

THE EPISCOPAL DIOCESE OF NEVADA

**MANUAL OF POLICIES AND PROCEDURES
CONCERNING SEXUAL MISCONDUCT**

October 2003

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GLOSSARY

I. INTRODUCTION

A. PREAMBLE

It is clear that if Church leaders are to remain faithful to the Baptismal Covenant, and for the ordained, to their Ordination Vows, they must ensure that the Church community be considered a “safe place” for all persons. This means a place free from sexual, emotional or physical abuse or harassment. It must be understood by all persons in leadership positions that there are certain activities that simply are not permitted, because they cause bodily, emotional or spiritual harm to another person or persons.

Sexual misconduct as well as discrimination and harassment based on race, religion, national origin, gender, and age are all clear violations of the promise in the Baptismal Covenant to “respect the dignity of every human being.” Today there is a need to deal with these issues openly and fairly. When an accusation of misconduct is made, it must be received, evaluated and adjudicated promptly. The alleged victim and the alleged offender must have recourse for support, evaluation and help, and each must be ministered to in a manner consistent with the Gospel values of dignity, compassion and justice.

B. SCOPE OF POLICY AND PROCEDURES

The policies and procedures of the Diocese of Nevada apply to all clergy who are canonically resident, licensed to officiate or otherwise authorized by the bishop to conduct services within the Diocese of Nevada, lay employees and church workers (paid or non paid) of Episcopal parishes and other bodies within the Diocese. The same policies and procedures apply to all relationships involving the recipients of all clergy/church workers’ ministrations. These procedures also apply, subject to canonical limitations, to all aspirants, postulants, candidates or seminarians sponsored by, or working in, this Diocese.

C. DEFINITIONS RELATED TO SEXUAL MISCONDUCT¹

1. **Pastoral Relationship**: A relationship between a cleric, employee or lay church worker and any person to whom such cleric, employee or volunteer church worker provides counseling, pastoral care, spiritual direction or spiritual guidance or from whom such cleric, employee or volunteer church worker has received confession or confidential or privileged information.
2. **Sexual Misconduct** includes but is not limited to:
 - **Sexual abuse** – 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. Sexual abuse of a minor or a person who is legally incompetent or elderly (age 60 and over) is a

¹ For other definitions relevant to this manual see Glossary

criminal offense in Nevada and must be reported to the appropriate state protective service or law enforcement officials within 24 hours.

- **Sexual coercion** – the use of physical or emotional power to gain sexual contact.

- **Sexual exploitation** – the development of or the attempted development of a sexual or romantic relationship between a cleric, employee or volunteer church worker and a person with whom he/she has a pastoral relationship or where there is an imbalance of power whether or not there is apparent consent from the individual. Sexual exploitation includes such activity as intercourse, kissing, touching of breasts or genitals, dating during the course of counseling relationship, verbal suggestions by a cleric of sexual involvement or sexually demeaning comments. The fact that someone initiates sexual activity other than the church worker does not relieve that worker of responsibility, nor does it make sexual activity under those circumstances acceptable.

- **Sexual harassment/discrimination** – includes sexually/racially oriented humor or language, questions or comments about sexual behavior or preference unrelated to employment qualifications, unwelcome or undesired 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 the persons involved.

II. PRINCIPLES AND RESPONSIBILITIES

A. The Bishop and the Diocesan Convention are responsible **for setting clear standards, policies, and disciplines.** The Bishop and Diocesan Council are responsible for establishing procedures for the investigation of charges of sexual misconduct, the care of victims and affected congregations, and, with the Standing Committee, for discipline where warranted. (This paragraph is to be rewritten to clarify the role of the Standing Committee.)

B. Those in a pastoral relationship are responsible **for knowing and complying with these standards and policies.** It is imperative that all church workers engaged in pastoral relationships realize that a *power differential* exists between them and the recipients of their ministrations, thereby establishing a fiduciary relationship². Recognizing that these ministrations may involve receiving confidential or privileged information, they are not to exploit the trust and dependency of these persons.

C. Those in a pastoral relationship are to be aware of **typical danger signs of sexual boundary breakdown:** excessive self-disclosure and availability, including giving or receiving inappropriate gifts; excessive touch, however

² A fiduciary relationship is a relationship of trust such that one must put the interests of the other person above one's own.

innocent; undue anticipation of future visits, including rearrangement of one's schedule; inordinate concern about clothing or appearance; meeting at unusual, secretive locations; frequent fantasies about the person; and keeping of secrets beyond the requirements of professional confidentiality.

