



Diocese of the Rocky Mountains

The Anglican Church in North America

Policy for Prevention and Reporting of Sexual Misconduct

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I.
GENERAL POLICY AND DEFINITIONS

A. General Policy

Sexual misconduct is contrary to Scripture and Christian teachings. As part of the Anglican Church in North America, the Diocese of the Rocky Mountains (“DRM”) is responsible for setting policies regarding sexual misconduct.

This policy describes standards, screening procedures, prevention training and the handling of sexual misconduct complaints involving all DRM clergy and staff employees of the Diocese. All DRM Persons, as defined herein, must comply with this Policy Statement on Sexual Misconduct (“Policy”), as well as applicable state and local laws regarding incidents of actual or suspected sexual misconduct.

Additionally, all DRM churches must follow the DRM Policy for the Protection of Children, which applies to clergy, staff and volunteers of individual DRM congregations.

B. Definitions

For purposes of this Policy, the bold terms below shall have the following meanings:

1. **Accused** shall mean the person against whom a Complaint of Sexual Misconduct is made, as described in this Policy.
2. **Bishop** shall mean the DRM Bishop or the Bishop to whom the matter may be referred by the Chancellor.
3. **Child** shall mean a person under 18 years of age.
4. **Church** shall mean the Anglican Church in North America.
5. **Complaint** shall mean a written report of Sexual Misconduct submitted to the Bishop pursuant to this Policy.
6. **Complainant** shall mean the person who makes a Complaint of Sexual Misconduct as described in this Policy. Where appropriate, the term Complainant shall be interpreted to include the words “the alleged victim, if not the Complainant.”
7. **Congregation** means a church, congregation, parish, fellowship, or mission of the DRM, or any other entity formally affiliated or in official association with the DRM.
8. **Clergy** shall mean the offices of Bishop, Presbyter, and Deacon as defined in the Constitution and Canons of the Anglican Church in North America, the DRM Constitution, and

the DRM Canons. **DRM Clergy** shall mean the Bishop and the presbyters and deacons canonically resident in the DRM or licensed thereto from another diocese or Province, including retired clerics.

9. **Dating Relationship** shall mean a relationship in which (a) two persons (at least one of whom is subject to this Policy) are publicly engaged and intending a Christian marriage or (b) such persons are exploring a relationship which may lead to a Christian marriage. A Dating Relationship must be conducted with the knowledge of the Rector and the Bishop and with the spiritual guidance of at least two pastoral caregivers. A Dating Relationship defined and conducted in accordance with this Policy is excluded from the definition of Sexual Misconduct.

10. **DRM** shall mean the Anglican Diocese of the Rocky Mountains.

11. **DRM Person** shall mean (a) a member of DRM Clergy, (b) an aspirant, postulant, candidate, or seminarian sponsored by or working in the DRM, (c) an Employee, or (d) a Volunteer.

12. **Employee** shall mean any lay person who is compensated for work performed for the DRM. As used herein, the term Employee does not include a lay employee of a Congregation.

13. **Paraphiliac Behavior** shall include pedophilia, exhibitionism, and voyeurism.

14. **Pastoral Relationship** shall mean a relationship between (a) a DRM Person and (b) any person to whom such DRM Person provides formal counseling, pastoral care, spiritual direction, or spiritual guidance, or from whom such DRM Person has received a confession or other confidential or privileged information.

15. **Rector** shall mean the rector of a Congregation, or any person in charge of a Congregation though called something other than rector (e.g., pastor, vicar, deacon, or lay pastor).

16. **Sexual Abuse** shall mean sexual contact by one person with another who does not or is unable to consent. The term Sexual Abuse includes actual or attempted sexual molestation or sexual exploitation of a person, including a Child or Vulnerable Adult, or other behavior by which one uses such person as an object of sexual gratification.

17. **Sexual Coercion** means the use of physical, emotional, or economic power to gain sexual favors or gratification from another.

18. **Sexual Exploitation** means the development of or the attempt to develop a sexual relationship between (a) a DRM Person and (b) a person with whom such DRM Person has a Pastoral Relationship, regardless of whether there is apparent consent from such person. Sexual exploitation includes activity of a sexual nature during the course of a Pastoral Relationship. The apparent consent of a person to the sexual or romantic relationship does not

preclude a finding of sexual exploitation. The imbalance of power between the DRM Person and the person in a Pastoral Relationship may undermine the validity of such consent. The fact that sexual activity is initiated by the person other than the DRM Person does not relieve the DRM Person of responsibility, nor does it make sexual activity under the circumstances acceptable.

