



The
Episcopal Diocese
of West Texas

*Diocesan Policy Statement
on Sexual Misconduct*

By Clergy

PROCESS FOR DIOCESAN RESPONSE TO ALLEGATIONS OF CLERGY MISCONDUCT IN PROFESSIONAL AND PASTORAL ROLES

The following are to be considered in the response process. It is understood that this process will be employed by the bishop in response to each and every allegation and that it will be initiated by a complaint of sexual harassment, abuse, or exploitation. In the event the bishop is unable to carry out these procedures for any reason, the Canonical Ecclesiastical Authority will respond in place of the bishop.

This procedure is intended to acknowledge several concerns.

1. Every allegation which reaches the bishop deserves a response.
2. The bishop holds both pastoral and disciplinary responsibilities.
3. The bishop should not be the only one who actually assesses or evaluates the substance of the allegation:
 - a. That a shared approach, involving legal, mental health, and pastoral avenues is desirable.
 - b. That the bishop may consult, in confidence, with any person so chosen to review issues and materials regarding any alleged incident(s) of clergy misconduct.
4. The bishop shall not serve as Sacramental Confessor to any party involved in such allegations.
5. Response to allegations of clergy misconduct shall not be influenced by differing opinions on controversial matters.
6. Clergy can be wrongfully accused of misconduct in professional and pastoral roles.
7. The bishop's pastoral concern is directed to alleged perpetrators, those making allegations (victims), and secondary victims.
8. Litigation, by its very nature, is a recourse available to anyone.
9. These procedures are intended to be used prior to the application of canon law, though at any time an accused cleric may choose recourse to the canonical procedures.

PROCEDURE TO BE FOLLOWED WHEN AN ALLEGATION OF CLERGY SEXUAL MISCONDUCT IS RECEIVED

The bishop is the chief pastor of the diocese as described in the Constitution and Canons of the Episcopal Church. He acts as a pastor and not an employer under the authority canonically granted him. The following procedure addresses the means of responding to allegations. The procedure is divided into the following sections:

- A. Response to persons making allegation
- B. Dealings with clergy accused
- C. Response to congregations and other secondary victims

A. Response to Persons Making Allegations of Sexual Misconduct by Clergy

These procedures will be followed in regard to the allegations of sexual misconduct:

1. The bishop will meet with the alleged victim and hear the specific allegations and charges. The person alleging the misconduct may be accompanied by an advocate or other representative. If the alleging party chooses to have an attorney present the diocesan attorney shall also accompany the bishop. At the bishop's discretion the meeting may include other staff personnel or consultants. The substance of the meeting will be documented and the alleging party will be asked to file a written report of the allegations. A copy of Section A, Response to Victims, of this procedure will be given to the person making the allegation.
2. The bishop will review the substance of the report and his meeting with responsible counsel.
3. If it is determined there is no truth to the allegations, the bishop will inform the alleging party of this determination in writing following procedure 1, Section B.
4. If it is determined there is reason to inquire further into the allegations, the bishop will take action as outlined in Section B of this procedure until the matter is fully resolved.
5. The bishop, or his representative, will invite the alleged victim to a meeting within 72 hours of the bishop's meeting with the accused in order to notify the victim of the steps being taken and to address pastoral needs, and to assist with appropriate referrals.

6. The bishop will attempt to maintain a pastoral relationship with the alleged victim, either directly or with the assistance of others.

B. Procedures for Addressing Clergy Accused of Sexual Misconduct

Each of these steps is to be documented as to names, dates, and times. These steps assume that an allegation has been received from a victim and that there is no litigation currently in process.

1. If it is determined that there is no truth to the allegation, documentation will be placed in the cleric's file, and appropriate response made to the congregation and secondary victims as provided later in this procedure.
2. If it appears there is reason to pursue the matter, the bishop will make a phone call from a secured telephone line within 12 hours of meeting with the victim to the accused person, as follows:
 - a. Identify that it is the bishop calling.
 - b. "I have received a complaint of sexual misconduct about you and N.N. and I need to meet with you in my office tomorrow."
 - c. "In order to provide you support and an objective witness to our conversation, I want you to bring a trusted friend."
 - d. "I will also invite N.N. (an advisor, not an attorney) to be present."
 - e. "I need to know if you choose to be represented by an attorney so, if that be the case, I can plan to have the Diocesan attorney present."
 - f. "I don't want you to discuss this with anyone other than the trusted friend you are bring to the meeting."
 - g. "Do not have any contact with N.N. (the victim) or his/her family. Do not have anyone contact that person or the family on your behalf."
 - h. "Because we have received a complaint we will be following the procedures established by our Commission on Ministry. Should you choose, the other option is to follow the procedures of canon law, as provided in Title IV of the Constitution and Canons of the Episcopal Church."
 - i. "Any other conversations surrounding this matter could jeopardize the clarity of the investigation and further harm you and others involved. For this reason, I hope this situation can be handled as an internal church matter with no public statements being made at this time."
 - j. "You are under my pastoral authority in the matter" (See Ordinal of the Book of Common Prayer.)

