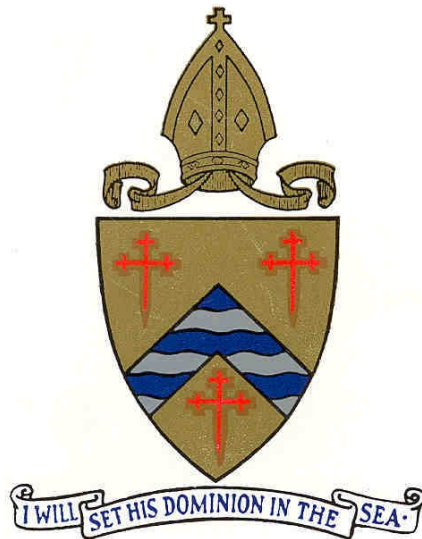


*Safe Churches  
Ministry at the Beginning of the 21<sup>st</sup> Century*

**POLICY AND PROCEDURES CONCERNING  
ALLEGATIONS AND INCIDENTS OF SEXUAL  
MISCONDUCT**

**DIOCESE OF LONG ISLAND**



Adapted from the Model Policies developed by  
THE CHURCH PENSION GROUP

*These policies were adopted by the Diocesan Council, Diocese of Long Island  
in April 1993 and revised in March 2008.*

## SAFE CHURCH TRAININGS, POLICY AND GUIDELINES

According to Diocesan policy, all clergy (including those licensed to officiate in the Diocese of Long Island) as well as persons in the ordination process, all compensated church employees and volunteers who regularly work with children should participate in Diocesan Safe Church training. It is also recommended that Wardens, Vestry Members, Sunday School Teachers, Lay Eucharistic Ministers, Lay Eucharistic Visitors and other congregational leaders consider attending Safe Church training in an effort to raise awareness and have a clearer understanding of diocesan policies and procedures, including how to respond to concerns or allegations of sexual misconduct. Certificates of participation will be issued and sent to each attendee's congregation.

For more information or to register for an upcoming training session, please contact The Mercer School of Theology Office at 1-516-248-4800, ext. 40 or by email [mercerooffice@dioceseli.org](mailto:mercerooffice@dioceseli.org)

For questions concerning the Diocese of Long Island's Safe Church training requirements or the Diocesan "Policies and Procedures Concerning Allegations and Incidents of Sexual Misconduct", please contact the Bishop's Office at 1-516-248-4800, ext. 35.

*Established: April 1993 and amended March 2008*

**Disclaimer:** The Diocese of Long Island and Church Pension Group provide this *Policy and Procedures Concerning Allegations and Incidents of Sexual Misconduct*, in the hope that they may assist dioceses, congregations, and other Episcopal entities in developing policies for the prevention of sexual abuse, sexual harassment and exploitation in ministries and church activities for all God's people. They are intended as a guide, not a manual. They do not cover every issue that you may want to consider in the development of such policies, nor do they necessarily reflect in every aspect the laws of the State of New York. The Diocese of Long Island and the Church Pension Group are not engaged in giving legal or other professional advice or services by providing this *Policy and Procedures*.

### I. INTRODUCTION

In the Baptismal Covenant all baptized persons vow to accept Jesus Christ as Savior and, among other things, to respect the dignity of every human being. In more concrete terms, the Church must strive to be a safe, secure place where caregivers, teachers and leaders, paid or volunteer, ordained or lay, minister appropriately to the manifold needs and concerns in the world about us.

In recent years it has become increasingly clear that some clergy, lay employees and church volunteers have engaged in inappropriate sexual behavior which has hurt the very persons entrusted to their care. Unfortunately, in the past, instances of such behavior were sometimes denied by church authorities or dealt with secretly. Such responses fail to implement the standards of justice and Christian love that God requires of the Church.

The primary intent of these Policies is to prevent occurrences of Sexual Misconduct and to insure that, where allegations of Sexual Misconduct are made, the response will be just and compassionate, and so may allow God's grace to work redemptively.

