct:
  - a. The Church shall immediately compile a Confidential Working File (CWF) of the written report submitted to the Church hierarchy and any other records, notes or information in the Church's possession concerning the allegation(s) of Sexual Abuse or Sexual Misconduct, a copy of the alleged offender's personnel file and any other past reports of Sexual Abuse or Misconduct concerning the alleged offender whether they were found to be with or without merit. This report will also include a copy of all background checks performed in advance of the staff member being hired, or permitted to volunteer.
- b. Appointment and Funding of the Investigative Committee:
  - i. The **Investigative Committee (IC)** shall be appointed by the Archbishop and/or Presiding Bishop.

- ii. The Church shall establish an initial budget for the IC to provide for all expenses deemed necessary and appropriate by the IC to investigate the accusation of Sexual Abuse or Misconduct. The Church shall supplement said budget at the request of, and upon appropriate documentation by, the IC detailing the amount and need for additional funds.
- iii. The IC shall consist of no less than three individuals of whom shall be (1) The Vicar General, and (1) one Priest, and (1) one lay member of The Old Catholic Apostolic Church.
- iv. The Vicar General, seated to the IC, shall serve as the appointed Committee Chair. The Committee chair shall be responsible for leading the course of the investigation, assigning responsibilities and ensuring that the Committee complies with the tenure of the Church's stated policy as set forth herein.
- v. The Church shall make every effort to ensure that no member of the Committee has any personal relationship with the alleged offender and or the alleged victim(s).
- vi. Members of the IC shall sign a confidentially agreement indicating their agreement, willingness and ability to maintain any and all information obtained, learned, garnered or revealed to them during the course of their investigation as Confidential from all entities and or individuals except the Archbishop and/or Presiding Bishop, or those individuals deemed appropriate by the Church as needing to know and/or civil authorities when required to do so by legal process.
- vii. The IC shall forward the CWF to the Archbishop and/or Presiding Bishop of the Church for review within 5 days of the close of their investigation.
- viii. The IC shall keep careful records of its proceedings, including detailed accounts of all its actions including but not limited to a detailed log of its deliberations and its conversations with the accused, the victim(s) and other witnesses or persons with whom communication of any kind has been made during the course of and in furtherance of its investigation including but not limited to copies of all correspondence, e-mails, faxes or any other written reports or notes and notes on any phone conversations.
- ix. The IC will maintain the CWF until the Internal Investigation has been resolved. At that time, the records shall be forwarded to the Church where they will be marked "confidential" and securely stored. Members of the IC shall keep no separate or duplicate records of CWF that has been turned over to the Church as a result of its work. All e-mails concerning the Internal Investigation shall be permanently deleted from IC members' computers.
- x. The IC shall have no contact with the media concerning the alleged incident(s) of Sexual Abuse or misconduct. All media contact shall be handled through the Church.

c. Investigation by the IC:

- i. Upon the receipt of a CWF, the IC shall draft an initial letter to the accused identifying itself, the details of the accusation made, whether a report has been made to the civil authorities of the alleged abuse or misconduct, advising to have no contact with the alleged victim and or his or her family, advising of the purpose of the IC, if a temporary suspension has been ordered, advising that such suspension is a temporary measure enacted to protect the safety of Minor, Vulnerable Adult or as a result of a criminal charge being levied against him/her by civil authorities and shall not be treated as a determination of the guilt or innocence of the accused and that while strict confidentiality will be sought, it cannot be guaranteed.

- ii. The IC will also advise the alleged offender that any statements made to the IC can be used as evidence in its determination of an appropriate disciplinary measure to be recommended to the Church including dismissal from Church ministry and or employment.
- iii. The IC shall request that the *alleged* offender detail in writing any information the alleged offender has with reference to the alleged incident for which he or she is being accused including but not limited to his/her version of any events, possible witnesses that may be contacted, and any other information the alleged offender may have in his/her possession which they feel is relevant to the IC investigation.
- iv. The IC shall also recommend that the alleged offender should seek legal advice since the accusations may result in Church, civil or criminal penalties against them including permanent suspension, dismissal or loss of employment.
- v. If the accusation is one of Sexual Abuse against a Minor or Vulnerable Adult, the IC shall ensure that a report has been made to the proper civil authorities of the alleged incident(s).

