

VESTRY PAPERS

To Encourage and Guide Those Called by God to Lead Episcopal Congregations



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THE EPISCOPAL CHURCH
FOUNDATION

Establishing a Covenant of Trust

by David Parachini

"What's all this 'Safe Church' stuff about anyway? I keep getting mailings from the diocese about it and the rector has mentioned it at vestry meetings, but isn't this just anxiety about being sued, driven by our insurance company?"

Questions like this are being asked by many vestries as they try to understand the concerns about Safe Church practices and the protection of vulnerable populations (children, youth, those with special needs and the elderly). Given media attention to reports of misconduct by those representing the church, both lay and ordained, there are very real legal and insurance issues involved.

First and foremost, however, this is a Gospel issue. Implicit in the Christian offering of ministry is a covenant of trust, the foundation

of which is found in the Great Commandment: that we are to love our neighbors as ourselves.

As Jesus' disciples, we are called to put the needs of others ahead of our own needs or desires. Those seeking your church's ministry can expect to do so in safety because we are committed to their well-being.

Concern about the issues

The Safe Church movement in the Episcopal Church traces its beginnings to the early '90s when church leaders began to be concerned about issues of safety, accountability, wellness and standards for ministerial conduct. A series of conversations and conferences led to a focus within the Office of Pastoral Development (a part of the Office of the Presiding Bishop) and the Committee

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What helps keep a church safe for all its members, especially children and vulnerable adults? What hinders that safety? What do vestry members need to know about new guidelines? And what developments should clergy pay attention to? Read on...

Safeguarding God's Children

by Peggy and Jon Tuttle

We have long trusted the church to be safe. We trust those who work in the church, those who worship in the church and especially those who are responsible for keeping it safe to do just that — keep it safe! Yet, all we have to do is read the newspaper or listen to the media and we learn that even a church can be a place where sexual assault and sexual molestation takes place.

Vestries arrange for insurance on the building and its contents. Health insurance is provided for employees and clergy. Learning how to safeguard our children is just another step in maintaining that safe place for all God's children.

Protecting against abuse

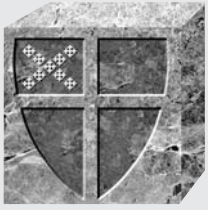
"Safe Church" practices and policies aren't

set forth in church canons. Instead, most present Safe Church requirements were instituted after the 2003 General Convention approved Resolution B008, which requires that each diocese develop and adopt policies for the protection of children and youth from abuse. As a condition of coverage, the board of directors of the Church Insurance Company of Vermont (under which most churches and dioceses are insured) requires all dioceses to affirm that they are making steady progress to comply with Resolution B008.

Failure to do so may result in substantially higher premiums or reduced misconduct coverage. Most of the requirements of B008

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*This Issue:
Safe Church
Guidelines*



Safeguarding God's Children

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are parish or congregation specific. Most dioceses that have adopted Safe Church policies either require parishes, missions and other church institutions to follow the diocesan policy or to adopt policies that are no less restrictive than the diocesan policy. Thus, each vestry must adopt Safe Church policies.

Resolution B008 and the resulting policies provide for selection and screening processes for clergy, lay employees and volunteers, an articulation of behavioral standards, the monitoring of church standards, provision of education and training on the subject matter, and guidelines for responding to concerns and violations. These are detailed and sometimes time-consuming processes and, inevitably, they involve the expenditure of church resources, both personnel and funds.

The Church Pension Group (CPG) has developed a new program entitled, "Safeguarding God's Children," using two videos and related training materials. Proposed guidelines for implementing a Safe Church program were also developed by CPG and the Nathan Network and provide clear ways to teach a whole community to be responsible for providing a safe environment. CPG recommended that all clergy, employees, vestry members, youth workers and volunteers view the videos and participate in the new training. It is then recommended that the entire parish view the first video addressed specifically to parents and congregations.

New financial obligations

These changes also bring financial obligations. There is usually a cost associated with the training. Criminal background checks are required of anyone with more than casual access to children. Other background checks are also recommended. The vestry must budget funds for changes to premises, to install locks on boiler rooms, supply closets and the like; and to remove

locks from bathrooms, classrooms and the like. Glass must be installed in doors of counselors, libraries, Sunday school classrooms, clergy offices and similar rooms where occupants may be observed.