All persons involved in incidents of Sexual Misconduct are in need of healing. The role of overseer of the Diocese may prevent the Bishop from personally providing pastoral care to all parties in situations where there have been allegations of Sexual Misconduct. The Bishop will, however, make provision for pastoral care for all persons involved. These policies are intended to establish clear standards concerning Sexual Misconduct and, where allegations of Sexual Misconduct have been made, to establish procedures which afford a full and fair hearing to persons making allegations, alleged Victims (if not the person making the allegation) and to Respondents.

### **IMPORTANT DEFINITIONS**

For the purposes of these Policies, the following terms, when capitalized, shall have the following meanings:

#### **Sexual Misconduct**

*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. *[Please note the following:]* The State of New York has statutes establishing criminal penalties and reporting requirements concerning sexual harassment and sexual abuse. It is Diocesan policy to make reports immediately in accord with all those reporting provisions in state law, except in regard to disclosures given under the seal of the confessional which are privileged under NYS law. It shall also be Diocesan policy to cooperate fully with law enforcement officials in investigating allegations of sexual abuse that are within the scope of such statutes.

*Sexual harassment* in a situation where there is an employment, mentor or colleague relationship between the persons involved, including but not limited to, sexually-oriented humor or language; questions or comments about sexual behavior or preference unrelated to employment qualifications; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated requests for social engagements.

*Sexual exploitation*, including but not limited to the development of, or the attempt to develop, a sexual or romantic 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.

*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 or spiritual guidance or from whom such cleric, employee or volunteer has received a confession or confidential or privileged information.

*Advocate* is a person assigned by the Ecclesiastical Authority to support and assist a Complainant or an alleged Victim

*Allegations* are accusations of Sexual Misconduct, not anonymous, believed by the person receiving them to be reasonably credible.

*Complainant* is a person making an allegation.

*Consultant* is a person appointed as such pursuant to the Canons

*Respondent* is a person alleged to have engaged in Sexual Misconduct.

*Victim* is an individual who has been or is alleged to be the object of acts of Sexual Misconduct by the Respondent.

## **II. POLICIES CONCERNING SEXUAL MISCONDUCT, PROTECTION OF CHILDREN, EXTENDED COUNSELING RELATIONSHIPS AND SPIRITUAL DIRECTION**

*These policies and procedures apply to all Diocesan Institutions, Agencies and Congregations*

**A. Sexual Misconduct Prohibited.** The Diocese of Long Island strictly prohibits Sexual Misconduct by any ordained person, aspirant, postulant or seminarian sponsored by or working in this Diocese, and by any lay employee or volunteer working in any capacity for the Diocese of Long Island, any Diocesan-related institution or any parish, mission or institution in the Diocese of Long Island.

**B. Protection of Children.** The Diocese of Long Island strictly prohibits pastoral interaction with children and youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or anyone known to have a paraphiliac diagnosis (e.g., pedophilia, exhibitionism, voyeurism) as defined by the American Psychiatric Association. (*See separate policy statement: Protection of All God's Children.*)

**C. Abuse Reporting.** All incidents of sexual abuse shall be reported to the relevant law enforcement authorities in accordance with provisions of state law relating to reports of such abuse, except in regard to disclosures given under the seal of the confessional which are privileged under NYS law. A summary of the abuse reporting requirements of New York law appears in Appendix C to these Policies.

**D. Personnel Procedures.** Prior to ordination, employment or acceptance into the Diocese (either through initial licensing or acceptance of a letter dimissory), thorough background checks shall be made of all clergy, volunteers who regularly supervise youth activities, and employees. Among other things, such background checks shall seek to determine current or past Sexual Misconduct charges, criminal 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 fifteen years and all employers of the individual during the past fifteen years. If the individual has had one employer for over fifteen years, then inquiries will be made of the two most recent employers.

