



International Anglican Church

Colorado Springs

International Anglican Church Sexual Misconduct Policy Statement

International Anglican Church's sexual misconduct policy protects the values of:

- **Dignity**, and serves as one of many tools to nurture an environment at IAC where all people are honored as those who are created in the image of God.
- **Accountability**, and is written to create confidence that Complainants and Victims of sexual misconduct or abuse will be taken seriously and cared for by our clergy and congregation, and that their complaints will be addressed in a timely manner.
- **Clarity**, and is designed to empower individuals to report cases of sexual misconduct and abuse and understand what to expect throughout the inquiry and investigation.
- **Confidentiality**, and prioritizes the privacy and spiritual care of Victims/Complainants and their families, as well as the Accused and his or her family.

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 and the Diocese of the Rocky Mountains ("DRM"), International Anglican Church ("IAC") is responsible for setting policies regarding sexual misconduct. All IAC 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.

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 International Anglican Church.
5. **Complaint** shall mean a written or verbal report of Sexual Misconduct submitted to the Rector 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. **Congregant** shall mean an individual participating in worship and activities at the Church.
8. **Congregation** shall mean Clergy, Congregants, and Employees of International Anglican Church.
9. **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.
10. **Dating Relationship** shall mean a relationship in which (a) two persons (at least one of whom is an IAC Employee or Clergy) 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 (if Clergy), and with the spiritual guidance of at least one pastoral caregiver. A Dating Relationship defined and conducted in accordance with this Policy is distinct from the definition of Sexual Misconduct.
11. **DRM** shall mean the Anglican Diocese of the Rocky Mountains.
12. **IAC** shall mean the International Anglican Church.
13. **IAC Person** shall mean (a) a member of IAC Clergy, (b) an aspirant, postulant, candidate, intern, or seminarian sponsored by or working at IAC, (c) an Employee of IAC, or (d) an IAC Volunteer.

14. **Employee** shall mean any lay person who is compensated for work performed for IAC.
15. **Paraphiliac Behavior** shall include pedophilia, hebephilia, ephebophilia, exhibitionism, and voyeurism.
16. **Pastoral Relationship** shall mean a relationship between (a) an IAC Person and (b) any person to whom such IAC Person provides formal counseling, pastoral care, spiritual direction, or spiritual guidance, or from whom such IAC Person has received a confession or other confidential or privileged information.
17. **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).
18. **Sexual Abuse** shall mean sexual contact by one person with another who does not or is unable to legally 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.
19. **Sexual Coercion** means the use of physical, emotional, social, or economic power to gain sexual favors or gratification from another.
20. **Sexual Exploitation** means the development of or the attempt to develop a sexual relationship between (a) an IAC Person and (b) a person with whom such IAC 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 IAC 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 IAC Person does not relieve the IAC Person of responsibility, nor does it make sexual activity under the circumstances acceptable.
21. **Sexual Harassment** means sexual advances, requests for sexual favors, sexually motivated physical contact, or other unwelcome verbal, written, electronic, 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.
22. **Sexual Misconduct** shall include the following:
 - Paraphilic Behavior;
 - Sexual Abuse;
 - Sexual Coercion;
 - Sexual Exploitation;

- Sexual Harassment; and
- Any other form of sexual behavior that is contrary to Scripture and Christian teachings, as determined by the Rector.

23. **Volunteer** shall mean a person who performs work without compensation for IAC.

24. **Vulnerable Adult** shall mean (a) a person who is 70 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.

25. **Warden** shall mean the head of the lay board, called the “Leadership Team,” who is appointed by the Rector and approved by the other members of the Leadership Team.

II. STANDARDS AND SCREENING PROCEDURES

A. Sexual Misconduct Prohibited

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

B. Protection of Children

IAC 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 or known to have committed prior child abuse, or (iii) who has been diagnosed with, or who has disclosed Paraphiliac Behavior.

C. Reporting Abuse

Any IAC 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 Colorado state law. In addition to making a report to civil authorities, the IAC Person must immediately report the same to the Rector. The Rector or DRM

Chancellor will assist the person making the report in complying with applicable Colorado state law on reporting.

