Tab T

Response to Reports of Child Sexual Abuse and Adult Sexual Misconduct

Church Response to Reports of Child Sexual Abuse or Adult Sexual Misconduct Tab T-1

Pastoral Response to Adults Who Are Child Sexual Abuse Victims or Child Sexual Abuse Perpetrators Tab T-2

Tab T-1

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The following are suggested procedures for a church response to allegations of child sexual abuse or adult sexual misconduct. It is within the power of the Bishop to determine which, if any, of these suggested procedures are appropriate for a particular circumstance. Thus, for example, if the Bishop finds it appropriate, he/she may utilize an abbreviated response team procedure rather than the full procedure set forth below.

For legal procedures, refer to the Constitution and Canons of the Episcopal Church, available via internet at: http://www.churchpublishing.org/general_convention/

I. Suggested Parish Response

A. Report of Child Sexual Abuse

Upon receiving a report of suspected child sexual abuse for which there is a reasonable suspicion, the parish clergy person handling the report shall:

1. Suspend Respondent from Duties. Immediately suspend the person accused of abuse (the "Respondent") from duties related to children.

2. Contact CPS. Direct the person reporting the abuse to call Child Protective Services ("CPS" and the police (if appropriate), if such contacts have not yet been made. If the person reporting is unwilling to call CPS, the clergy person should consult with CPS and the Bishop's office.

3. Act on Complainant's Behalf. Act on behalf of the person making the complaint (the "Complainant"), if that person is a child.

4. Notify Parents. Notify the child's parents or appropriate guardians if the Respondent is not the parent or guardian, and offer support from the parish.

5. Report to Bishop. Immediately report the suspected abuse to the Bishop by telephone at 1-619-291-5847 stating that the matter is urgent and confidential. This contact may be followed by sending a completed copy of the form titled "The Episcopal Diocese of San Diego Report of Suspected Child Abuse." That suggested form is included as **Appendix S-2** to the Episcopal Diocese of San Diego Policy Manual on Sexual Abuse and Misconduct: Prevention and Response (the "Policy Manual").

6. Notify Wardens. Notify wardens or other appropriate officials of the affected parish, and consult the diocesan Chancellor and/or attorney.

7. Protect Identity. Protect the identity of the reporting person. The identity of the Respondent and the suspected victim should be disclosed only to those professionally involved.

8. Document Actions. Document any actions taken regarding the complaint, and retain that documentation in confidential files at the reporting church or institution. A copy of the documentation shall be filed with the Bishop receiving the initial call. It should be noted that the investigation of suspected child abuse is the legal responsibility of the police or CPS, and the rector or wardens are not required to prove that such an incident took place.

B. Report of Adult Sexual Misconduct

For suspected adult sexual misconduct:

1. Notify Clergy. The person suspecting adult sexual misconduct promptly should notify a member of the clergy. In the event a clergy member is involved, that notification should be made to another clergy member, if any, at the affected parish. If the only clergy for the affected parish is the one suspected of misconduct call **1-619-291-5947** and ask to speak to the Bishop. State that the matter is confidential and urgent.

2. Notify Bishop. The clergy member or warden receiving the report of suspected misconduct promptly should notify the Bishop's Office by telephone at **1**-619-291-5947 and ask to speak to the Bishop. State that the matter is confidential and urgent.

3. Notify Warden. Where a clergy member is handling the complaint, that clergy also should notify the parish warden or other appropriate officials of the affected parish, and consult the diocesan Chancellor and/or attorney.

4. Protect Identity. Protect the identity of the reporting person. The identity of the Respondents should be disclosed only to those professionally involved.

5. Documentation. Any documentation concerning the alleged misconduct should be held in confidence, with copies sent to the Bishop.

II. Suggested Diocesan Response

A. Notifications and Responses

1. Report to the Bishop. All complaints of sexual abuse or misconduct immediately shall be reported to the Bishop for action pursuant to these procedures.