19. **Sexual Harassment** means sexual advances, requests for sexual favors, sexually motivated physical contact, or other unwelcome verbal, written, or physical conduct, display of offensive materials, or communication of a sexual nature in a situation where there is an employment, mentor, or colleague relationship between the persons involved.

20. **Sexual Misconduct** shall include the following:

- a. Paraphiliac Behavior;
- b. Sexual Abuse;
- c. Sexual Coercion;
- d. Sexual Exploitation;
- e. Sexual Harassment; and
- f. Any other form of sexual behavior that is contrary to Scripture and Christian teachings, as determined by the Bishop.

21. **Volunteer** shall mean a person who performs work without compensation for the DRM. As used herein, the term Volunteer does not include a volunteer of a Congregation.

22. **Vulnerable Adult** shall mean (a) a person who is 60 years of age or older or (b) a person who is 18 years of age or older and unable to protect or care for himself or herself without assistance due to physical or mental impairment or illness.

II.

STANDARDS AND SCREENING PROCEDURES

A. Sexual Misconduct Prohibited

All DRM Persons are strictly prohibited from engaging in Sexual Misconduct. Any complaint or allegation of Sexual Misconduct by a DRM Person will be taken seriously and promptly investigated. (See Section III for the details of the investigation process.)

B. Protection of Children

The DRM strictly prohibits interaction with a Child at any church-sponsored or church-related activity, on or off church property, by anyone (i) with a civil or criminal record of child abuse, (ii) who has admitted prior child abuse, or (iii) known to have a diagnosis of Paraphiliac Behavior.

All DRM churches must comply with the requirements of the DRM Policy Manual for the Protection of Children, which sets out additional protections that each church must follow.

C. Reporting Abuse

Any DRM Person who reasonably suspects that a Child or Vulnerable Adult has been abused or neglected must immediately report the same to appropriate civil authorities in accordance with state law. In addition to making a report to civil authorities, the DRM Person must immediately report the same to the Bishop pursuant to Section III(A) below. The Bishop or Chancellor will assist the person making the report in complying with applicable state law on reporting.

D. Adult Misconduct Prevention Training

All DRM Clergy and Employees must complete a minimum of four hours of training on issues of Sexual Misconduct, mentor and colleague relationships, and Sexual Exploitation in Pastoral Relationships as part of their orientation.

All employees of Congregations within the DRM attend either training sponsored by the DRM or equivalent training approved in advance by the DRM that complies with the Congregation's insurance carrier's requirements.

E. Child Abuse Prevention Training

All DRM Clergy and Employees must complete a minimum of two hours of training on issues of child abuse and neglect as part of their orientation. This training shall include a review of all types of child abuse (physical, sexual, and emotional) and neglect; youth protection safeguards; and a review of the applicable state child abuse statutes and reporting requirements.

All DRM clergy and DRM church staff (paid or unpaid) must complete the online Sexual Abuse Prevention training every two years, as required by the DRM Policy for the Protection of Children, whether or not they have contact with children and youth. Volunteers who have contact with children and youth must complete the online Sexual Abuse Prevention course before they can serve as volunteers, as required by the DRM Policy for the Protection of Children, and be re-trained every two years.

F. Background Checks and Rescreening Requirements

The DRM will conduct background checks of (1) all individuals applying for eventual ordination to the Priesthood or the Diaconate; (2) all Clergy seeking acceptance by the DRM in any capacity; and (iii) all persons seeking employment with the DRM.

An initial background check must include the following:

1. Inquiries of all bishops having past or present canonical authority over the individual during the past ten years, 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 one employer for over five years, then inquiries will be made of the two most recent employers. In the case of clergy, “employer” shall be the senior wardens of congregations served during the past five years;

2. Credit Bureau Record Check;
3. Motor Vehicle Record Check;
4. Employer and Education History Checks;
5. National Sexual Offender/Criminal Record Check and Database;
6. State Police Criminal Record Check or the equivalent in the applicant’s states of residence;
7. National Criminal Database.