In the case of persons **a)** whose term of employment is expected to last no more than two weeks, or **b)** whose employment must commence before the background check can reasonably be completed, a modified background check may be made prior to commencement of employment consisting of such inquiries as may reasonably be accomplished within the time available. Any such employment shall be probational, conditioned at least upon completion of the full background check.

Written records documenting compliance with these Policies shall be made contemporaneously and retained indefinitely.

A practical guide to personnel screening is included in Appendix D.

***E. Pastoral Counseling.*** The Diocese of Long Island requires that clergy and other pastoral care providers have ongoing professional supervision or refer an individual to professional counseling after six sessions with respect to a specific need. A session is a scheduled private conference, and does not include chance meetings, pastoral visits or emergency situations. The restriction to six sessions does not apply to spiritual direction or spiritual guidance where the purpose is primarily to deepen the spiritual life of one of the participants, rather than to provide care, healing or consolation for a problem. Fees or donations for pastoral care are prohibited; any person charging fees for counseling outside the scope of church employment must possess appropriate professional credentials and proof of separate professional liability insurance, including coverage for Sexual Misconduct, in force at all times.

### **III. DIOCESAN TRAINING REQUIREMENTS ON ISSUES OF ADULT SEXUAL MISCONDUCT AND CHILD ABUSE**

The Diocese of Long Island requires training of approximately three hours on issues of child abuse in church settings for all clergy, volunteers who regularly supervise youth activities and employees. Training topics shall include, at a minimum: a clinical review of child molestation, typical seduction patterns of extra-familial child molesters, youth protection safeguards, and state child abuse statutes and reporting requirements.

The Diocese of Long Island also requires training of approximately three hours on issues of sexual harassment in employment, mentor and colleague relationships and sexual exploitation in pastoral relationships for all clergy and employees. Participation in such training is required for volunteers who regularly supervise youth.

Each local Parish, Mission and Institution shall ensure participation in these training sessions by the appropriate individuals within that Parish, Mission, or Institution. Participants in the training session must sign forms provided at the sessions indicating their attendance at those sessions. The Diocesan representative at each training session shall forward those attendance forms to the Mercer School of Theology for appropriate indefinite maintenance in the appropriate files.

The Diocese of Long Island shall regularly offer the required training sessions at convenient locations within the Diocese, and shall notify each Parish, Mission or Institution of the schedule for such sessions.

All clergy, all lay employees, and all volunteers who regularly supervise youth activities, including unpaid Sunday school teachers, shall be furnished with a copy of these Policies and shall complete and sign a certificate evidencing the receipt of these Policies. A sample form of receipt is provided as Appendix B.

#### **IV. DIOCESAN PROCEDURES FOR RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT**

##### ***A. When an Allegation is Received***

1. All allegations involving Sexual Misconduct by any cleric, lay employee or volunteer affiliated with the Diocese of Long Island, or any Parish, Mission or Institution affiliated with the Diocese of Long Island shall be immediately referred to the Bishop of Long Island.

2. *Title IV* (known as the Disciplinary Canons) of the *Constitutions and Canons of The Episcopal Church* and applicable canons of the Diocese of Long Island are followed in these cases.

##### ***B. When a Determination is Made***

When a determination of the allegations has been made, the rest of the process as outlined in Title IV of the *Constitutions and Canons of The Episcopal Church* and applicable canons of the Diocese of Long Island will be followed.

These policies are not intended to restrict the authority of the Bishop to issue Pastoral Directives or Godly Admonitions at any time.

##### ***C. Confidentiality***

Throughout the entire process every reasonable effort to protect the privacy of all persons involved except as may be necessary to carry out the responsibilities and duties under Title IV of the *Constitutions and Canons of The Episcopal Church* and applicable canons of the Diocese of Long Island will be followed.

## **V. DIOCESAN POLICY FOR RESPONDING IN THE CONGREGATION TO ALLEGATIONS AND INCIDENTS OF SEXUAL MISCONDUCT**

The following procedures are intended to facilitate the healing that will be needed in the congregation. The principle guiding these procedures is that the healing of a congregation occurs best when people are informed of the facts of misconduct and are able to move forward as a community from the trauma.