2. Representative of Bishop. The Bishop may, where he/she deems it appropriate, appoint a personal representative to act on his/her behalf.

3. Misconduct by Bishop. If a Complainant alleges sexual misconduct by the diocesan Bishop, the Diocesan Standing Committee shall contact the Office of the Presiding Bishop (1-800-334-7626).

4. Notification to Law Enforcement. If the complaint may involve a violation of federal or state laws regarding sexual abuse of a minor or incompetent adult, the Bishop immediately shall notify law enforcement officials, if such notification already has not been made. The Bishop, church officials, and/or employees with knowledge of such alleged abuse shall cooperate fully with law enforcement authorities, insofar as canonical responsibilities permit. Further action by the Bishop shall be guided by the progress of the law enforcement investigation.

5. Appointment of Response Team. Promptly after receiving a verbal or written complaint of sexual misconduct, unless he/she finds it to be unfounded or trivial, the Bishop may assign the complaint to a Response Team for investigation. Response Teams are groups of lay and clergy persons appointed by the Bishop. Response Team members may be volunteers or they may be paid professional investigators and/or counselors. The Bishop may, if he deems it appropriate, retain a professional case manager to hire and supervise any professional investigators and/or counselors. Response Team training shall be supervised by the Office of the Bishop. Response Teams may be called upon to investigate complaints of sexual misconduct, keep the Complainant(s) or the Respondent informed throughout the investigative process, and lead the process for healing in the congregation as set forth in **Appendix U** to this Policy Manual.

Response Team investigations may extend beyond allegations of sexual misconduct if, in the course of fact-finding, other deficiencies are identified which negatively impact on the performance of the Respondent's duties as an ordained person. Response Team members shall not be assigned to investigate any complaint where their judgment or objectivity may be impaired, or appear to be impaired, by a relationship with any of the parties to a complaint.

6. Notifications to Parties. The Bishop's office shall notify the Complainant(s) and the Respondent that a complaint has been filed and assigned to a Response Team for investigation. Simultaneously, the Bishop also shall make available to the Complainant and to the Respondent a member of the Response Team to explain the Response Team procedures, and to serve as a liaison to the Response Team throughout the process outlined herein.

7. Notification to Chancellor. The Bishop shall notify the Chancellor and/or the church attorney, and/or the Diocesan Standing Committee, as appropriate.

8. Providing Complaint to the Respondent. Subject to the advice of the Chancellor and/or the church attorney, a copy of the written complaint shall be provided to the Respondent after the Respondent has been asked to give his/her own interpretation of the events.

9. Issuing Pastoral Directive. The Bishop may issue a pastoral directive to the Respondent proscribing (1) any contact with the Complainant, (2) any attempt by the Respondent to garner public support within the church community and/or discussion of the issue with anyone in the congregation, or 3) any attempts at self-advocacy within

the church or the community at large. The Complainant shall be informed of this pastoral directive. The Bishop may recommend that the Respondent obtain private legal counsel that is not connected with the Chancellor's office, the church attorney or the church attorney's firm, or with parish attorneys.

10. Leave of Absence for Respondent. The Bishop may, with the advice of the Chancellor and/or church attorney, place the Respondent on leave of absence with pay while the investigative process is ongoing. Such leave shall be without prejudice, and shall not imply any guilt or innocence of the Respondent.

11. Written Statement to Affected Congregation. The Bishop may, with the advice of the Chancellor and/or church attorney, prepare a written statement to the affected congregation stating only the relevant information.

12. Media Inquiries. A diocesan spokesperson may be appointed by the Bishop to respond to media inquiries and to advise the congregation on media relations. No further statements about the alleged incident shall be made without the advice of the Bishop and/or the Chancellor.

13. Meeting With Affected Congregation. The Bishop may meet with the vestry, congregation or clergy to assist the affected congregation in responding to its crisis.

14. Pastoral Care for Respondent. If the Respondent desires the sacrament of penance or pastoral care, he/she should seek those ministries from a person not affiliated with the affected congregation or with the Bishop's office.

