

KEEPING GOD'S PEOPLE SAFE



Policies and Procedures
for the Prevention
of Sexual Misconduct and
Child Abuse in Church Settings

THE DIOCESE OF PENNSYLVANIA
2002



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I. INTRODUCTION – A SAFE CHURCH

SYMBOLISM OF THE RED DOOR

“What I believe we want is a church that is safe for all people ... that is a true sanctuary ... that can live up to the rich symbol of its red painted doors ... a symbol that inside is a safe place. The church needs to be a place where parents can leave their child and expect the child will come home whole and not broken ... where vulnerable people can go for counseling and prayer and come away intact. The community expects and trusts the church to be a safe place ... safe physically (from fire and decay) and safe spiritually and emotionally. When that trust is broken, many victims are created throughout the entire community, the community is hurt and the church has done damage to the cause of the Gospel.”

-The Rt. Rev. Donald P. Hart,
Opening remarks for Connecticut Safe Church Training

PURPOSE OF THIS DOCUMENT

This document is fundamentally about our relationships within the Church, the Body of Christ. It describes the ways in which all of us share in the responsibility for making our Church (its congregations, agencies and programs) a safe haven for all of God’s people. As Christians we are called to create an environment that affirms the dignity and worth of persons as lovingly created in the image of God. In the Baptismal Covenant we pledge to “seek and serve Christ in all persons, loving our neighbor as ourselves, and to strive for justice and peace among all people, and respect the dignity of every human being.”

“The ministers of the Church are lay persons, bishops, priests and deacons” (*Book of Common Prayer*, p. 855). All ministers of the Church share in the vocation to represent Christ as they work on behalf of the Church. There is no more important way this work is carried out than by the kind and caliber of our human relationships. A pastoral relationship, whether between clerical or lay ministers, is one of authority and trust, power and responsibility. A sacred obligation is broken when authority is misused through engaging in inappropriate sexual behavior with those in their care. Through the policies, procedures and information contained herewith we wish to ensure that the Church is maintained as a safe, secure place where care givers, teachers, and leaders, both paid and volunteer, both lay persons and ordained, minister appropriately to the manifold needs and concerns in the world about us.

When abuses do occur, the church has a responsibility to act with sensitivity and compassion toward all involved. Justice-making and restoration of right relationship are the goals toward which all education and intervention are directed. The current revision of this manual is respectfully submitted as a way of providing updated information for all in the diocese with the hope that it will promote understanding and prayerful study of these issues.

- Barbara Blodgett, Diocesan Pastoral Assistant
- The Rev. Canon Nancy H. Wittig

II. POLICY AND DEFINITIONS RELATED TO SEXUAL MISCONDUCT

Sexual misconduct in congregations, agencies, schools and programs of the Episcopal Diocese of Pennsylvania is wrong and not to be engaged in by any church worker. It is a violation of trust, an inappropriate use of power, and may involve a breach of professional ethics. The diocese is committed to providing a church and work environment free of sexual misconduct and unlawful harassment. Diocesan policy prohibits sexual misconduct as well as all forms of unlawful harassment because of gender, race, religion, creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state (commonwealth) or local law or ordinance or regulation.

SEXUAL MISCONDUCT (as defined by the 70th General Convention of the Episcopal Church)

- | | |
|---------------------|--|
| Sexual Abuse | Sexual involvement or conduct by a cleric or other church employee or volunteer with a person who is a minor or is legally incompetent. |
| Sexual Harassment | Unwelcome or undesired sexually oriented humor or language, questions or comments about sexual behavior or preference, physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements, in a situation where there is an employment, mentor, or colleague relationship between persons involved. |
| Sexual Exploitation | A betrayal of trust in a pastoral relationship by the development or the attempted development, of a sexual or romantic relationship between the cleric or other church worker and a person with whom she or he has a pastoral or fiduciary relationship, whether or not there is apparent consent. |

PASTORAL RELATIONSHIP

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 guidance or from whom such cleric, employee or volunteer has received confession or confidential or privileged information. (The above definition applies to such lay pastoral caregiving as Stephen Ministers, Lay Eucharistic Ministers, Lay Pastoral visitors or similar pastoral care programs.)