### ***A. Information to Congregation***

When allegations of Sexual Misconduct are received by the Bishop, and are to be assigned to an Investigator for investigation, the Bishop or the Bishop's representative may inform the appropriate persons in positions of congregation leadership (the "Leaders") that an allegation has been made. The Bishop may provide such additional information as seems appropriate, balancing the importance of informing the congregation's Leaders against the need for confidentiality for Victim, complainant and Respondent.

### ***B. Reporting to Civil Authorities***

If the allegations allege sexual abuse of a minor or an incapacitated adult or other circumstances that fall within the provisions of New York law regarding reporting to civil authorities, the Bishop will inform the Leaders of the allegations and of the notification which has been given to the relevant law enforcement authorities. The Bishop will direct the Leaders to cooperate fully with the law enforcement authorities.

### ***C. Information as to Determination***

When the Bishop has made a determination as to whether the allegations of Sexual Misconduct have been substantiated and informed the complainant, alleged Victim (if other than the complaining witness) and Respondent, the Bishop will then inform the Leaders of the congregation.

### ***D. Unsubstantiated Allegations***

If the Bishop determines that previously disclosed allegations are unsubstantiated, the Bishop or the Bishop's representative will discuss with the Leaders what steps may be necessary to make that determination known in the congregation and what additional steps, if any, should be undertaken to encourage healing within the congregation.

Appendices:

A -- Sample Form of Resolution Adopting Policies and Procedures

B -- Sample Form of Receipt of Policies and Procedures

C -- Summary of Child Abuse Reporting Requirements in Local Jurisdictions

D -- Information Concerning Personnel Screening, Basic Procedures for Personnel Screening and Maintenance of Records

**APPENDIX A**

**Sample Form of Resolution Adopting Diocesan Sexual Misconduct Policies**

RESOLVED that the Vestry of \_\_\_\_\_ hereby adopts the Diocese of Long Island Policies and Procedures Concerning allegations and Incidents of Sexual Misconduct, attached hereto, as the policies and procedures of this [Parish] [other entity].

**APPENDIX B**

**Sample Form of Receipt**

I hereby acknowledge that I have received a copy of the Policies and Procedures Concerning allegations and Incidents of Sexual Misconduct of the Diocese of Long Island and that I understand the content of these Policies and Procedures.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX C**

**Summary of Abuse Reporting Requirements**

*New York State law requires reporting by:[Soc. Serv. Law § 413 & § 423(1)(e),(6)]*

- Physicians, physician assistants, surgeons, medical examiners, coroners, dentists, dental hygienists, osteopaths, optometrists, chiropractors, podiatrists, residents, interns, nurses, hospital personnel, emergency medical technicians, or Christian Science practitioners
- School officials, social workers, social services workers, daycare center workers, providers of family or group family daycare, employees or volunteers in a residential care facility, or any other childcare or foster care worker
- Psychologists, therapists, mental health professionals, substance abuse counselors, or alcoholism counselors
- Police Officers, district attorneys or assistant district attorneys, investigators employed in the office of a district attorney, or other law enforcement officials

- Any other person who has reasonable cause to suspect that a child is abused or maltreated may report
- Clergy – are not mentioned in NY State law as mandatory reporters

Statute Text: § 423(1)(e), (6)

Except as provided by law, the child protective service shall be the sole public agency responsible for receiving and investigating or arranging with the appropriate society for the prevention of cruelty to children to investigate all reports of child abuse or maltreatment made pursuant to law for the purpose of providing protective services to prevent further abuses or maltreatment to children and to coordinate, provide or arrange for, or monitor the provision of those services necessary to safeguard and ensure the child's well-being and development and to preserve and stabilize family life wherever appropriate.