15. Insurance Notification Requirements. The diocese shall meet all reporting and notification requirements as contained in the diocesan, parochial or other liability policies. When the required notifications have been made, the Bishop shall so advise an appropriate church official of the affected congregation.

B. Investigation

1. Meeting With Complainant(s). The Bishop and/or members of the Response Team shall meet with the Complainant(s) in a timely manner after receiving notification of the complaint, unless good cause exists for delay. The Complainant(s) shall be asked to provide and sign a written statement which includes the dates, times, location and specific details of the alleged misconduct, and the names, addresses and telephone numbers of all Complainant(s) and witnesses.

Alternatively, in the event the Complainant(s) does not provide a written complaint, the Bishop shall ask the Response Team to obtain from the Complainant(s) the information set forth below in order to draft a written complaint. Once the Response Team has completed that written complaint, the Bishop's office shall forward a copy of it to the Complainant(s) for signature.

Upon receipt of the signed complaint(s), the Bishop shall proceed with the investigation**.** The Bishop may initiate such measures as are consistent with the Constitution and Canons of the church, both national and diocesan.

2. Meeting with Respondent. The Bishop and/or members of the Response Team shall, whenever possible, in a timely manner after receiving notification of the complaint, meet with the Respondent. The Respondent shall be asked to notify the Response Team and/or the Bishop if he/she wishes to have someone accompany him/her to that meeting. The Bishop, however, does reserve the right to meet with his /her clergy alone, as he/she deems appropriate.

3. Support Persons. Subject to the permission of the Bishop, each Respondent or Complainant may have a person of his/her choice accompany him/her to meetings that are part of the church process. Those support persons may provide personal and moral support, but may not function for, or in lieu of, the Complainant and/or Respondent. No member of the Response Team may act as such support person.

4. Guidelines for Privacy. Throughout the process, the Bishop shall provide both the Complainant(s) and the Respondent with appropriate guidelines for maintaining privacy.

5. Communications to Complainant(s). At all stages of the church process, the Complainant(s) shall be kept advised of the steps taken and any outcomes of the investigative process.

6. Seeking Professional Assistance. If the Response Team finds that the evidence warrants a clinical evaluation of the Respondent by a person professionally qualified and experienced in the evaluation of sexual misconduct, the Bishop may arrange for such an evaluation, to be made at the expense of the diocese. The Bishop shall request that the results of that evaluation be released to the Bishop and to the Response Team.

7. Witnesses. Any party or witness to the alleged misconduct shall be permitted to submit a statement in writing. Such statement shall be permitted whether or not that party or witness also has been interviewed.

8. Respondent's Prior Employers. If the circumstances of the pastoral investigation warrant, the Bishop may contact the Respondent's prior employers by appropriate means, which may include telephone conversations, meetings, background checks and other methods of communication.

C Reports and Recommendations of Response Team

In a timely manner, the Response Team shall make a preliminary report and recommendations to the Bishop. The Response Team then shall move swiftly toward completion of a final report, which shall include the original written statement(s) of the Complainant(s) and all written statements submitted by other persons. The final report shall set forth sufficient findings and recommendations

to allow the Bishop to reach a disposition of the complaint and to initiate the congregational healing process.

D. Disposition

Upon receipt of the Response Team's final report, the Bishop may, at his/her discretion, meet with the Complainant(s) and/or the Respondent (each of whom may be accompanied by an individual of his/her choice), either jointly or separately.

If the Respondent serves a parish, the Bishop shall notify the wardens, and begin the process of healing in that congregation. The Bishop or the Bishop's representative may meet with the congregation in an open forum. In all cases, there are three possible dispositions as to the allegations: 1) the allegations are found substantiated; 2) the allegations are found unsubstantiated; or 3) the findings are inconclusive or mixed. The appropriate response for each of those dispositions is set forth below.