CHURCH WORKER

Any member of the clergy, either paid or volunteer, or any member of the laity working on behalf of the Church who is engaging in pastoral relationships.

CHILD ABUSE

Refers to harm or threatened harm to a child's health or welfare, which can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, sexual exploitation or attempted sexual exploitation.

III. POLICIES REGARDING SEXUAL RESPONSIBILITY

SEXUAL MISCONDUCT PROHIBITED

The Diocese of Pennsylvania 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 serving in any capacity for the Diocese of Pennsylvania, any diocesan-related institution or any parish or mission congregation of the Diocese of Pennsylvania.

PROTECTION OF CHILDREN

The Diocese of Pennsylvania strictly prohibits interaction with children and youth by any one with a civil or criminal record of child sexual or physical abuse or who has admitted prior abuse or anyone known to have a paraphiliac diagnosis (including pediphilla, exhibitionism, voyeurism) as defined by the American Psychiatric Association.

Only after a person has attended a church for six months should they be permitted to work with youth or children. This “waiting period” will give the church an additional opportunity to evaluate applicants and volunteers, and will help to repel persons seeking immediate access to children.

Two adult supervisors must be present during any church activity with youth or children. One of these adults must be over the age of 21. This policy will reduce the risk of false accusations.

All employees or volunteers that are involved with overnight activities or formal counseling of children must submit to a criminal background check prior to undertaking those activities.

No corporal punishment shall be used to discipline children in any parish, institution or program sponsored by institutions of the Diocese of Pennsylvania.

CHILD ABUSE REPORTING

All incidents of sexual abuse shall be reported to the relevant law enforcement authorities in conformity with applicable law. A summary of the child abuse reporting requirements appears in Appendix C to these policies.

PERSONNEL AND HIRING 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 coming into the Diocese of Pennsylvania, aspirants, postulants and candidates, as well as volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers), and employees. 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 10 years, and all employers during the past 10 years. If there has been more than one employer during the previous 10 years, then inquiries will be made of the two most recent employers. A written record of background and reference checks shall be made and kept indefinitely on file. See Appendices for sample personnel application and confidential reference forms.

PASTORAL COUNSELING AND SPIRITUAL DIRECTION

The diocese requires that clergy and other pastoral care providers have ongoing professional supervision or refer an individual to professional counseling after six sessions have been held. 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. Persons practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual advisor approved by the bishop.

IV. PROCEDURES REGARDING COMPLAINTS OF SEXUAL MISCONDUCT

An allegation of sexual misconduct brought against anyone in a position of trust is a serious matter. The church believes that whether an allegation is brought against an ordained person — priest, deacon, bishop — or a lay person, a thorough process of evaluation, investigation and pastoral care is due all parties. Each allegation should be addressed by the persons in authority for the body within which it occurred.

SEXUAL MISCONDUCT OF A CLERGY PERSON - EPISCOPAL PROCESS

- A. All complaints of sexual misconduct on the part of clergy serving in the Diocese of Pennsylvania should be reported immediately to the bishop or bishop's representative. The bishop and/or the bishop's representative will hear the specifics of the allegation through a written statement and/or a personal meeting. The complainant will be provided with an advocate, who will offer pastoral care, information about the procedures, and support through the process and thereafter.
- B. After hearing the complaint, the bishop may seek the counsel of persons trained in specific areas to assist in investigating or evaluating the complaint. If an allegation is made involving sexual abuse of a minor or an incompetent adult, and the bishop has reasonable cause to suspect such abuse at any time, the bishop will immediately notify Child Protective Services or the relevant law enforcement authorities.
- C. The bishop will meet with the cleric promptly, outline the allegations, and hear all responses given. Such meeting may include other persons at the invitation of either the bishop or the cleric (respondent). A consultant, to provide pastoral care, information about the procedures and support both to the cleric and cleric's family throughout the process, will thereafter be made available to the respondent.
- D. If the bishop judges that an allegation against a priest or deacon merits further investigation, the bishop will notify the cleric. A cleric serving in a parish may be removed temporarily without prejudice of guilt or innocence. The bishop may direct the cleric to enter a process of evaluation.
- E. An investigation shall proceed to ascertain the facts as reported and a report made to the bishop preliminary to further disciplinary action or a decision as to the probable merit of the complaint.
- F. After hearing all information:
 - 1. If the bishop determines that there is no substance to the presented allegations, the bishop will place a note in the cleric's file recording the determination of "no substance" with a copy of the allegations and send a copy to the cleric and the complainant.
 - 2. If the bishop determines that there are grounds for presuming that the allegations have substance and the cleric denies the same, the bishop may impose restrictions