Each DRM Congregation is required to conduct equivalent background checks of all employees and volunteers whose duties involve supervision of children’s or youth activities (excluding unpaid Sunday School teachers who work with children during regularly scheduled church school hours in places where other adults are present). Congregations may use the services of Oxford Document Management Company or other equivalent agency, at congregational expense, to conduct background checks as long as the above requirements are met. Each DRM Congregation must comply with its insurance carrier’s requirements.

The Diocese also requires re-screening of all DRM Clergy every two to three years at individual (or congregational) expense and submission of the rescreening report to the DRM office. Clergy/Congregations must use the services of a background screening agency, such as Oxford Document Management Company, MinistrySafe, Protect My Ministry, or other equivalent agency, at congregational/individual expense, to conduct background checks as long as the below requirements are met.

Re-screening clergy background checks must include the following:

1. Sexual Misconduct/Criminal Record Check and Database;
2. State Police Criminal Record Check or the equivalent in the applicant’s states of residence;
3. National Criminal Database.

G. Insurance Coverage

Each rector has an obligation to obtain appropriate insurance coverage for his Congregation and ensure the conditions for such coverage are met. The DRM assumes no responsibility for a Congregation’s failure to comply with its own insurance carrier’s policy.

III.
HANDLING COMPLAINTS OF SEXUAL MISCONDUCT

A. Reporting Abuse or Neglect to Civil Authorities

Any DRM Person who reasonably suspects that a Child or Vulnerable Adult has been or is being abused or neglected must immediately report the same to appropriate civil authorities.

The DRM is a geographically broad diocese, with member Congregations spread across several states. Each of these states has a statute requiring certain persons to report suspected abuse or neglect of a Child or Vulnerable Adult to civil authorities. The legal definitions of abuse and neglect, and the requirements for making such reports, vary by state. Summaries or legal and reporting regulations can be found at childwelfare.gov via this [link](#) and this [link](#). While reliable, each church should ensure that the information provided at this third-party website is up to date, and the Diocese of the Rocky Mountains makes no guarantees as to the accuracy of this site.

In general, “neglect” means the failure to provide basic needs such as food, clothing, shelter, medical care, or supervision. The term “abuse” encompasses physical abuse (non-accidental physical injury); sexual abuse (including indecent exposure, fondling, rape, or exploitation through prostitution or the production of pornographic materials); and emotional abuse (substantial impairment of a person’s intellectual or psychological functioning or sense of self-worth).

While states uniformly define “child” to mean a person under 18 years of age, they differ in their definition of a vulnerable or at-risk adult. In general, a vulnerable or at-risk adult is a person 18 years of age or older who is unable to protect himself or herself from abuse, neglect, or exploitation by others because of a physical or mental impairment. Some states treat adults as vulnerable or at-risk simply by virtue of their age. In Colorado, the age threshold is 70 years; in California and Oregon, it is 65 years; in Illinois, Ohio, and Wyoming, it is 60 years.

In addition to making a report to civil authorities, any DRM Person who reasonably suspects that a Child or Vulnerable Adult has been or is being abused or neglected must immediately report the same to the Bishop pursuant to Section III(B) below. The Bishop or Chancellor will assist the person making the report (and any other DRM Persons with knowledge thereof) in complying with applicable state law on reporting. **Regardless, reporting to the Bishop or other diocesan authorities does not excuse any DRM Person from his or her obligation under applicable state law to report suspected abuse or neglect, except as otherwise provided by state law. Failure to report may be a crime in your state.**

B. Reporting Sexual Misconduct to the Bishop

1. Guiding Principles

(a) Allegations of Sexual Misconduct must be acted upon in a timely manner. The protection of the Complainant and the Complainant's family will be of material concern.

(b) A person can be wrongly accused of Sexual Misconduct, and the rights of the Accused as well as the Complainant must be respected.

(c) The protection of Children and Vulnerable Adults is of utmost concern, and all instances of abuse of a Child or Vulnerable Adult must be reported immediately to civil authorities.

(d) The Bishop should not be the only one who actually assesses or evaluates the substance of any allegations. An approach which involves legal, pastoral, and mental health components is desirable.

(e) The Bishop holds both pastoral and disciplinary responsibilities. The Bishop's pastoral concern is directed to the Accused as well as Complainants and the Congregation(s) involved.

(f) The Bishop should refrain from placing conversations regarding allegations of Sexual Misconduct within a sacramental framework (e.g., confession) and show concern for privacy of all individuals concerned.