D. Counselors and pastoral caregivers have ethical obligations to respond to the knowledge of sexual misconduct behavior of colleagues by reporting the information to the bishop.

E. The State of Nevada and our own moral standards mandate the **reporting of any instances of child or elder abuse within 24 hours (NRS432B.220)**; and all members of congregations within the Diocese should be informed as to the existence of the reporting requirement. *(Mandated reporters are not identified in this section.)*

F. Policies and procedures are intended to acknowledge the following:

- Clergy can be rightfully or wrongfully accused of sexual misconduct;
- Every allegation which reaches the Bishop deserves a response from the Bishop;
- The Bishop holds both pastoral and disciplinary responsibilities; and the Bishop's pastoral concern is directed to both alleged perpetrators, as well as alleged victims;
- The Bishop should refrain from placing conversations regarding allegations within a sacramental framework, but is well-advised to guard the privacy of all individuals concerned with utmost care;
- principles and procedures for healing of the victim and the congregation are an integral part of the pastoral process.

III. STATEMENT OF POLICIES

A. PROHIBITION OF SEXUAL MISCONDUCT. Sexual misconduct by any member of the clergy, employee or lay church worker will not be tolerated. Any sexual misconduct may result in termination of work on behalf of the Diocese of Nevada, and, if ordained, canonical discipline.

B. EDUCATION AND AWARENESS. One of the most important aspects in the prevention of sexual misconduct must be that of providing education for all clergy and lay church workers to promote understanding of the problem. Therefore the Diocese shall provide an ongoing educational program designed to help maintain the dignity of all ministerial offices and the pastoral relationship. The requirements set forth below are required for all employees, volunteer church workers, clergy, and licensed lay church workers.

- A minimum of four hours of initial training on issues of child sexual abuse in church settings.

- A minimum of four hours of initial training on issues of sexual misconduct in employment, mentoring, pastoral and colleague relationships.

- *Diocese of Nevada Manual of Policies and Procedures Concerning Sexual Misconduct* shall be given to all persons listed in Appendix A, page 2A. **Each person receiving the manual shall sign the covenant included, and deliver it to either the diocese or the parish, as appropriate.**

C. DEVELOPING RESOURCES. The Diocesan Office will have available appropriate resources to investigate, evaluate and bring to resolution any accusations of sexual misconduct brought to the bishop's attention.

- The Office of the Bishop will establish a pool of clergy, lay persons and professionals trained in the areas of crisis intervention, including the interviewing of victims, the accused and witnesses.

- Response Teams will be formed from this pool of resources.

- The Bishop will have available the counsel of professional advisors, including but not limited to, the Chancellor, the Canon to the Ordinary, and at least one professional therapist who will be available for consultation and advice at all stages of an investigation.

D. PROMPT RESPONSE. The Office of the Bishop will ensure that all accusations of sexual misconduct are responded to promptly. Response will be made to all parties affected: the accused, the accuser, and the congregational community.

E. NO PRIOR HISTORY OF ABUSE FOR CHILD/YOUTH WORKERS. There shall be no interaction with children and youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or by anyone known to have a paraphiliac diagnosis (e.g. pedophilia, exhibitionism, voyeurism) as defined by the American Psychiatric Association.

F. NO PRIOR HISTORY OF PROFESSIONAL SEXUAL MISCONDUCT: There shall be no ministerial or pastoral role within a congregation for any professional (as required in Nevada's Revised Statutes) with a civil or criminal record of conviction of sexual misconduct.

G. BACKGROUND CHECKS: Within the confines of permissible law, thorough background checks will be made of all clergy who are ordained in this diocese, who seek license to officiate in this diocese, or who transfer to this diocese through letters dimissory. Also background checks will be made of all lay

workers (as required in Appendix B) and employees prior to employment, licensing, or authorization to begin work. Most positions will require the completion of a social history form by the applicant which will be considered part of the background check process. Such background checks will include inquiries of all bishops having past or present canonical authority over the individual, 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.

H. PASTORAL CARE SAFEGUARDS:

Members of the clergy or others who provide pastoral counseling to an individual, will be required to have ongoing professional supervision, or otherwise refer the individual to professional counseling, when six sessions of pastoral care or counseling have been held with the individual within a six-month period.

