



The
Episcopal Diocese
of West Texas

*Diocesan Policy Statement
on Sexual Misconduct*

By Lay Staff & Volunteers

PROCEDURES FOR DIOCESAN LEADERSHIP RESPONSE TO ALLEGATIONS OF STAFF OR VOLUNTEER SEXUAL MISCONDUCT

Basic Principles

1. Every allegation which reaches any diocesan program officer or executive deserves and will receive a prompt response.
2. The first duty of the diocesan executive will be to notify the Bishop and diocesan chancellor. It will be the responsibility of the Bishop to assign the Diocesan Personnel Officer, or some other executive of the Bishop's choosing, to carry out these response procedures or to execute them him/herself, with the close cooperation of the diocesan chancellor. The Personnel Officer may appoint such other assistants, consultants, or aids in the conduct of his investigation as may meet with the approval of the Bishop.
3. The Diocesan Personnel Officer holds both pastoral and disciplinary responsibilities. Investigation of the allegations must be impartial, and nothing in the procedure shall be prejudicial to the rights of either the alleged victim or the alleged accused party.
4. The Diocesan Personnel Officer should not be the only parties who actually assess or evaluate the substance of an allegation.
 - a. A shared approach, involving legal, mental health, and pastoral expertise is desirable.
 - b. The Diocesan Personnel Officer should consult, in confidence, with a competent and trained person with expertise in the investigation and evaluation of alleged incidents of sexual misconduct.
5. The Diocesan Personnel Officer will not serve as sacramental confessor to any party involved in such allegations until such time as all issues concerning the alleged incident are resolved.
6. Staff or volunteers can be wrongfully accused of misconduct in ministerial roles.
7. The Diocesan Personnel Officer's pastoral concern is directed to those reporting allegations (victims), alleged accused party, and secondary victims.
8. Litigation, by its very nature, is a recourse available to everyone involved in an allegation of sexual misconduct.

9. The Diocese intends to strictly enforce the policy contained herein against sexual misconduct. These guidelines do not constitute a contract of employment with any employee of the Diocese or a contract with any volunteer church worker serving the diocese. Instead they are intended as a guide to the Bishop and staff in preventing sexual misconduct by such persons. The procedures set forth herein are to be utilized as a guide in investigating and taking appropriate action in connection with complains and allegations of misconduct. The Bishop shall reserve the right to rescind, revise, or modify these guidelines at any time and to deviate from the procedures set forth herein where the Bishop may in his sole discretion deem such deviation to be appropriate.

A. Response to the Reporting Party(ies)

1. The Diocesan Personnel Officer will meet with the reporting party to hear the specific allegations and charges.
 - a. 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 chancellor shall accompany the Diocesan Personnel Officer. At the Diocesan Personnel Officer's discretion, the meeting may include other staff personnel or consultants.
 - b. In the event the reporting party has an attorney present, or hires an attorney, the Diocesan Personnel Officer shall clarify with that attorney whether all future communications with the reporting party on the matter at issue should be through the party's attorney.
 - c. 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 the diocesan response procedure will be given to the person making the allegation.
2. The Diocesan Personnel Officer will review the substance of the report and his meeting with the Bishop and chancellor or other responsible assigned counsel.
3. If it can be absolutely determined there is no truth to the allegations, the Diocesan Personnel Officer will inform the alleging party that investigation has been made and the determination of the issue.
4. If it is determined there is reason to inquire further into the allegations, the Diocesan Personnel Officer will take action as outlined in Section C of this procedure until the matter is fully resolved.
5. The Diocesan Personnel Officer will invite the reporting party (and/or the alleged victim other than the initial reporting party) to a meeting within 72 hours of the Diocesan Personnel Officer's meeting with the accused, in order to notify the alleged victim of the steps being taken, to address pastoral needs, and to assist with appropriate referrals.
6. The Diocesan Personnel Officer will attempt to maintain a pastoral relationship with the reporting parties.
7. In the event that the alleged victim is a minor, the Diocesan Personnel Officer will comply with the laws of the state of Texas concerning the reporting of evidence of child abuse.

B. Response to the Accused Party

Each of the following steps is to be documented as to names, dates, and times. These steps assume that a report has been received from an alleged 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 employee or volunteer's file, and appropriate response made to secondary victims as provided later in this procedure.
2. If it appears there is reason to pursue the matter, the Diocesan Personnel Officer will engage a trained and experienced consultant with expertise in the investigation and evaluation of alleged incidents of sexual misconduct.
3. The Diocesan Personnel Officer will call the accused party to a meeting, at which the charges alleged will be detailed and the consultant introduced to the accused, with the explanation that the consultant has been engaged by the church to investigate the facts of the allegation.
 - a. The accused party will be advised of the right to engage an attorney (at the accused's personal expense) before further meetings with the church's consultant.
 - b. The Diocesan Personnel Officer will instruct the accused in the following manner:
 - "Do not have any contact with N.N. (the reporting party/alleged victim) or his/her family. Do not have anyone contact that person or the family on your behalf."
 - "Because we have received a complaint, we will be following the procedures established by our Executive Board." The accused party should be provided with a copy of the procedure.
 - "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 confidentially with no public statements being made at this time."
 - c. In the event the accused party has an attorney present, or hires an attorney, the Diocesan Personnel Officer shall clarify with that attorney whether all future communications with the accused party on the matter at issue should be through the party's attorney.