2. Rules of Investigation and Procedure

(a) In the event that the DRM or the Bishop receives a Complaint of Sexual Misconduct against a DRM Person other than DRM Clergy, the process set forth in Section III(B)(3)-(g) below shall apply.

(b) In the event that the DRM or the Bishop receives a Complaint of Sexual Misconduct against a member of DRM Clergy, the process set forth in Canon IV of the Canons of the Anglican Church of North America, as amended, shall apply, as supplemented by Section III(B)(3)-(g) below. In the event of any conflict between Canon IV and Section III(B)(3)-(g) below, Canon IV shall govern.

3. Notification and Complaint

(a) As stated earlier in this Policy, any DRM Person who reasonably suspects that a Child or Vulnerable Adult has been or is being abused or neglected must immediately report the same to appropriate civil authorities. Beyond the requirements of state law and regardless of whether an incident is subject to mandatory reporting under state law, the DRM requires all DRM Persons to report suspected incident of Sexual Misconduct to the Bishop pursuant to this

Policy.

(b) Any DRM Person who reasonably suspects that another DRM Person has committed Sexual Misconduct must immediately report the same in writing to the Bishop. Any such report is deemed a Complaint of Sexual Misconduct.

(c) Any other person who reasonably suspects that a DRM Person has committed Sexual Misconduct may report the same in writing to the Bishop. See Anglican Church in North America (ACNA) Constitutions and Canons, Canon IV (<http://www.anglicanchurch.net/index.php/main/Governance/>).

(d) Any DRM Person who believes himself or herself to be under imputation of Sexual Misconduct may request that the Bishop begin an investigation. Such request shall be treated the same as a Complaint of Sexual Misconduct. See Anglican Church in North America (ACNA) Constitutions and Canons, Canon IV (<http://www.anglicanchurch.net/index.php/main/Governance/>).

(e) The Bishop shall immediately notify the Chancellor of any Complaint of Sexual Misconduct.

(f) The Bishop and Chancellor shall evaluate the Complaint. If the Complaint alleges abuse or neglect of a Child or Vulnerable Adult and state law requires that a report be made to civil authorities, the Bishop and Chancellor will assist the Complainant in making such a report.

(g) For any Complaint of Sexual Misconduct, the Chancellor shall ensure that the DRM's insurance carrier is timely notified.

(h) The foregoing reporting requirements and procedures do not, and are not intended to, supplant reporting obligations imposed by state law.

4. Response

(c) Upon receipt of a Complaint of Sexual Misconduct, prompt and decisive action is important. The Bishop shall assure the Complainant that the DRM is concerned and will investigate the Complaint promptly and thoroughly.

(d) Care must be taken not to interfere with any investigation by civil authorities and to be sensitive to the pastoral care of the alleged victim, the well-being of the community, and the fair treatment of the Accused. Every effort will be made to ensure that all persons involved are treated with dignity, compassion, understanding, and justice.

(e) The Bishop may suspend the Accused person from duties during any preliminary inquiry or investigation. This should be done quickly and quietly. Appropriate steps shall be taken to ensure protection of his or her reputation.

(f) Following the receipt of a Complaint of Sexual Misconduct, neither the Bishop nor any other member of DRM Clergy shall hear the sacramental confession of any person involved in the Complaint or investigation with respect to the subject matter thereof.

5. Preliminary Inquiry

(g) Upon receipt of a Complaint of Sexual Misconduct, the Bishop shall conduct or appoint an individual to conduct a preliminary inquiry regarding the Complaint.

(h) The Accused shall be notified of the Complaint and the allegations, and shall be advised of the right to be represented by counsel of his or her choosing.

(i) If the Bishop deems the Complaint to have merit, the preliminary inquiry shall proceed to an investigation. The Accused shall be placed on administrative leave with or without pay (if a member of DRM Clergy or an Employee) or relieved of volunteer activities (if a Volunteer) until such time as the investigation is completed and the Complaint is resolved. Such leave or suspension is without prejudice, and does not imply guilt or innocence of the Accused.

6. Investigation

(a) If the Bishop deems the Complaint to have merit, the Bishop, assisted by the Chancellor, shall conduct a thorough investigation of the Complaint and allegations of Sexual Misconduct.

(b) The Bishop may designate other persons to assisting in conducting the investigation.