on the exercise of ministry and/or request that further investigation or evaluation be done. The bishop may decide to institute proceedings under Title IV, the disciplinary canons of the church, and refer the case to the Standing Committee of the Diocese through the Diocesan Review Committee. In this and all other disciplinary matters referred to herein, the bishop will act in a way consistent with the canons of the Church.

3. If the cleric acknowledges the allegations are true, the bishop will take such steps as the bishop deems appropriate based on the circumstances and facts of the case.
- G. The complainant/s or alleged victim/s, the cleric, and perhaps other concerned parties, such as the congregation, shall be informed of the decision of the bishop.
- H. Referrals or offers of support services will be made to all involved where appropriate.

TITLE IV PROCESS

An allegation of clergy sexual misconduct may be brought to the Diocesan Review Committee described in the Canons of the Diocese of Pennsylvania and under the provisions of Title IV of the Constitution and Canons of the Episcopal Church. The “verified” complaint must be in the form specified in the Canons.

SEXUAL MISCONDUCT OF A LAYPERSON

All complaints of sexual misconduct by a member of the laity exercising a ministry or having a pastoral relationship within a parish, school or institution of the Diocese of Pennsylvania should be reported immediately to his/her supervisor. If the accused person is the senior manager of the entity, the complaint should be directed to the governing board. The bishop shall be notified and the diocesan pastoral assistant may act as a resource.

V. DIOCESAN EDUCATION REQUIREMENTS: SAFE CHURCH (Sexual Responsibility Awareness) TRAINING

In an effort to increase the physical, emotional and spiritual safety of congregations, the diocese requires: a minimum of four hours of education regarding prevention of child sexual abuse and four hours of education regarding the prevention of adult sexual harassment, exploitation and abuse in church settings for the following persons:

- ▶ All clergy, canonically resident or licensed, including retired, non-stipendiary, non-parochial; all clergy entering the diocese who intend to be employed, licensed or canonically resident must take the diocesan training, even if it has been taken previously.
- ▶ All Church employees
- ▶ All volunteers or individuals paid to supervise any youth activities (Sunday School teachers who teach children only on Sunday mornings are encouraged, but not required to attend.)
- ▶ Training of anyone in leadership positions (vestry members or wardens) or who give pastoral care such as visitors in homes or lay Eucharistic ministers is encouraged.

The rector/vicar and vestry of each congregation are responsible for the congregation's compliance with these standards. All insured entities (parishes) need to keep on file a list of those parishioners/employees who have completed this education. Documentation for clergy is kept at Church House.

AREAS COVERED IN CHILD SEXUAL ABUSE AWARENESS EDUCATION

- ▶ A clinical review of child molestation
- ▶ Typical seduction patterns of extra-familial child molesters
- ▶ Youth protection safeguards
- ▶ State child abuse statutes and reporting requirements
- ▶ Diocesan policies and procedures

AREAS COVERED IN ADULT SEXUAL HARASSMENT, EXPLOITATION or ABUSE AWARENESS EDUCATION

- ▶ Issues of sexual harassment in employment
- ▶ Mentor and colleague relationships
- ▶ Sexual exploitation in pastoral relationships
- ▶ Theological and ethical considerations
- ▶ Diocesan policies and procedures

All new personnel should be trained within 6 months of employment or beginning their responsibilities.

All clergy and lay employees, and all volunteers who have pastoral or child/youth responsibilities, shall receive a copy of the Policy Manual, shall sign a Statement of Receipt or a Covenant for Sexual Responsibility (forms included as Appendix D).

APPENDIX A

SAFE CHURCH PRACTICES FOR CHURCH WORKERS WHEN WORKING WITH ADULTS AND ALL AGES

The following guidelines are to be observed by any church worker practicing pastoral care or working on behalf of the church, lay or ordained.