- d. The accused party will then be given an opportunity to meet with the consultant privately, or to make arrangements to do so, within 24 hours, with or without counsel present as he/she may determine.
4. Following the meeting, the consultant will prepare a written summary and provide copies for all who attended the meeting.
 - a. If the accused agrees with the written summary, he/she signs.
 - b. If not in agreement with the written summary, the accused has the opportunity to prepare a written statement.
 - c. The Diocesan Personnel Officer will contact the victim and report the outcome of the investigation within 72 hours, providing a copy of the written summary and the statement of the accused.
5. If the Diocesan Personnel Officer, consultant, accused, and victim are all satisfied with the handling of the allegations and all agree there is no substance, then:
 - a. A written statement of “no substance” is filed in the accused’s file.
 - b. If obtainable, a statement of satisfaction from the victim will also be filed.
 - c. The matter will be considered closed and no further proceedings, legal or otherwise, occur.
 - d. The Diocesan Personnel Officer will initiate appropriate response to secondary victims, as necessary.
6. If the accused agrees with the allegations that an offense occurred:
 - a. The Diocesan Personnel Officer will determine the seriousness of the offense and take appropriate disciplinary measures including admonition, removal from all church offices or responsibilities, dismissal from employment, and/or referral to the civil authorities.
 - Necessarily, in cases involving children, positive results of an investigation will require reporting of the allegations to the proper state authorities, viz., the Department of Human Services, Child Protective Services division.

- b. The Diocesan Personnel Officer will refer the accused party to appropriate therapeutic evaluation and counseling, with the provision that the church will not be held liable for providing funds for such therapy.
 - c. Conditions for reinstatement for any employee or volunteer determined to have been guilty of sexual misconduct shall be subject to approval by the Bishop and Standing Committee, following completion by the employee of a full course of remedial therapy and certification of the assurance of his or her rehabilitation by a credentialed professional approved by the Church Insurance Corporation.
7. If the offense is neither clearly validated nor disproved:
- a. The accused will be placed on administrative suspension, without prejudice (and if employed, continuing on payroll), pending investigation for a period not to exceed 60 days.
 - b. The Diocesan Personnel Officer will refer the accused party to appropriate therapeutic evaluation and counseling, with the provision that the church will not be held liable for providing funds for such therapy.
 - c. The Diocesan Personnel Officer, in conjunction with the diocesan chancellor, the consultant, and other advisors, will carry out further internal investigation in the matter.
 - d. The Diocesan Personnel Officer 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 Diocesan Personnel Officer proceeds following Section 6 above.
 - If it is judged that an offense did occur, the Diocesan Personnel Officer proceeds following Section 7 above.

C. Preventive Measures

1. This policy and procedure will be provided to each diocesan employee, officer, and volunteer working on behalf of any diocesan agency or activity with youth and adults on an individual basis, and a signed record of their receiving same shall be maintained on file. The Diocesan Personnel Officer is designated to annually audit compliance with the above requirement.
2. The diocese will not employ any person in a program responsibility for children or youth without a thorough background investigation to assure they have no history of sexual misconduct, criminal record, or paraphiliac behavior. The Diocesan Personnel Officer shall maintain these records in secured manner, and shall be the sole source of all references for persons formerly employed by the diocese. No information other than confirmation of dates of employment shall be released without a written authorization from the employee for a background inquiry.
3. Current and new clergy, all employees, and anyone providing ongoing pastoral care or supervising youth activities shall attend **three hours** of initial training on issues of child sexual abuse and shall be provided with a copy of current child abuse statutes and reporting requirements. This training shall be the program ***Safeguarding God's Children*** and the training must be administered by a diocesan-certified trainer, who must register the training with the Bishop's office. **No other training is acceptable, and there are no exceptions.**
4. All clergy and employees shall attend training on issues of sexual harassment in employment, mentor, and colleague relationships and sexual exploitation in pastoral relationships. This training is in addition to Safeguarding God's Children.
5. Pastoral care providers, lay and ordained, must be supervised on a continuing basis by a mental health professional. Accepting fees or donations for pastoral care is prohibited. Any church personnel accepting fees for counseling outside the scope of church employment must be credentialed according to appropriate professional standards and carry his or her own separate professional liability insurance.