Anyone practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual advisor approved by the Bishop.

Anyone 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.

I. CLERGY DATING:

It is inappropriate for clerics to date parishioners in parishes where they serve. If a clergy member even gives serious thought about entering into a dating relationship with a parishioner, both are REQUIRED to consult with the Bishop, or a person appointed by the Bishop, and with the vestry of the parish or other place of ministry. In addition, care must be taken in such a situation that pastoral care for the parishioner is available from another cleric. If a complaint is made regarding such a relationship, the Diocese will investigate it according to the procedures outlined in this manual.

IV. PROCEDURES CONCERNING AN INVESTIGATION

A. STRUCTURE AND ORGANIZATION

The Bishop shall designate a Church Advocate/Case Manager for the investigation of allegations of sexual misconduct; and s/he shall be the coordinator of the Response Team. The Church Advocate/Case Manager will be appointed by the Bishop in accordance with the requirements of Title IV of the Constitutions and Canons of the Episcopal Church and will function in accordance with those canons.

B. RESPONSE TEAMS – COMPOSITION AND OBLIGATIONS

1. The Bishop will appoint members from the resource pool to serve on a Response Team, whose responsibility is to investigate complaints of sexual misconduct, and to provide for the pastoral needs of the alleged victim(s), the alleged offender, and the church community in which the alleged offense occurred. The person who supports the victim provides the primary pastoral care to the alleged victim, assists her/him in understanding the process, and keeps him/her updated on the status of the investigation. The person who sustains the alleged offender ensures pastoral care is delivered to her/him and ensures that all steps of the process are adequately explained to the accused. Neither is to act as an advocate for the alleged victim or the alleged offender.
2. Several teams may be created and membership might be interchanged for a specific investigation. Each team that responds to a complaint of sexual misconduct will be composed of at least four members and must include both male and female members, clergy and lay members. A recommended composition might include:
 - an attorney,
 - a licensed mental health or social work professional with experience in sexual misconduct issues,
 - an individual skilled in conflict resolution
 - an individual skilled in pastoral care
3. Team members will receive training or be knowledgeable in crisis intervention and interviewing of alleged offenders, victims, and witnesses. Training and ongoing supervision of Response Team members will be under the direction of a person skilled in these areas and appointed for this purpose by the Bishop.
4. No member of a Response Team will serve simultaneously as an advocate or liaison for an alleged victim and as an investigator of the complaint made by that person.
5. Response Team members will not be assigned to investigate any complaint where their judgment or objectivity may be impaired by relationship to any of the parties to a complaint. If any member of a

Response Team at any time has a potential conflict of interest, that person will disqualify her/ himself for the specific investigation.

C. NOTIFICATIONS AND RESPONSES

Any response to an accusation must include care for the complainant, the alleged offender and the congregational community. An assessment of the accusation must occur promptly; and appropriate action must be taken. The rights of all must be protected and confidentiality maintained. All records of investigations and determinations by the Bishop will be held in strict confidence and separate from ordinary personnel files except as might be specified in the procedures. The Bishop, Response Team members, and Church Advocate/Case Manager will make every effort to protect the privacy of all those involved in an investigation.

The procedure of the Diocese of Nevada regarding complaints of sexual misconduct is as follows.

1. **Complaints are to be made in writing to the Bishop³ and signed by the complainant.** The written complaint must contain his/her name, address, and telephone number and a statement of the specifics of the misconduct, including date, location and time, and the name and title of the alleged perpetrator. This may be done through a Complainant's Advocate if one is chosen.
2. **The Office of the Bishop will notify the Chancellor** as soon as a complaint has been received and throughout the process.
3. **If the complaint includes allegations of child abuse,** the Child Protective Services will be notified within 24 hours (NRS432B.220), and timely notice will be given to any other state or local agency with jurisdiction over this form of misconduct. The Diocese will cooperate fully with state and local law enforcement officials in the investigation of this alleged conduct. Whether any reporting requirements exist or apply to a particular situation will be determined in consultation by the Bishop and the Chancellor.
4. **If the complaint includes allegations of elder abuse,** the Senior Protective Services will be notified within 24 hours (NRS200.5093.2), and timely notice will be given to any other state or local agency with jurisdiction over this form of misconduct. The Diocese will cooperate fully with state and local law enforcement officials in the investigation of the alleged conduct.