A social services district may establish a multidisciplinary investigative team or teams, at a local or regional level, for the purpose of investigating reports of suspected child abuse or maltreatment. The social services district shall have discretion with regard to the category or categories of suspected child abuse or maltreatment such team or teams may investigate, provided, however, the social services district shall place particular emphasis on cases involving the serious abuse of children. A multidisciplinary investigative team may include, but is not limited to, representatives from the child protective service, office of the district attorney or local law enforcement, the medical profession, public health agencies, mental health agencies, schools and medical facilities, including hospitals or other appropriate agencies or institutions, and personnel of any existing child advocacy centers. Notwithstanding any other provision of law to the contrary, members of a multidisciplinary investigative team may share with other team members client-identifiable information concerning the child or the child's family.

## **APPENDIX D**

### **Information Concerning Personnel Screening**

The Episcopal Church in the Diocese of Long Island seeks to maintain a safe, secure and loving place where care givers, teachers and leaders, both paid and volunteer, minister appropriately to the needs of all persons. Among other efforts to preserve and maintain such an environment, it is appropriate that careful personnel screening procedures be conducted with respect to **(i)** all clergy, **(ii)** all Church employees and **(iii)** volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers). It is important to note that background checks are conducted not because the Church presumes any person to be unsuitable to engage in ministry; we conduct background checks to carry out our obligation to make affirmative efforts to maintain a safe environment within the Church.

There are certain routine aspects of any diligent personnel screening procedures, including the consistent use of applications prior to a person's engagement in ministry

within the Church, consideration of the information contained in the completed application, careful and thoughtful inquiries of former employers and other persons, and such related follow up inquiries as may be suggested on the basis of information acquired through this process.

To assure the Church's ability to demonstrate that it has taken all reasonable action to assure that ministry is conducted by appropriate persons, complete records must be made of all activities constituting background checks and such records should be maintained indefinitely.

### **BASIC PROCEDURES FOR PERSONNEL SCREENING**

***Application Form.*** Normally, the first step in screening of personnel is obtaining a completed, signed screening questionnaire. A sample of such a form for ordained ministry is included in Appendix E to these policies. A form such as this assures that necessary information is obtained efficiently in written form. It is desirable to have a completed form prior to the personal interview, so that any incomplete or questionable responses can be explored at that time.

***Personal Interview.*** The personal interview provides an opportunity to explore any respects in which information in an application is incomplete or to pursue any responses that raise issues of any kind. Written notes should be made evidencing questions asked and responses provided in the course of the interview.

***Reference Checks.*** Following the personal interview and receipt of a completed questionnaire, contact should be made of all bishops having past or present canonical authority over the individual (where the individual is an ordained person), all schools attended by the individual during the past fifteen years, and all employers of the individual during the past fifteen years. If the individual has had only one employer for over fifteen years, inquiries must be made of the two most recent employers. In addition, contact should be made with two personal references.

Reference checks for ordained ministry may be made in writing, through the use of a form similar to that included in Appendix F, or through personal telephone contact with the persons in question. Where contacts are made in person or by telephone, the questions included in Appendix F should be asked of each reference contacted. A detailed written record, indicating questions asked and responses given, should be made with respect to each reference inquiry made in person or by telephone.

Reference checks for lay persons and volunteers should be made following the same procedures as set forth above for ordained ministry, using forms similar to those included in Appendices G and H.

***Public Records Checks.*** A routine inquiry of public records also must be carried out with respect to all persons covered by mandatory personnel screening requirements.

***Other Follow Up.*** The procedures described above constitute basic information

gathering. It is vitally important that all information gathered be evaluated with care to ensure that the information is complete. Equally important, the information should be evaluated carefully to determine whether the responses suggest that further inquiry is warranted.

#### **MAINTENANCE OF RECORDS**

Information collected during this process should be treated in strict confidence and maintained securely to protect the privacy of the applicant and persons furnishing background information or references. Records evidencing background investigations should be maintained indefinitely.