**d. Accusations of Sexual Abuse Against Minors or Vulnerable Adults:**

- i. The IC shall defer its investigation of any matter involving the accusation of abuse against a Minor or Vulnerable Adult until such time as the proper civil authorities have had the opportunity to conduct their investigation and if deemed necessary to move forward with prosecution in a criminal case.
- ii. The IC shall draft an initial letter to the proper civil authorities identifying itself, indicating its intention to conduct an internal investigation, indicating their deferral of such investigation until such time as the proper civil authorities have completed their investigation and or prosecution and requesting that the civil authority inform the IC of when their investigation and or prosecution of the matter has been completed and if appropriate the results of the investigation.
- iii. The purpose of this deferral is not to abrogate the duties of the IC or Church, but rather to allow the proper civil authorities the opportunity to conduct their investigation without any possibility of actual or perceived witness tampering, intimidation, influence, and to generally avoid confusion.
- iv. If an investigation by civil authorities results in a finding of guilt by a trier of fact, a confession of guilt by the alleged offender or any other admission or acquiescence by the alleged offender which in the opinion of the IC constitutes an admission of guilt, the IC shall promptly prepare a report to Church Central indicating its findings in the matter, the results of the civil authorities investigation and or prosecution and a recommendation that the alleged offender be permanently dismissed from Church ministry and or employment.
- v. If after an investigation, the appropriate civil authorities decide not to move forward with prosecution, find no basis to the allegations made against the alleged offender, or fail to secure a determination of guilt by a trier of fact, the IC shall conduct its own investigation of the alleged incident(s), including, but not limited to: interviewing the alleged offender, the parents or guardian of the alleged victim, the alleged victim and any witnesses and gathering of all relevant evidence, including if possible any evidence, information and the findings compiled by the civil authorities.
- vi. The IC shall make a recommendation to the Church as to if any disciplinary measures that should be taken against the alleged offender or if the dismissal of the allegation(s) is warranted as without merit.

**e. Allegations of Sexual Misconduct Involving Competent Adults:**

- i. If allegations of Sexual Misconduct involving competent adults are made against an alleged offender resulting in criminal charges by civil authorities, the IC shall promptly begin an investigation of the alleged incidents including, but not limited to, the gathering evidence and the interviewing of the alleged offender, the victim, if possible, and any other witnesses deemed necessary by the IC to the adjudication of justice.
- ii. Within thirty days (30) of being forwarded the CWF, the IC shall complete an preliminary investigation and if the civil authorities have not completed their investigation or prosecution, the IC shall make an initial recommendation to the Church as to whether indefinite suspension of the alleged offender should be continued pending resolution by the civil authorities of the criminal investigation/prosecution, if another disciplinary measure is appropriate or if the alleged offender should be reinstated to his/her position pending a final determination by civil authorities.
- iii. If the appropriate civil authorities regarding the alleged incident have already made a finding, the IC upon the completion of its investigation shall make a final recommendation as to what if any disciplinary measures should be taken against the alleged offender or if the dismissal of the alleged offense is warranted as being found without merit.

**f. Allegations from Victim(s) or Third Party Sources**

- i. If allegations of Sexual Misconduct involving competent adults are made against an alleged offender by a Victim or Third Party Source, the IC shall promptly begin an investigation of the alleged incidents including, but not limited to, the gathering evidence and the interviewing of the alleged offender, the victim, if possible, and any other witnesses deemed necessary by the IC to the adjudication of justice.
- ii. Within seven days of its being forwarded the CWF by Church Central, the IC shall make an initial recommendation to the Church as to what if any interim disciplinary measures should be taken against the alleged offender pending a full investigation by the IC and a final recommendation.
- iii. For good cause, and upon request by the IC, the seven days specified in subsection IX(f)(ii) may be extended by the Church.
- iv. Within forty-five days (45) of being forwarded the CWF by the Church, the IC shall make a final recommendation to the Church as to what if any permanent disciplinary measures should be taken against the alleged offender or if the dismissal of the alleged charges are warranted as being without merit.
- v. For good cause and upon request by the IC, the Archbishop and/or Presiding Bishop may extend the forty-five days, but only after careful review, and said extension must be in writing and fully documented.