(c) The Bishop may appoint a Response Team to assist in providing pastoral, emotional, and spiritual support to persons, including Congregations, in crisis as a result of a Complaint. Members of the Response Team may include psychiatrists, psychologists, counselors, attorneys, Clergy, and other qualified persons appointed by Bishop. The Bishop and Chancellor will assist in providing appropriate communication to congregational members and others.

(d) The investigator shall conduct a thorough investigation of the material allegations of the Complaint, including interviews of persons with knowledge thereof. Interviews shall be conducted in person whenever possible, and by telephone if necessary. The investigator shall prepare a confidential written report of each interview. No interview may be electronically recorded without the prior written consent of all parties to the interview.

(e) During an investigation, the Complainant and the Accused may be given such information as is necessary to confirm that the investigation is ongoing, but information that is privileged or otherwise confidential may be not disclosed. The Bishop and the Chancellor will determine the manner in which information is to be communicated to the Complainant, the Accused, and any other persons.

(f) If the Complainant or the Accused is under the pastoral care of another member of the DRM Clergy, such clergy member may not take part in the investigation. Similarly, anyone conducting or assisting in the investigation may not provide pastoral support to the Complainant or the Accused.

(g) Any person who is the subject of or is involved in an investigation has the right to be represented by legal counsel of his or her choosing. If a person is represented by counsel, no DRM Person (except the Bishop) may communicate directly with such person or counsel, and all communications shall be handled by and coordinated through the Chancellor.

(h) Every reasonable effort will be made to complete the investigation, including all interviews, in a timely manner. The Bishop and the Chancellor shall jointly prepare a final confidential report and file the report under seal in the Diocesan Office.

7. Judgment, Discipline, and Further Proceedings

(a) Upon completion of the investigation, the Bishop shall render a judgment. The Bishop shall have broad discretion in fashioning the judgment, depending on the facts of the case. The Bishop may determine that the Complaint of Sexual Misconduct was unsubstantiated, or that the Complaint was substantiated in whole or in part.

(b) If the Bishop determines that the Complaint is unsubstantiated, he may take appropriate steps to restore the reputation of the Accused and return the Accused to employment or service in the DRM.

(c) If the Accused is a non-Clergy Employee or Volunteer and the Bishop determines that the Complaint is substantiated in whole or in part, the Bishop may:

- i. Issue a written or verbal reprimand;
- ii. Direct the Accused to undergo counseling;
- iii. Terminate the employment or volunteer service of the Accused;
- iv. Place or continue the placement of the Accused on administrative leave with or without pay; and
- v. Institute any other form of discipline that the Bishop, in his discretion, deems necessary and appropriate under the circumstances, consistent with the Constitution, Canons, and Customaries of the Church and the DRM.

(d) Notwithstanding the foregoing, any Employee or Volunteer who admits to committing or is determined to have committed abuse of a Child or Vulnerable Adult shall be immediately dismissed from employment or volunteer service.

(e) If the Accused is a member of DRM Clergy and the Bishop determines that the

Complaint is substantiated in whole or in part, the Bishop may:

- i. Issue a written or verbal reprimand;
- ii. Direct the Accused to undergo counseling;
- iii. Place or continue the placement of the Accused on administrative leave with or without pay;
- iv. Temporarily inhibit the Accused from the exercise of ministry;
- v. Prepare and serve upon the accused Articles of Presentment specifying the allegations of Sexual Misconduct and the particulars of time, place, and circumstances; and
- vi. Institute any other form of discipline that the Bishop, in his discretion, deems necessary and appropriate under the circumstances, consistent with the Constitution, Canons, and Customaries of the Church and the DRM.

(f) If Articles of Presentment are prepared and served upon the Accused, further proceedings against the Accused shall be governed by the rules and procedures of Title IV of the Canons of the Anglican Church in North America and Title IV of the Canons of the Diocese of the Rocky Mountains shall apply.

8. Records

The DRM shall keep appropriate records of each Complaint and investigation. All records shall be confidential and shall be kept securely and electronically at the Diocesan Office, with access limited to the Bishop, the Canon to the Ordinary, and the Chancellor or other counsel for the DRM.

In addition, the DRM is required by the Anglican Church in North America (ACNA) to notify and send to the ACNA national office the records of any DRM Clergy that has been disciplined for Sexual Misconduct as described in this policy.