D. Adult Misconduct Prevention Training

No later than December 31, 2020, all IAC Clergy and Employees must complete a minimum of one hour of training on issues of Sexual Misconduct, mentor and colleague relationships, and Sexual Exploitation in Pastoral Relationships. Thereafter, training will be offered new IAC Clergy and Employees as part of their orientation.

The DRM strongly recommends that 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

No later than December 31 of each calendar year, all IAC Clergy, Employees, and Volunteers must complete a minimum of one hour of training on issues of child abuse and neglect. This training shall include a review of all types of child abuse and exploitation (physical, sexual, and emotional) and neglect; child protection safeguards; and a review of the applicable state child abuse statutes and reporting requirements. Thereafter, training will be offered new IAC Clergy, Employees, and Volunteers as part of their orientation.

The DRM strongly recommends that all employees of Congregations within the DRM and all adult volunteers of Congregations who supervise children's activities attend either training sponsored by the DRM or equivalent training in compliance with the Congregation's insurance carrier's requirements. Unpaid Sunday School teachers who work with children during regularly scheduled church school hours in places where other adults are present are required by the Church to have this training.

F. Background Checks

IAC will conduct background checks of (i) all Clergy seeking acceptance by IAC in any capacity; (ii) all persons seeking employment with IAC; and (iii) all children's and youth ministry Volunteers.

A background check must include basic (i) federal, (ii) state, and (iii) motor vehicle record checks.

If an item of interest is reported on any of the three required record checks listed above, the Rector or an IAC Employee overseeing Volunteers may choose to, but are not

required to, conduct a deeper investigation of the records listed above, as well as an additional record check drawing from any of these sources:

1. Inquiries of all clergy 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. Sexual Misconduct/Criminal Record Check and Database
4. Child Abuse History Clearance or the equivalent in the applicant’s state of residence
5. Colorado State Police Criminal Record Check or the equivalent in the applicant’s states of residence

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. Adoption of Sexual Misconduct Policy

In accordance with the requirements of the DRM, this policy and future changes thereto will be approved by the DRM. It is the responsibility of the IAC Rector to obtain appropriate insurance coverage for the Congregation and ensure the conditions for such coverage are met.

III. HANDLING COMPLAINTS OF SEXUAL MISCONDUCT

A. Reporting Abuse or Neglect to Civil Authorities

Any IAC 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 State of Colorado has a statute requiring certain persons to report suspected abuse or neglect of a Child or Vulnerable Adult to civil authorities. IAC adheres to the legal definitions of abuse and neglect, and the requirements for making such reports as set forth by the State of Colorado.

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).

The State of Colorado defines “child” to mean a person under 18 years of age. Colorado defines a “vulnerable or at-risk adult” as a person who is 18 years of age or older who has an onset of an intellectual and developmental disability (IDD) before the person is 22 years old. An adult with IDD has an I.Q. of 70 or below and/or has significant limitations in the ability to socialize, provide self-care, or communicate. IDD includes autism spectrum disorders, epilepsy, cerebral palsy, developmental delays, Down Syndrome, fetal alcohol syndrome, and other disorders. In addition, Colorado state law considers any person 70 years of age or older an “at-risk elder.”

In addition to making a report to civil authorities, any IAC 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 Rector pursuant to Section III(B) below. The Rector or DRM Chancellor will assist the person making the report (and any other IAC Persons with knowledge thereof) in complying with applicable Colorado state law on reporting.

Regardless, reporting to the Rector or other congregational or diocesan authorities does not excuse any IAC Person from his or her obligation under Colorado state law to report suspected abuse or neglect. Certain

professionals are required by Colorado state law to report physical abuse, sexual abuse, caretaker neglect, and exploitation of at-risk elders and at-risk adults with intellectual and developmental disabilities (IDD). Visit <https://www.coloradoaps.com/about-mandatory-reporting.html> for more information.