Other vestry responsibilities

While we have addressed "Safe Church" issues primarily as they relate to children, there are other practical vestry issues when misconduct is alleged. If clergy is accused of misconduct toward children or adults, an inhibition is used by the bishop to remove the clergy from the premises. The vestry must continue to pay the accused priest during the period of inhibition, hire substitute clergy or pay for supply priests and otherwise assure continuity of the liturgical, pastoral and administrative duties of the inhibited priest.

If a parishioner is accused of misconduct in the church, diocesan policies and practices most often provide that the rector, wardens and their appointees (usually vestry members) investigate, determine and resolve the alleged misconduct. The vestry must also be vigilant about risks that are not the subject of these rules or practices.

For example, having a sexual offender on church grounds occurs too frequently to be unprepared for it. Such individuals might self-identify or turn up on criminal background checks when the individual volunteers to work with children. Sometimes a spouse warns of a problem. Most commonly, a parent or friend of the victim informally complains about the offender to the rector or other minister in the church.

The vestry must be prepared to establish policies which limit the offender's access to parts of the premises and/or enlist volunteers to accompany the individual and monitor his/her activities while in church.

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This is how one should regard us, as servants of Christ and stewards of the mysteries of God. Moreover it is required of stewards that they be found trustworthy.

(I Corinthians 4:1-2)

One church we know has put together a small bag for visitors including a letter, brochures, and a coffee cup emblazoned with the parish logo. Now that would be a hard thing to ignore the following Sunday if the choice was to stay home and read the newspaper over coffee...

CAN I BE SUED?

Adequate coverage for vestries

Editor's Note: On behalf of all conscientious wardens who wake in the middle of the night worrying about things like fire codes and insurance coverage, I asked the following questions of Steve Follos from the Church Insurance Agency Corporation.

I'm new to this vestry business. Good works aside, can I personally be sued for anything and under what circumstances? What about things that may have happened before I was elected?

Yes, you can be sued personally for decisions you make while sitting on the vestry. The Directors' & Officers' (D&O) policy will provide coverage for legal defense, settlement or judgment regarding covered claims.

Typically, vestry members are not found legally responsible for actions taken by the previous vestry. Exceptions to this can occur if there are votes to ratify a previous decision. While you may not be liable, there is nothing to prevent you from being named in a lawsuit and the D&O policy will provide for the expense of defense of a covered claim.

Do all vestries have D&O coverage and what does it cover? How do we know it is adequate?

A D&O policy protects the organization and the vestry members as individuals for the actions that they are legally liable for taking. Some examples: permitting an unsafe church-sponsored activity, failing to live up to the terms of a contract, or a violation of fiduciary responsibilities.

In addition, coverage is provided for Employment Practices Liability such as discrimination, sexual harassment or wrongful termination. Nationally, Episcopal parishes average thirty claims per year under wrongful termination alone.

Most Episcopal parishes are covered through the Church Pension Group as part of their basic plan. However, the majority of insurance carriers offer coverage separately and vestries should speak with their agent to determine the specifics.

The typical base limit of coverage is \$1 million for smaller parishes with operating

revenue below \$250,000. Some carriers will offer limits through an umbrella coverage up to \$20 million and should be considered by parishes with higher revenues.

Our diocese is requiring new policies for Safe Church guidelines, from background checks of lay volunteers to special training for people who work with children. If we can't get everyone to do these things, what happens to our coverage? Is this an "all or nothing" issue?

Parishes should do all they can to follow the policies and procedures established by their diocese for safer churches. It's just good stewardship and it will reduce the chances of your members sustaining physical or emotional injury making it a better place to worship.

Parishioners working with children should be trained through the diocese under the "Safeguarding God's Children" program sponsored by the Church Pension Group and the Nathan Network.

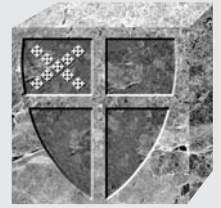
For information regarding this program you can contact your diocese or call the Church Pension Group at (800) 223-6602.

Background checks should be done on all employees and volunteers whenever possible, especially those working with children. It is a simple process done by local law enforcement and it protects our children.

While the training is not an issue that you will be sued over, it will underline your negligence should an accident or incident occur. You will be responsible for allowing the unsafe act to occur by not taking action.

What else should I know but don't know enough to ask?