1. Substantiated Allegations

If the Bishop determines that the allegations are substantiated:

a) Filing Report. A written report to that effect shall be placed in the case file and a copy placed in the Respondent's diocesan personnel file.

b) Canonical Measures. The Bishop may initiate such measures as are consistent with the constitution and canons of the church, both national and diocesan, including notifying former employers of the Respondent.

c) Meeting with Complainant(s) and Family. The Bishop may meet with the Complainant(s), and with the Complainant's family if appropriate, to express the church's regret and discuss how the church may assist them.

d) Meeting with Respondent and Family. The Bishop shall meet with the Respondent to discuss what actions the Bishop intends to take. The Bishop may, after assessment, recommend and refer the Respondent for appropriate psychotherapy. The Bishop also may meet with the Respondent's family to discuss how the church may assist them.

e) Updates on Therapy. The Bishop shall ensure that all psychotherapy and related services which the Bishop and/or the Bishop's representative have recommended for the Respondent, are pursued by the Respondent. The Bishop shall receive periodic reports from the clinical providers, without clinical details, concerning the Respondent's general progress.

f) Future Employment. In making any decisions about the Respondent's professional rehabilitation and future employment, the Bishop shall be guided by the assessments of those experts in the treatment of sexual misconduct who have evaluated the Respondent. In many cases, significant involvement in personal psychotherapy and employment outside the church shall be required before any re-deployment will be considered. The endorsement of the Bishop of

canonical residence or of current jurisdiction, if applicable, also shall be obtained. Current vestries or other employers also shall be notified, where applicable. Public acknowledgment of the misconduct, including exoneration of, and restitution to, the Complainant(s), normally will be required.

g) Information to Complainant. The Bishop or the Bishop's representative shall inform the Complainant(s) as to what actions are being taken, without specifically disclosing the clinical content of any findings or reports regarding the Respondent.

h) Congregational Healing. Where the Bishop deems it appropriate, and the affected congregation so desires, the Bishop may assist in a process of individual or congregational healing.

2. Unsubstantiated Allegations

If the Bishop determines that the allegations are unsubstantiated

a). Meeting with Complainant(s) and Respondent. The Bishop may meet with the Complainant(s) and the Respondent to discuss what steps may be necessary to make known the determination.

b) Exoneration of Respondent. The Respondent shall be afforded an opportunity to clear his/her name and to insert into the file a statement of innocence. In such case, the Bishop may exonerate the Respondent publicly and/or privately.

c) Congregational Healing. Where the Bishop deems it appropriate, and the affected congregation so desires, the Bishop may assist in a process of individual or congregational healing

3. Inconclusive or Mixed Findings

If the Bishop determines that some of the allegations are substantiated and some are unsubstantiated, or that the evidence available at the time of the report of the Response Team is not conclusive as to whether the allegations are substantiated or not:

a) Actions. The Bishop shall determine what actions should be taken as a result of the findings made.

b) Meet with Complainant(s) or Complainant's Family. The Bishop may meet with the Complainant(s), and the Complainant's family if appropriate, to discuss the findings and how the church may assist the Complainant and the Complainant's family.

c) Meet with Respondent and Respondent's Family. The Bishop shall meet with the Respondent, and with the Respondent's family if appropriate, to discuss the findings and what actions the Bishop intends to take, if any.

d) Congregational Healing. Where the Bishop deems it appropriate, and the affected congregation so desires, the Bishop may assist in a process of individual or congregational healing.

4. Maintaining Privacy

The Bishop, Response Team members and all other representatives of the diocese shall make every effort to protect the privacy of the Complainant(s).

a) Records. All complaints, records of Response Teams' investigations and determinations by the Bishop shall be held in strict confidence and in a locked file in the Bishop's office

b). Response Team Communications. The Response Team shall not disclose any part of its investigation to anyone except the Bishop and the Diocesan Standing Committee, or pursuant to a court process. Response Team members shall not retain personal copies of any investigatory records.