³ Should the allegations be brought against the Bishop, the complaint will be made to the President of the Standing Committee, who will thereafter act in place of the Bishop with respect to the investigation and subsequent action.

5. Within **three days after receiving a written complaint** of sexual misconduct, the Bishop will assign the complaint to a Response Team for initial interviews.
6. The **Bishop's office will immediately notify the complainant(s) and the alleged offender** that a complaint has been filed and assigned to the Response team for interviews.
7. Subject to the advice of the Chancellor, a copy of the written complaint will be given to the accused.
8. The **Bishop will immediately issue a pastoral directive to the alleged offender** proscribing any contact with the complainant until after the Response Team has finished its interviews and investigation has been completed. The Bishop may recommend the accused obtain private legal counsel (not from the Chancellor's office or parish attorneys). The Bishop may, with the advice of the Chancellor, place on leave of absence with pay the person who is the subject of the allegation during an **investigation**. This leave is without prejudice and does not imply the guilt or innocence of the person under investigation.
9. The **Bishop**, with the advice of the Chancellor, **may prepare a written statement to the congregation** stating only the relevant information. No further statements about the alleged incident will be made without the advice of the Bishop and/or the Chancellor.
10. The Bishop or person(s) appointed by the Bishop must meet with the congregation to assist the parish in responding to their crisis. When there has been misconduct of any kind or a violation of fiduciary responsibility, healing and unity of a congregation are fostered if there is an open congregational meeting.
11. If the accused wishes the sacrament of penance, pastoral counseling, or a lawyer, it is recommended that the accused should obtain those ministries from someone other than from within the parish or the Bishop's office. The sustainer for the accused will assist in obtaining appropriate persons.
12. Reporting and notification requirements as contained in the diocesan, parish or other liability policies shall be strictly followed.

D. STEPS OF INVESTIGATION

1. The assigned members of the Response Team will meet with the complainant(s) within five working days of receiving notification of the complaint, unless good cause exists for delay. A person of his/her choice may accompany the complainant(s) for the interview.
2. The Bishop will require the parish to conduct an audit of any church finances that were controlled in any way by the alleged offender.

3. Following the interview with the complainant/victim, assigned members of the Response Team will meet with the accused and with all other witnesses. If the accused so chooses, legal counsel or other person of his/her choice may accompany him/her for the interview.
4. The accused and the complainant may be asked to undergo evaluation by appropriate professionals. If the Response Team recommends such evaluation, the Bishop may arrange for a clinical evaluation by a person professionally qualified and experienced in the evaluation of sexual misconduct. Upon receipt of appropriate releases, the results of the evaluation will be available to the Bishop, the Response Team, and the alleged offender. The Diocese will pay for the evaluation.
5. Upon receipt of the Response Team's preliminary written report and recommendations, the Bishop, along with the Church Advocate, may interview any of the involved individuals. The Bishop will specify to both complainant(s) and accused, appropriate guidelines for privacy as the process continues. A person of his/her choice may accompany the victim and the accused. *(Paragraph to be rewritten to conform to National Canon 14, Section 11 re: "warning.")*
6. The complainant(s) will be kept advised at all stages of the process and told of its outcome.
7. If desired, any party or witness to the alleged misconduct will be permitted to submit a statement in writing.

If a complainant alleges sexual misconduct by the Bishop, the Standing Committee will ask a Bishop serving in another diocese to perform the procedures outlined in this policy.

E. REPORTS AND RECOMMENDATIONS

The Response Team will make at least a preliminary, written report and recommendations to the Bishop within ten (10) working days. The Response Team will move as swiftly as possible towards completion of a final report and recommendation to the Bishop. The final report will include the original written statement(s) of complaint and all written statements submitted by other persons.

After receiving the Response Team's final report and recommendations, the Bishop and the Church Advocate/Case Manager shall meet with the Response Team. The Bishop will then make a determination as to whether the complaint of sexual misconduct has been substantiated, and if so, the severity of the matter, and what action, if any, is to be taken.

F. DISPOSITION

When the Bishop has made a determination, the Bishop will inform the complainant, the alleged victim, and the alleged offender.