1. Be cognizant that a power differential exists between you and those whom you are serving. Do not exploit the trust and dependency of these persons. It is inappropriate for a cleric, employee or volunteer who is in a pastoral relationship with a parishioner to have romantic involvement with that parishioner. In a single-priest parish, a parishioner dating the priest loses his or her priest. One or the other needs to find a new church home.
2. Be in supervision with a professional counselor, spiritual director, person of spiritual wisdom or one trained to act in a supervisory capacity.
3. Be aware of signs of sexual boundary breakdown: excessive self-disclosure by the pastor; excessive availability, including giving or receiving inappropriate gifts; excessive touch, however innocent; undue anticipation of future visits, including rearrangement of one's schedule; fretting about clothing or appearance; meeting at an unusual location; continual fantasy about the other person; and keeping of secrets that go beyond the requirements of professional confidentiality.
4. Be aware that sexual attraction between yourself and other staff members has the potential to cripple ministry. Develop appropriate staff relations and keep personal life separate from professional responsibilities. When aware of a personal attraction:
 - (a) Make a self-examination by asking such questions as:
 - ▶ What can I learn about myself through the experience of my attention being inescapably drawn to this other person?
 - ▶ What is lacking in myself, my marriage or my relationships that an involvement with this other person promises to satisfy?
 - ▶ What is it about this time in my life/ministry that I am vulnerable to falling in love outside of my commitments?
 - (b) Address this issue in supervision.
5. Think proactively about ways to have private meetings while minimizing risks (glass in the door of the office, another person nearby, a corner in a public restaurant, e.g.). Assess the person being cared for. If that person might misinterpret (or misrepresent) your behavior, use consultation and/or arrange to meet them with others present. Document the interaction in writing.
6. Avoid the use of sexual humor, innuendo and flirtation.
7. Do not offer alcoholic beverages to underage people.
8. Self-disclosure regarding sexual or highly personal matters is inappropriate in a ministerial setting. It belongs in a context of trusted colleagues or trained professional/supervisory resource.

9. Be prudent about touching others. Use “mirroring,” i.e., if the other extends a hand, shake their hand, but do not hug them. Persons with a history of being abused, those from some cultural backgrounds, etc. may be uncomfortable being touched even if they know you well.
10. Those who learn of sexual misconduct by colleagues, even if the information is gained in a counseling setting, have an ethical responsibility to follow up on this information by seeking the counsel and pastoral guidance of a person of spiritual wisdom, by speaking directly to the individual, and by reporting the information to appropriate ecclesiastical authorities. Wardens and vestry members who learn of misconduct by their clergy should report this to the bishop.

Appendix B

Standards of Behavior for Diocesan Events with Youth

Purpose

The Diocese of Pennsylvania takes seriously its responsibility to provide a safe and secure environment for all participants in diocesan activities. The fundamental basis for all that follows rests on what it means to uphold standards of Christian respect and dignity for all relationships. To this end, the Youth Subcommittee of the Diocesan Christian Education Committee has adopted these standards to protect all children, youth, and adult participants. These standards will be in place and used at ALL diocesan-sponsored events, and the Youth Subcommittee encourages all parishes to have similar policies for their events.

Of particular interest are the standards that deal with abuse and Sexual Misconduct. These guidelines are designed to promote a safe Christian community while minimizing the opportunity for misconduct to occur. Any and all allegations will be taken serious/y, and this uniform protocol will be used to insure justice and consistency. We also recognize the rare possibility of wrongful allegations occurring. Therefore, a shared approach involving the Bishop, legal, mental health, and pastoral approaches is high/y desirable. Open communication between all involved will be encouraged while respecting privacy, which precludes involving anyone who is not direct/y involved or needed in evaluating a case.

The Youth Subcommittee is committed to continuing dialogue and communication of all of these issues. These standards will be evaluated and updated as needed.

Standards

1. These standards apply to all diocesan events that involve youth, i.e., those under the age of 18. Only adults (18 or older) may be advisors. Two adult supervisors must be present during any youth activity, one of whom must be over 21 years of age. No person attending any diocesan event is to be physically, emotionally, or sexually abused.

- **Physical abuse** is defined as bodily injury of one person by another.
- **Emotional abuse** is the devaluing of another, such as name-calling or indicating to another that he/she is worthless.
- **Sexual abuse** is any sexual activity between a child and an adult or between children when there is an unequal distribution of power, such as when one is significantly older or larger.