Not all carriers combine D&O coverage with Employment Practices Liability. While you may have a D&O policy, you may not be covered for the most common claims of wrongful termination or discrimination. It is



Clergy and lay professionals, take the time to read the proposed Title IV disciplinary canon, which has been almost completely reworked for next summer's General Convention. Access it through the Episcopal Church Foundation's website, along with Resolution B008 and other Safe Church resources. Click on Vestry Papers Resources at: www.EpiscopalFoundation.org

*Next Issue:
How does your vestry make decisions?*

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Setting the standards

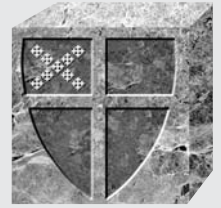
As the vestry you set the standards for the whole organization and are the ones who live out the standards of the church. People watch what you do and how you do it. As leaders in the church you become the living example of how your church values not only youth, but all of God's children, including the adults.

Church officials represent a set of religious values held within the Bible. Churches are a sanctuary, a safe place where we can bring our children to learn about the love of Jesus Christ. It is a place where people come when they are in trouble, frightened or seeking solace. When that place becomes violated, when it no longer becomes a place of sanctuary, the violation to the person is extreme.

We all have a part to play in keeping a safe environment, in our churches, our homes and our neighborhoods. We are stewards of the gift of life. How we deal with these issues lets people know what our real values are. Our actions ensure the safety of all people.

Jon F. Tuttle is a chancellor in the Diocese of Minnesota, chair of Minnesota's Constitution and Canons Committee, and a member of the Nathan Network's Steering Committee.

The Rev. Peggy E. Tuttle is the interim rector at St. Paul's Episcopal Church in Duluth, Minnesota, serves on the board of NNECA, and is on the steering committee of the Nathan Network.



"...I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me.

(Matthew 25:35)

September and October are prime months for visitors in our churches. Check the doorways; sweep away any summer cobwebs and debris. Make new nametags and wear them. Try to be consistent and cheerful about saying hello. Good coffee helps.

Adequate coverage for vestries

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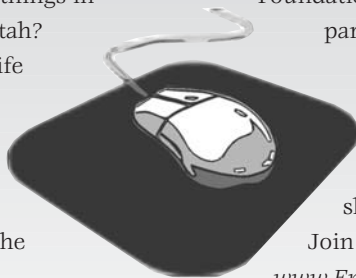
a good idea to have an annual review with your agent to confirm that you are covered for employment related claims.

Many parishes have a hard time defending wrongful termination claims because they have not created job descriptions or performed annual performance reviews. Many times, problems with an employee should first be documented and an opportunity to correct problems should be given before termination. For more information on this subject you can purchase

a copy of the Guide to Human Resources Practices for Lay Employees in Episcopal Churches from Church Publishing at (800) 242-1918.

A resident of Skippack, Pennsylvania, Steve Follos is a vice president of the Church Insurance Agency Corporation, which is overseen by the Church Pension Group. Church Insurance insures about 75% of Episcopal churches and 82% of Episcopal dioceses.

Ever wonder how they do things in Nebraska? Connecticut? Utah? One of the advantages of life in the 21st century is being able to discover online how others are facing the joys and challenges of vestry life. The Episcopal Church



Foundation, Vestry Paper's sponsor and partner in ministry, has started a new electronic dialogue for subscribers, both laity and clergy. Receive a new question each week and share your thoughts with others.

Join the group at:

www.EpiscopalFoundation.org

Establishing Trust

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on Sexual Exploitation (created by Executive Council). Many dioceses began to develop their own resources and training materials were developed.

In 2002 the Nathan Network (named for the prophet Nathan who confronted and held accountable King David for his misconduct with Bathsheba) was created. The Network brings together those whose ministries involve the prevention of, or response to, misconduct and the development of Safe Church practices. (See right).

Sharing a common commitment

Why should vestries care about all of this? We all share a common commitment to the importance of keeping ministries safe. When those who have been wounded elsewhere in their lives come to the church, we need to respond appropriately to their needs.

Safe Church practices encompass not just ministry safety — in terms of the issues of sexual harassment, exploitation or abuse — but also a host of other behavioral concerns which result from the dynamics of power, always present in the offering of any ministry, and the understanding and maintenance of appropriate boundaries.