If the allegation is found to be unsubstantiated, and the Bishop adopts the recommendation:

1. The Bishop must begin a process of individual and corporate healing.
2. The Bishop must meet with the complainant and the alleged offender, jointly or separately (an individual of their choice may accompany each), to discuss what steps may be necessary to make known the determination.
3. The accused must be afforded an opportunity to clear his/her name and to insert into the file a statement of innocence.
4. The Bishop may exonerate the accused publicly or privately.

If the allegation is found to be substantiated, and the Bishop adopts the recommendation:

1. The Bishop will immediately inform the victim(s) and the accused.
2. The Bishop will meet with the victim and the victim's family, if appropriate, to express the Church's regret and discuss how the Church may assist them.
3. The Bishop will notify the vestry and congregation or other church-affiliated employer of the end result of the investigation. The congregation needs to know the truth and to be able to grieve.
4. The Bishop or a representative appointed by the Bishop will meet with the offender. Another person may accompany the offender if the offender desires. The Bishop will determine whether disciplinary action under the Constitution and Canons of the Episcopal Church are appropriate; the Bishop or a representative will discuss with the offender what disciplinary actions the Bishop intends to take.
5. At the Bishop's discretion, public acknowledgement of the misconduct, including exoneration of and restitution to the victim may be required. In no case will the victim be publicly identified without his/her consent.
6. The Bishop's office will keep the liability carrier informed of the actions taken.

G. PRIVACY CONSIDERATIONS

1. The Bishop, Response Team members, and all other representatives of the Diocese will make every effort to protect the privacy of victims of sexual misconduct.
2. All complaints, records of Response Teams' investigations and determinations by the Bishop will be held in strict confidence in the Bishop's office and separate from ordinary personnel files.
3. The Response Team will not disclose any part of its investigation to anyone except the Bishop and Standing Committee. Response Team members will not retain personal copies of any records of the investigation.

The Episcopal Diocese of Nevada

6135 Harrison Drive, Suite 1 - Las Vegas, Nevada 89120-4076

Phone (702) 737-9190 Fax (702) 737-6488

The Rt. Rev. Katharine Jefferts Schori, Bishop

APPENDIX A

CLERGY/LAITY COVENANT

IT IS THE POLICY OF THE BISHOP AND THE EPISCOPAL DIOCESE OF NEVADA TO REQUIRE THE FOLLOWING SIGNED COVENANT FROM EACH OF THE CLERGY (INCLUDING VISITING CLERGY) AND EACH LAY CHURCH WORKER WHO FUNCTIONS OR INTENDS TO FUNCTION WITHIN THE EPISCOPAL DIOCESE OF NEVADA. SEE LISTING OF PERSONNEL ON THE FOLLOWING PAGE AND ALSO IN THE "DIOCESE OF NEVADA BACKGROUND CHECKS, TRAINING AND COVENANTS: REQUIREMENTS AND RECOMMENDATIONS," *APPENDIX B*.

CLERGY: PLEASE SIGN THE ENCLOSED COVENANT AND RETURN IT WITHIN 7 DAYS TO:

THE OFFICE OF THE BISHOP OF THE EPISCOPAL DIOCESE OF NEVADA
6135 HARRISON DRIVE, SUITE #1
LAS VEGAS, NV 89120
PHONE (702) 737-9190

LAY CHURCH WORKER: PLEASE SIGN THE ENCLOSED COVENANT AND RETURN IT WITHIN 7 DAYS TO YOUR PARISH DEACON, PRIEST, SENIOR WARDEN OR ADMINISTRATOR TO BE FILED. FOR THOSE WORKING FOR THE DIOCESAN OFFICE, PLEASE SUBMIT TO THE BISHOP.

BOTH CLERGY AND LAITY, PLEASE KEEP DATED COPIES (PAGE 4A) OF COVENANT STATEMENT AND DEFINITIONS (PAGE 5A) FOR YOUR RECORDS.