In addition, sexual misconduct will not be tolerated. Sexual misconduct includes sexual abuse, exposing a child or youth to sexually provocative material, inappropriate exposure by an adult to a youth, etc.

2. **Illegal drugs and alcohol** may not be used or be in possession of any adults or youth on or at diocesan youth activities. Anyone found with these substances will be excluded from the activity and sent home. **All diocesan youth activities prohibit smoking.**

3. Youth left at a site for a diocesan activity are required to remain there under the supervision of the advisors until they have been picked up by their parents or guardians. Parish adult advisors who participate in the activity and bring their youth to an event are required to maintain supervision of them.

4. No one will be discriminated against at any diocesan activity on the basis of race, color, gender, sexual orientation, physical disability, origin, ancestry, or religion.

5. No youth event in the diocese shall have less than two adult advisors. At the minimum, the national church standard of one adult for every five youth will be followed. The adult leadership will be reflective of the youth attending so that if there are male and female youth there must be male and female adult advisors. Experienced adult youth workers are to be included with adults who are newcomers to youth ministry.

6. All overnight activities will provide separate sleeping arrangements for males and females. A single adult and a single youth will never sleep alone together. In addition, separate bathroom/shower facilities by gender (or specific times to use a single facility) will be provided. *Sexual relations between youth and/or inappropriate displays of affection will result in the youth involved being sent home.*
7. Adult advisors are to avoid dropping off and/or picking up youth without being accompanied by another adult. Families are encouraged to arrange their own transportation.
8. At times when one-on-one interactions with youth cannot be avoided, another adult is to be present or a least aware of the place of consultation and who is being counseled. Every attempt will be made for the counseling to take place in a public place such as a corner away from but in clear view of others. Seclusion is to be avoided.
9. All youth must have parental/guardian permission to attend any diocesan event.
10. All adult advisors are to refrain from giving personal gifts or money privately to youth without first consulting the parents or the Youth Subcommittee.
11. No youth event is to function with a closed-door policy. Clergy, parents, church staff members, parishioners all have a right to observe any youth activity at any time.
12. Youth advisors will meet regularly to openly discuss problems, accountability, policy clarification, personal feelings, and issues that interfere with youth ministry efforts.
13. No adult youth worker is to date a youth or become romantically or sexually involved with a youth or a child.
14. **All adult workers will be screened.** An interview with church advisors, the checking of references, and even an internship period will be normative.
15. Any adult convicted of prior incidents of sexual misconduct or abuse will not be used in any capacity for diocesan youth programs. Any adult who is accused of improper behavior is to be removed from any positions which would give them access to children or youths, until the situation is resolved.
16. No one is to strike or hit anyone at any time. No weapons are to be brought to diocesan youth activities. Anyone in possession of any weapon will be sent home.
17. No one is to be deprived of the basic human needs of food, shelter, sleep and clothing at any diocesan event. The national requirement is to provide 7-8 hours of sleep per night for youth events.
18. Any person who feels that he or she has experienced improper behavior is encouraged to report it to an adult advisor or the Bishop as soon as possible. Any adult advisor who receives a report of any suspected or actual misconduct or abuse must report it to the Bishop within 72 hours. Anyone who ever has any questions about a specific situation and whether to report it is encouraged to report it anyway. Questions may be directed to Child Abuse Hotline (Childline: 1-800-932-9313).

APPENDIX C

CHILD ABUSE DEFINITIONS

The term child abuse shall mean any of the following:

- (1) Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

Serious physical injury is an injury that:

- causes a child severe pain; or
- significantly impairs a child's physical functioning, either temporarily or permanently.

- (2) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to a child under 18 years of age.

Serious mental injury is a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

- renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or
- seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

- (3) An act or failure to act by a perpetrator which causes sexual abuse or sexual exploitation of a child under 18 years of age.

Sexual abuse or exploitation is the employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

- (4) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

- (5) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

To substantiate imminent risk of serious physical injury or sexual abuse/exploitation:

- a specific act or failure to act must be documented;
- the act or failure to act must result in risk of abuse; i.e., be supported by substantial evidence that serious injury of sexual abuse/exploitation would have occurred.