- k. "In closing, until we meet tomorrow I will be praying for you and this entire situation."

- l. Hang up.**

- 3. Format of the meeting between the bishop and cleric:**

The people present include:

- a. Bishop
- b. Bishop's consultant
- c. Accused cleric
- d. Accused cleric's support person
- e. If the accused cleric is represented by an attorney, the diocesan attorney

The bishop opens the meeting and:

- a. States the charge against the accused and states that the purpose of the meeting is to give the accused cleric a chance to respond to the discussion that took place: date, time, place, what the allegations and responses were.
- b. Outlines the role of the support person:
 - Listen
 - Clarify as needed during discussion
 - Provide support following the meeting
- c. Describes information he has received.
 - Cleric has a chance to respond
 - The bishop has the opportunity to question the cleric
 - Further questions are asked/answered by all parties
- d. Closure
 - The bishop makes closing statement of his perceptions
 - The bishop makes a verbal summary of the meeting
 - Everyone present signs a form indicating that the meeting and discussion took place: date, time, place, what the allegations and responses were.

4. If in the mind of the bishop, further meetings are required, these meetings shall take place within three days.
5. Follow up after the meeting
 - a. The bishop prepares a written summary and provides copies for all who attended the meeting.
 - b. If the accused agrees with the written summary, he/she signs it.
 - c. If not in agreement with the written summary, the cleric has the opportunity to prepare his or her own written statement.
 - d. The bishop, or his representative, contacts the victim and reports the outcome of the meeting within 72 hours, as per Section A-5 of this procedure.
6. If the bishop, cleric, and victim are all satisfied with the handling of the allegations and all agree to put the matter to rest, then:
 - a. A statement of “no substance” is filed in the cleric’s file.
 - b. A statement of satisfaction from the victim must also be filed, if obtainable.
 - c. The matter is closed and no further proceedings, legal or otherwise, occur.
 - d. The bishop initiates appropriate response to the congregation, or other secondary victims, as necessary.
7. If the accused agrees with the allegation that an offense occurred:
 - a. The bishop determines the seriousness of the offense.
 - b. The bishop decides on
 - Admonition
 - Removal from cure
 - Presentment and inhibition leading to ecclesiastical court proceeding and possible suspension or deposition

- c. The bishop initiates therapeutic evaluations of the cleric's behavior
 - The bishop refers the cleric to appropriate resources for assessment and/or treatment. Such referral will be directed within the context of the bishop's full canonical authority. The accused will be required to sign a release authorizing the bishop to receive information from the treating professionals. Failure to comply will be grounds for initiating ecclesiastical court proceedings leading to possible suspension or deposition, as provided by Title IV, Canon 1, Section 2 of Canons.
 - The bishop will not specify a likely outcome of the services to which the cleric has been referred, but will insist that such recommendations as may be forthcoming be pursued in a timely manner.
 - If the cleric holds medical insurance through the Episcopal Church Clergy and Employees Benefit Trust, the office of the bishop will pursue the maximum benefit available for the medical/psychological services recommended.
 - The bishop receives the results of the assessment and designates both clinical and legal advisors who will review and interpret the results to the bishop.
 - d. The bishop initiates appropriate response to the congregation and other secondary victims, as necessary.
8. If the offense is neither clearly validated nor disproved:
- a. The cleric is placed on administrative suspension, without prejudice, pending investigation for a period not to exceed 60 days.
 - b. The cleric is referred to appropriate resources for evaluation. Such referral will be directed within the context of the bishop's full canonical authority. The cleric will be required to sign a release allowing the bishop to receive analysis from the evaluating professionals. Failure to comply will be grounds for initiating canonical proceedings of ecclesiastical court leading to possible suspension or deposition, as provided by Title IV, Canon 1, Section 2 of Canons.
 - c. The bishop, in conjunction with the diocesan attorney and other advisors, initiates an internal investigation in the matter.

- d. The bishop will receive the results of the assessment and investigation, and in consultation with legal and other advisors will determine the validity of the allegation.
- If it is judged that there is no validity the bishop proceeds following Section 6 above.
 - If it is judged that an offense did occur, the bishop proceeds following Section 7 above.

C. Procedures for Response to Congregations

When a parochial cleric is accused of or involved in a violation of sexual misconduct and professional ethics, the congregation is itself a victim of the offense. This is especially true if the offense is widely known and discussed within the congregation. In order to re-establish trust and credibility in the institutional church, the Diocese of West Texas is committed to take the following steps in pastoral care for a congregation in such a case.

1. Following the initiation of the intervention procedure, the bishop and a designated and trained diocesan official (or officials) will meet with the Vestry or the Bishop's Committee of the congregation, and thereafter the entire congregation, in order to listen to their needs and to explain how the case will proceed.
2. The diocese will provide parish officers with a written statement of the case for use as necessary in dealing with the press and public. This information will also be provided to area clergy, as appropriate and necessary.
3. The chancellor of the diocese or his/her designee will provide initial legal counsel to the Vestry, as requested.
4. The diocese will provide on-going pastoral care to staff, leaders and members of the parish and referral to qualified therapists for those needing or seeking such assistance.