APPENDIX A

PERSONNEL WHO ARE REQUIRED TO SIGN COVENANTS CONCERNING PASTORAL RELATIONSHIPS

Parish Staff

- Custodial Staff (paid)
- Secretarial Staff (full-time)
- Parish Administrator
- Treasurer (volunteer)
- Treasurer (paid)

Child & Youth Workers

- Acolyte Director
- Sunday School Teacher
who teaches exclusively during public church school hours in physical spaces where other adults are routinely present.
- Church School Teacher
other than as noted above
- Director of Religious Education
- Nursery Workers
who teach exclusively during public church school hours in physical spaces where other adults are routinely present
- Youth Group Leader
- Youth Group Volunteer
- Youth Minister

Adult Workers

- Adult Ed. Teachers
- Car Pool Participant
- Church Bus Driver
- Committee Chair Person
- Altar Guild Director
- Lay Eucharistic Visitor
- Lay Spiritual Director
- Parish Nurse
- Vestry Member
- Lay Preacher
- Clergy
- Anyone with a Fiduciary Trust and/or Responsibility

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APPENDIX A

CLERGY/LAITY COVENANT CONCERNING PASTORAL RELATIONSHIPS

Please initial the following:

_____ I have read the Diocese of Nevada Manual of Policies and Procedures Concerning Sexual Misconduct.

_____ I understand the contents of the Diocese of Nevada Manual of Policies and Procedures Concerning Sexual Misconduct.

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

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

_____ I understand that to function as an ordained person or lay church worker implies a fiduciary trust and responsibility, and I will comply. (See definitions of terms on page 5B of this packet.)

_____ I commit to receiving an initial four hours of training for Prevention of Child Sexual Abuse and an initial four hours of training for Prevention of Adult Harassment and Sexual Misconduct Training with refresher training for each **every two years**.

_____ I have not been convicted of sexual misconduct nor am I under any "substantive allegation of misconduct" from other dioceses or institutions.

If you cannot initial all of the above statements or if you have questions about them, please contact the Bishop or Canon to the Ordinary at the Diocesan office prior to signing this document. Please return this covenant signed within 7 days.

Parish

Signature

Date

Please type or print name

Date

- Clergy covenant sent to & reviewed by (*signature*) in the office of the Bishop

- Laity covenant sent to & reviewed by parish clergy person, senior warden or administrator (*signature*) and filed.

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The Rt. Rev. Katharine Jefferts Schori, Bishop

APPENDIX A

CLERGY/LAITY COVENANT CONCERNING PASTORAL RELATIONSHIPS

MY PERSONAL COPY—Definitions on reverse side

Please initial the following:

_____ I have read the Diocese of Nevada Manual of Policies and Procedures Concerning Sexual Misconduct.

_____ I understand the contents of the Diocese of Nevada Manual of Policies and Procedures in Cases of Sexual Misconduct.

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

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

_____ I understand that to function as an ordained person or as a lay church worker implies a fiduciary trust and responsibility, and I will comply. (See definitions of terms on page 5B of this packet.)

_____ I commit to receiving an initial four hours of training for Prevention of Child Sexual Abuse and an initial four hours of training for Prevention of Adult Harassment and Sexual Misconduct Training with refresher training for each **every two years**.

_____ I have not been convicted of sexual misconduct nor am I under any "substantive allegation of misconduct" from other dioceses or institutions.

If you cannot initial all of the above statements or if you have questions about them, please contact the Canon to the Ordinary at the Diocesan office prior to signing this document.

Parish

Signature _____ Date _____

APPENDIX A

DEFINITIONS

SEXUAL MISCONDUCT includes, but is not limited to:

- a. Sexual Coercion—the use of physical or emotional power to gain sexual contact.
- b. Sexual abuse or sexual molestation of any person including any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent. This is a criminal offense and must be reported.
- c. Sexual harassment/Discrimination—sexually/racially-oriented humor or language; questions or comments about sexual behavior or preference unrelated to employment qualifications; unwelcome 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 the persons involved.
- d. Sexual exploitation—the development of or the attempt to develop a sexual relationship between a cleric/church worker and a person with whom he/she has a pastoral or fiduciary relationship, or where there is an imbalance of power, whether or not there is apparent consent from the individual. Sexual exploitation includes activity such as intercourse, kissing, touching of breasts or genitals, dating during the course of a counseling relationship, verbal suggestions by a cleric of sexual involvement, or sexually demeaning comments.

The fact that someone initiates sexual activity other than the cleric or lay church worker does not relieve the cleric or church worker of responsibility, nor does it make sexual activity under those circumstances acceptable.

FIDUCIARY, a legal term, means:

The relationship that exists when one party puts trust and confidence in the other, more powerful party. In a fiduciary relationship the more powerful party has a duty to act only in the trusting party's best interest. Because sexual contact may harm a person who is in a mentor or helping relationship with a cleric/church worker, sexual contact is therefore a violation of fiduciary relationship. Racial discrimination, using parish money inappropriately or receiving money from parishioners inappropriately are also violations of the fiduciary relationship.