B. Reporting Sexual Misconduct to the Rector

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 Rector 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. The Warden should also be involved in the inquiry and investigation, unless there is a clear conflict of interest, in which case, the Bishop will assist in overseeing the inquiry and investigation.
- (e) The Rector holds both pastoral and disciplinary responsibilities. The Rector's pastoral concern is directed to the Accused as well as Complainants and the Congregation(s) involved.
- (f) The Rector 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 Congregation, the DRM, or the Rector receives a Complaint of Sexual Misconduct against an IAC Person other than IAC Clergy, the process set forth in Section III(B)(3)-(g) below shall apply.

(b) In the event that the Congregation, the DRM, or the Rector receives a Complaint of Sexual Misconduct against a member of IAC Clergy, the DRM Bishop will be notified and will lead the investigation. 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 IAC 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 and/or social service authorities. Beyond the requirements of state law and regardless of whether an incident is subject to mandatory reporting under state law, IAC requires all IAC Persons to report suspected incidents of Sexual Misconduct to the Rector pursuant to this Policy.

(b) Any IAC Person who reasonably suspects that another IAC Person has committed Sexual Misconduct must immediately report the same to the Rector: in writing, verbally, or even anonymously. The Rector will document the report in writing, and strongly encourage the complainant to submit the report in writing, if the person has not already done so. Any such report is deemed a Complaint of Sexual Misconduct.

(c) Any other person, even those not affiliated with IAC, who reasonably suspects that an IAC Person has committed Sexual Misconduct may report the same in writing or verbally to the Rector.

(d) Any IAC Person who believes himself or herself to be accused of Sexual Misconduct may request that the Rector begin an investigation. Such requests shall be treated the same as a Complaint of Sexual Misconduct.

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

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

(g) For any Complaint of Sexual Misconduct, the Rector shall ensure that IAC'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 Colorado state law.

4. Response

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

(b) 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. During any preliminary inquiry or investigation, the Accused enjoys a presumption of innocence, and appropriate steps shall be taken to ensure confidentiality.

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

(d) The Rector, in consultation with 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.

5. Preliminary Inquiry

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

(e) 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.

(f) If the Rector 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 an IAC Employee) or relieved of volunteer activities (if an IAC 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 Rector deems the Complaint to have merit, the Rector, assisted by the DRM Chancellor, shall conduct a thorough investigation of the Complaint and allegations of Sexual Misconduct.

(b) The Rector may designate other persons to assist in conducting the investigation, including outside investigators with expertise in sexual misconduct and/or child abuse.

(c) The Rector 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 Rector.

(d) Within fourteen (14) days of receipt of the Complaint, the Rector or his designee shall submit to the Chancellor a preliminary statement of the allegations along with a list of persons with knowledge of the allegations whose interviews are recommended.

(e) The Rector, assisted by the Chancellor, 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 or video

communication (e.g. Zoom) if necessary. The interviewer 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. It shall be made known to the Accused that church interview record, either written or video, may be requested by authorities. The information, while provided to the church in confidence and kept in confidence, could be used in legal or criminal proceedings by local authorities, if requested by such authorities.

(f) 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 not be disclosed. The Rector, with the counsel of the DRM Chancellor, will determine the manner in which information is to be communicated to the Complainant, the Accused, and any other persons.

(g) 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.

(h) 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 IAC Person (except the Rector) may communicate directly with such person or counsel, and all communications shall be handled by and coordinated through the Chancellor.

(i) Every reasonable effort will be made to complete the investigation, including all interviews, within 60 days of the receipt of the Complaint. The Rector 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 Rector shall render a judgment. The Rector shall have broad discretion in fashioning the judgment, depending on the facts of the case. The Rector may determine that the Complaint of Sexual Misconduct was unsubstantiated, or that the Complaint was substantiated in whole or in part.

(b) If the Rector 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 at IAC.

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

- i. Issue a written warning 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;
- v. Disallow the Accused from participating in worship or church life at IAC; and
- vi. Institute any other form of discipline that the Rector, in his discretion, deems necessary and appropriate under the circumstances, consistent with the Constitution, Canons, and Customaries of IAC and the DRM.

(d) Notwithstanding the foregoing, any IAC 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 IAC Clergy and the Bishop, who will oversee the investigation pursuant to the DRM Sexual Misconduct Policy and the Constitution, Canons, and Customaries of the ACNA, 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

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

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 have been disciplined for Sexual Misconduct as described in this policy.