## **X. BEST PRACTICES IN PASTORAL RELATIONSHIPS**

Workers in pastoral ministry need to develop an understanding of themselves and how they relate to others. They need to ensure their own safety whilst increasing the wellbeing and safety of others. People in positions of trust necessarily have power, although this may not be apparent to them, therefore respecting professional boundaries is particularly important. Many pastoral relationships can become intertwined with friendships and social contacts, making this guidance even more necessary.

- Church workers should exercise particular care when ministering to persons with whom they have a close personal friendship or family relationship.
- Church workers should be aware of the dangers of dependency in pastoral and professional relationships and seek advice or supervision when these concerns arise.
- Church workers who exercise a healing ministry should be trained in the theology and non-intrusive practice of that work.
- Church workers should recognize their limits and not undertake any ministry that is beyond their competence or role (e.g. therapeutic counseling, counseling victims of abuse and domestic violence, or their perpetrators, or giving legal advice). In such instances the person should be referred to another person or agency with appropriate expertise.
  - It is generally accepted that if the issue cannot be resolved by the Church staff within 6 sessions that another professional should be recommend.
- Church workers should avoid behavior that could give the impression of inappropriate favoritism or the encouragement of inappropriate special relationships.
- Church workers should treat those with whom they minister or visit with respect, encouraging self-determination, independence and choice.
- Care should be taken when helping with physical needs, washing and toileting, always respecting the choices of the individual concerned.
- Pastoral relationships may develop into romantic attachments and such situations should be handled sensitively. Workers need to recognize such a development and make it clear to both the person concerned and a supervisor or colleague. Alternative arrangements should be made for the ongoing pastoral care of the person concerned.
- Church workers should not undertake any pastoral ministry while they are under the influence of drink or non-prescribed drugs.
- Workers should be aware of the power imbalance inherent in pastoral relationships. It is never appropriate for workers to take advantage of their role and engage in sexual activity with anyone with whom they have a pastoral relationship.
- Church workers must take responsibility for their words and actions if wishing to make physical contact with another adult (e.g. a hug may be misunderstood) or talk to them about sexual matters. This will include seeking permission, respecting the person's wishes, noticing and responding to non-verbal communication, refraining from such conduct if in doubt about the person's wishes.
- Church workers should refrain from viewing, possessing or distributing sexually exploitative images of adults.
- Church workers should avoid situations where they feel vulnerable to temptation or where their conduct may be misinterpreted.

## **XI. BEST PRACTICES IN MINISTERIAL INTERVIEWS**

Formal interviews and informal conversations in a ministry context are pastoral encounters. Church workers should be aware of their language and behavior. For example, innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, the

worker should be discerning about the motives and needs of the person and question their own ability to assist.

The church worker should consider in advance:

1. The place of the meeting, arrangement of the furniture and lighting, the worker's dress;
2. The balance of privacy for conversation with the opportunity for supervision (open doors or windows in doors, another person nearby);
3. The physical distance between people determined by hospitality and respect, being aware that someone may have suffered abuse or harassment in the past;
4. Whether the circumstances suggest a professional or social interaction;
5. The propriety or danger of visiting or being visited alone, especially in the evening;
6. The personal safety and comfort of all participants;
7. Establishing at the outset the nature of the interview in respect to subject matter, confidentiality and duration;
8. The appropriateness of initiating or receiving any physical contact, for example gestures of comfort, which may be unwanted or misinterpreted.

## **XII. USE OF PHOTOGRAPHS**

The taking of photographs, film or other images of vulnerable adults or children of any age is not appropriate without consent. Workers must ensure that such consent is in place before making any such image of a vulnerable adult.

When such images are properly obtained then they must be used only for the purpose consented to. Special care must be taken, when using any image in general publicity or in publications such as annual reports or press promotions. All images must maintain the dignity of the individual.