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APPENDIX A

PASTORAL COVENANT FOR VISITING CLERGY PERFORMING SERVICES

Please initial the following:

_____ I understand that the Episcopal Diocese of Nevada does not tolerate any behavior that constitutes Sexual Misconduct. (See Definitions on following page).

_____ I agree to abstain from any behavior that constitutes Sexual Misconduct while I minister in any institution related to the Diocese of Nevada.

_____ I understand that if I engage in Sexual Misconduct I will be subject to a disciplinary process that may include termination of employment, canonical discipline and legal action.

_____ I understand that to function as an ordained person implies a fiduciary trust and responsibility. I will comply with the policy of the Episcopal Diocese of Nevada while acting as clergy in the Diocese of Nevada. (See Definitions on following page).

_____ I have not been convicted of Sexual Misconduct nor am I under any "substantive allegation of misconduct" from other dioceses or institutions.

If there are questions concerning this covenant, please contact the Bishop or the Canon to the Ordinary at the Diocesan office prior to signing this document. Please return this covenant signed within 7 days to

THE OFFICE OF THE BISHOP OF THE EPISCOPAL DIOCESE OF NEVADA
6135 HARRISON DRIVE, SUITE #1
LAS VEGAS NV 89120
PHONE (702) 737-9190

Parish

Signature

Date

Please type or print name

APPENDIX A

DEFINITIONS

SEXUAL MISCONDUCT includes, but is not limited to:

- b. Sexual Coercion—the use of physical or emotional power to gain sexual contact.

- e. Sexual abuse or sexual molestation of any person including any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent. This is a criminal offense and must be reported.

- f. Sexual harassment/Discrimination—sexually/racially-oriented humor or language; questions or comments about sexual behavior or preference unrelated to employment qualifications; unwelcome 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 the persons involved.

- g. Sexual exploitation—the development of or the attempt to develop a sexual relationship between a cleric/church worker and a person with whom he/she has a pastoral or fiduciary relationship, or where there is an imbalance of power, whether or not there is apparent consent from the individual. Sexual exploitation includes activity such as intercourse, kissing, touching of breasts or genitals, dating during the course of a counseling relationship, verbal suggestions by a cleric of sexual involvement, or sexually demeaning comments.

The fact that someone initiates sexual activity other than the cleric or lay church worker does not relieve the cleric or church worker of responsibility, nor does it make sexual activity under those circumstances acceptable.

FIDUCIARY, a legal term, means:

The relationship that exists when one party puts trust and confidence in the other, more powerful party. In a fiduciary relationship the more powerful party has a duty to act only in the trusting party's best interest. Because sexual contact may harm a person who is in a mentor or helping relationship with a cleric/church worker, sexual contact is therefore a violation of fiduciary relationship. Racial discrimination, using parish money inappropriately or receiving money from parishioners inappropriately are also violations of the fiduciary relationship.

APPENDIX B

BACKGROUND CHECKS, TRAINING AND COVENANTS FOR CLERGY AND LAY CHURCH WORKERS.

REQUIREMENTS AND RECOMMENDATIONS

R = Required N = Not Required S = Strongly Recommended	Background Check	Credit Report	Driving Record Report	Child Sexual Abuse Prevention Training	Adult Misconduct Prevention Training	Laity or Clergy Covenant
Parish Staff						
Custodial Staff (paid)	R	N	N	R	R	R
Secretarial Staff (full-time)	R	N	N	R	R	R
Parish Administrator	R	S	N	R	R	R
Treasurer (volunteer)	R	S	N	R	R	R
Treasurer (paid)	R	R	N	R	R	R
Child & Youth Workers						
Acolyte Director	R	N	N	R	R	R
Sunday School Teacher who teaches exclusively during public church school hours in physical spaces where other adults are routinely present.	S	N	N	R	R	R
Church School Teacher other than as noted above	R	N	N	R	R	R
Dir. Of Religious Ed	R	N	S	R	R	R
Nursery Workers who teach exclusively during public church school hours in physical spaces where other adults are routinely present	S	N	N	R	R	R
Youth Group Leader	R	N	R	R	R	R
Youth Group Volunteer	R	N	S	R	R	R
Youth Minister	R	N	R	R	R	R
Adult Workers						
Adult Ed. Teachers	N	N	N	R	R	R
Car Pool Participant	N	N	S	R	R	R
Church Bus Driver	R	N	R	R	R	R
Committee Chair Person	N	N	N	R	R	R
Altar Guild Director	N	N	N	R	R	R
Lay Eucharistic Visitor	R	N	N	R	R	R
Chalice Bearer	S	N	N	R	R	S
Lay Spiritual Director	R	N	N	R	R	R
Parish Nurse	R	N	N	R	R	R
Vestry Member	N	N	N	R	R	R
Lay Preacher	N	N	N	R	R	R
Clergy	R	S	R	R	R	R