REPORTING SUSPECTED CHILD ABUSE CHILD PROTECTIVE SERVICES LAW

Section 6311. PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE

(a) General rule. — Persons who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made in accordance with Section 6313 (relating to reporting procedure) when they have reasonable cause to suspect on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or other official capacity is an abused child. Except with respect to confidential communications made to an ordained member of the clergy which are protected under 42 PA.C.S. S5943 (relating to confidential communications to clergymen), the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required 'by this chapter.

(b) Enumeration of persons required to report.. — Persons required to report under subsection (a) include, but are not limited to, any licensed physician, osteopath, medical examiner, coroner, funeral director, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, member of the clergy, school administrator, school teacher, school nurse, social services worker, day-care center worker or any other child-care or foster-care worker, mental health professional, peace officer or law enforcement official

(c) Staff members of institutions, etc. — Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with section 6313. This chapter does not require more than one report from any such institution, school, facility or agency.

(d) Civil action for discrimination against filing report. — Any person who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, makes or causes the report to be made and, as a result thereof, is discharged from his employment or in any other manner is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, may commence an action in the court of common pleas of the county in which the alleged unlawful discharge or discrimination occurred for appropriate relief. If the court finds that the person is an individual who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, made or caused to be made a report of suspected child abuse, and, as a result thereof, was discharged or discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, it may issue an order granting appropriate relief, including, but not limited to, reinstatement with back pay. The department may intervene in any action commenced under this subsection.

Section 6312. PERSONS PERMITTED TO REPORT SUSPECTED CHILD ABUSE.

In addition to those persons and officials required to report suspected child abuse, any person may make such a report if that person has reasonable cause to suspect that a child is an abused child.

Section 6314. PHOTOGRAPHS, MEDICAL TESTS AND X-RAYS OF CHILD SUBJECT TO REPORT.

A person or official required to report cases of suspected child abuse may take OR cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries OR reports of the photographs, x-rays and relevant medical tests taken shall be sent to the county agency at the time the written report is sent or as soon thereafter as possible. The county agency shall have access to actual photographs or duplicates and x-rays and may obtain them or duplicates upon request.

APPENDIX D1

A COVENANT FOR SEXUAL RESPONSIBILITY

For the purposes of this covenant, I, the undersigned, understand that the Diocese of Pennsylvania adopts the following definitions of Sexual Misconduct.

- a) 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, or
- b) 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; or
- c) Sexual exploitation, including but not limited to the development or the attempt to develop a sexual 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.

I agree to abstain from any behavior that constitutes Sexual Misconduct, while I minister in any institution related to the Diocese of Pennsylvania regardless of whether I work as a paid employee or volunteer.

I understand that if I engage in such behavior I will be subject to a disciplinary process that may include termination of employment, and if I am ordained, canonical discipline.

I acknowledge that I have received the Diocese of Pennsylvania’s manual *Keeping God’s People Safe*, understand it, and agree to abide by it.

Signature

Print or type full name

Date

Witness Signature

Witness print or type full name

Note: This covenant is to be filed AFTER the cleric, employee or volunteer has read the Diocese of Pennsylvania’s manual, *Keeping God’s People Safe*, and is to be retained in a secure file by the insured entity (parish, agency, etc.).

Appendix D2

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 Pennsylvania and that I understand the content of these Policies and Procedures.

Signature _____

Print Name _____

Date _____

Position/Function. _____

Appendix E

INFORMATION CONCERNING PERSONNEL SCREENING

The Episcopal Church in the Diocese of Pennsylvania seeks to maintain a safe, secure and loving place where caregivers, 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 insure 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 application form. A sample of such a form is included in Appendix E to these policies. A form such as this assures that all 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 application, 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 five years, and all employers of the individual during the past five years. If the individual has had only one employer for over five years, inquiries must be made of the two most recent employers. In addition, contact should be made with two personal references.

Reference checks may be made in writing through the use of a form similar to that included in Appendix E, or through personal telephone contact with the persons in question. Where contacts are made in person or by telephone, the questions included in Appendix E 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.

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

NOTE: *The Diocese is exploring various professional entities that would be available to conduct such records checks for a reasonable charge and will make information on such entities available.*

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.