- Training materials for both seminars are available from the Diocesan office.

- Fingerprint checks for arrest records may be obtained from: NV Highway Patrol Records & Identification—775-687-1600—ext. 0. Ask to open an account with them and ask them to send you forms. When you receive the forms you will have to choose whether you want reports from 8 states only—NV, AK, OR, WY, MT, UT, WA, HI—or from the 8 states and the FBI. The FBI tells you only whether or not someone has been arrested for sexual misconduct in the U.S., and not what the charge was. *Before you fill out the forms, call the above number for help.* The charge for the 8-state check is \$21. The charge for both the FBI and 8-states is \$45. You must choose to do one or the other for all your checks. You cannot mix your requests as of June, 2003. Fingerprints are usually obtainable from your local police department.

- Currently, the Oxford Document Management Company, Inc performs background checks for the office of the Diocese of Nevada. These reviews include background checks, credit bureau checks, and motor vehicle record checks. Information is available through the diocesan office.

- Any information from background checks on laity should be directed to parish deacon, priest, senior warden or administrator for review and filing

GLOSSARY

- Archdeacon.** A priest or deacon acting as a staff officer of the Diocese with duties assigned by the Bishop.
- Bishop.** The bishop is the chief priest and pastor of a diocese.
- Canon to the Ordinary.** A priest acting as a chief staff officer to the bishop.
- Canons.** Canons are the standards (Diocesan or National) for the Christian life of faith.
- Chalice Bearer.** A chalice bearer is a lay person who assists in serving the elements during celebration of the Holy Eucharist. (See Lay Eucharistic Minister)
- Deacon.** A deacon is a servant to those in need and assistant to bishops and priests in the liturgy and one of the four orders of ministry.
- Diocesan Council.** The Diocesan Council is an elected group of lay and ordained people who shall, between meetings of the Convention, have full power and authority to act for the Convention in all matters not expressly reserved to the Convention
- Diocesan Convention.** The legislative powers of the Diocese are vested in an Annual Convention whose member shall be the clergy and laity of the Diocese as defined in the Constitution and Canons of the Diocese of Nevada.
- Episcopate.** The episcopate refers to the ordained office or order of bishop.
- Lay Person.** A lay person is a non-ordained Christian and one of the four orders of ministry: lay, bishops, priests and deacons.
- Lay Eucharistic Minister.** A lay eucharistic minister is a lay person who assists in administration of the elements during celebration of the Holy Eucharist. (See also Chalice Bearer)
- Lay Eucharistic Visitor.** A lay eucharistic visitor is a lay person who takes Communion directly from the Eucharistic service to parish members who are ill or infirm and cannot attend the service.
- Lay Reader.** A lay reader is a lay person licensed by the Bishop to lead public worship at non-sacramental services.
- Pastoral Caregiver.** A skilled advocate and listener who helps to place each person's story into the context of the Christian story of God's love for the world in Jesus Christ. One who is trained to prevent harm but also not to do harm.
- Pastoral Relationship.** A trusting relationship between a church-authorized worker and any person for purposes of counseling, pastoral care, or spiritual direction.
- Preacher.** A preacher is a person, either lay or ordained, who is licensed to preach.
- Priest.** A priest is an ordained person who gathers a Christian community in a given place for sacramental worship.
- Rector.** A rector is an ordained priest who is called by a congregation, according to the Diocesan Canons, to serve as the spiritual leader of that congregation.
- Standing Committee.** The Standing Committee is an elected group of lay and ordained people who serve on a committee of advice and consent to the bishop. In the absence of the bishop, the Standing Committee acts as the episcopate.