APPENDIX E2

SAMPLE CONFIDENTIAL REFERENCE FORM

Your name has been given as a reference by _____ the “applicant”), who submitted an application to work as an employee or volunteer with one of our youth programs. We would appreciate your completing this form and returning it in the enclosed envelope so that we may make a decision on the applicant’s ability to fulfill this commitment. All information will be confidential. Thank you.

(Signature of person requesting the reference)

1. How long have you known the applicant?
2. In what capacity have you know the applicant?
3. Describe the applicant’s reliability and willingness to make a commitment such as this.
4. Are you aware of any problems that would limit the applicant’s ability to fulfill this obligation? If yes, please explain.
5. Are you aware of any problems or concerns that should limit or preclude this individual from working with children? _____ If yes, please explain.
6. Would you recommend the applicant for placement in a setting such as ours? Or do you feel he or she may be more suited for another type of volunteer agency? If so, why?
7. Are you aware of any time at which the applicant’s driver’s license or other license (e.g., professional) has been suspended or revoked? If so, give full details.
8. Are you aware whether the applicant has ever been arrested or charged with driving under the influence? so, please give full details known to you.
9. Are you aware whether the applicant has ever been convicted of child abuse or a crime involving actual or attempted sexual molestation of a minor? If so, please explain.

10. Are you aware of any formal or informal charge, claim, or complaint ever having been made that the applicant has engaged in inappropriate sexual behavior? If so, please explain. *Please note that this question does NOT seek any information concerning the sexual orientation of the applicant.*

11. Is there any fact or circumstance about the applicant's background that would call into question the advisability of entrusting the applicant with the supervision, guidance, and care of young people?

12. Are you aware of any other information that would bear upon the appropriateness of the applicant's involvement in Church activities? If so, please explain.

Date _____

Signature _____

Appendix F

SAMPLE APPLICATION FORM

This application is to be completed by all clergy, all employees, and all volunteers who regular/y supervise youth activities (excluding unpaid Sunday School teachers).

Personal Information:

Name: _____
Last First Middle

Present Address: _____

Street _____

City _____ State _____ Zip Code _____

Home Phone: _____

1. Position for which this application is being made:
2. On what date would you be available?
3. Minimum length of commitment.
4. Marital status:
___ Married ___ Single ___ Engaged ___ Divorced ___ Remarried ___ Widowed
5. Social Security Number: _____
6. Driver's License Number: _____ State _____
7. List the name and location and dates of attendance with respect to the last two educational institutions in which you have been enrolled.
8. List other names used (maiden, former, nickname, a/k/a's).
9. Previous home addresses with applicable dates (list last two).

10. Name and address of church of which you are a member.

11. List (name and address) other churches you have attended regularly during the past five years.

12. List all previous church work involving youth (identify church, location, dates and type of work).

13. List any gifts, callings, training, education or other factors that have prepared you for work with children and/or youth.

14. List (by name, street address, telephone number, and contact person) your employers the past 10 years.

15. Have you had any driver's license or other license (e.g., professional) suspended or revoked? If so, give full details.

16. Have you ever been arrested or charged with driving under the influence? If so, list each such arrest or charge, when and where it was made and its outcome.

17. Have you ever been convicted of child abuse or a crime involving actual or attempted Sexual molestation of a minor? If so, please explain.

18. Has any formal or informal charge, claim, or complaint ever been made that you engaged in inappropriate sexual behavior? If so, give full details.

19. Is there any fact or circumstance about you or your background that would call into question the advisability of entrusting you with the supervision, guidance, and care of young people?

20. Please furnish the names of two persons, other than relatives or present or former employers, to serve as personal references.

Name: _____

Address:

Telephone: _____

Name: _____

Address:

Telephone: _____

Under penalty of perjury, I swear or affirm that the information given above is true, complete, and correct. I understand and agree that a complete background investigation may be conducted with respect to me, and that this information may be verified by contacting persons and organizations with whom I have had contact or which may have information concerning me. I hereby release and agree to hold harmless from liability any person or organization that provides such information. I also agree to release and hold harmless the Diocese of Pennsylvania and _____ (name of congregation,), their officers, employees, agents and volunteers from any and all liability as it relates to any investigation taken by them regarding the information contained in this application, or any action by them as a result of such investigation.

Applicant's Signature: _____

Date: _____