Safe Church practices include taking care that the physical environment in which ministry is offered is safe — e.g., are there adequate numbers of adults involved in the oversight of activities involving children and youth? Are all of the appropriate fire safety procedures in place? Providing a safe environment for the giving and receiving of ministry ought to be one of the highest priorities for any vestry in exercising its leadership in a congregation.

How can vestries begin to develop their own Safe Church policies and practices? Seek advice and model policies from your diocese. Research the literature in this field. Use an outline for the development of appropriate policies and practices.

Good materials exist

These are a number of good models around. Materials developed by CPG are available through your diocesan office or directly from Church Publishing. Another model is based on a five step design which includes:

- ✚ Review and audit your policies and practices already in place (this should include physical safety practices such as twice yearly intentional fire drills and a comprehensive review of current

human resources/personnel practices).

- ✚ Develop and implement appropriate selection and screening procedures for all of those in ministries with high risk populations or with responsibility for the fiscal affairs of the congregation.
- ✚ Develop and implement appropriate standards and practices for supervision and accountability in the provision of ministry. Work toward wellness as well as protection.
- ✚ Develop a clear internal reporting process. Learn all applicable church reporting practices (such as Title IV of the Constitution and Canons of the Episcopal Church) and those contained within applicable state statutes concerning the abuse and/or neglect of vulnerable populations.
- ✚ Develop a plan for responding to those who may be touched by misconduct or unsafe behaviors. This will need to be broad and should include those directly affected as well as those in the congregation and broader community who may be impacted as well. A response plan should also include policies for dealing with inquiries from the media.

Use prayer and creative energy

One final piece of advice is to seek out those who can help you to think through these issues, whether from the church or from the many human services, educational and health care agencies which have also been thinking about these kinds of issues.

Finally, approach this work with prayer and creative energy. We are all committed to keeping ministry safe and to being a servant church which responds with compassion to the needs of those whom God sends our way.

The Rev. David C. Parachini is the convener of the Nathan Network and vicar of Grace Episcopal Church in Windsor, Connecticut. He served for eight years as the Safe Church training coordinator for the Diocese of Connecticut and is the coordinator of the Province One Safe Church Network.



Some seventy dioceses in the Episcopal Church are now members of the Nathan Network.

Each pays \$250 and owns ten passwords.

Check to see if your diocese belongs and if a password is

available. Individual memberships are \$50.

Some website info is available to all.

Call (877) 285-8659 or www.nathannetwork.org



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Editor's Note

We're not in Kansas anymore, Toto.

In many respects, this issue about Safe Church guidelines has been an anxiety-producing one: it feels a bit the way storm clouds do in Minnesota in July. The humidity is oppressive; it's hot and late in the day; the tornado watches and warnings are out. You wonder if you should head for the basement.

But there isn't any heading for the basement these days — not for vestries or clergy. Fronts are converging from all sides.

Vestries, you need to understand what your diocese requires and take steps to comply.

In our diocese, as in some others, anyone who has a key to the church or works with

children will need training and background checks by the end of the year. Even the altar guild ladies.

Clergy you need to be on top of the proposed Title IV disciplinary canon that will be voted on at General Convention next summer. Taking vows to uphold the doctrine, discipline and worship at ordination involves a lot more fine print than it used to, and some of that print will clearly change how we do ministry. (And "lay-members-in-ministry" are now included in much of the canon, a new wrinkle.)

Clergy in particular are under tremendous scrutiny nowadays with required criminal background checks, employment checks, even credit and traffic violation checks in some dioceses. Other professions are demanding closer scrutiny, too — but a word to the wise, and especially to seminarians, who average \$40K in debt upon graduation: Pay your bills on time.

No one wants sexual offenders or crooks among the clergy and lay professionals. They should be expelled from the ministry and indicted. But that's the easy part. Here is what goes through my mind re: the changes.

First, national and diocesan staffs are much farther down the tracks than are most congregations on these issues. Addressing these new policies and procedures will take added resources and energy. How will small churches, who may be short on volunteers, deal with the changes? And how will this affect already problematic trust levels between congregations and the larger church?

Second, clergy and lay staff should take a long deep look at the new Title IV proposed revisions. No doubt the canon is well intentioned. But it deserves some deep reading — the actual text, not just the friendly narrative — and discussion by all clergy and laity before it is voted on at the next General Convention. There are many new ramifications to consider.

Third, there is always hope. After a storm in the Midwest, the sky is often brilliant, with the air clean and light. That's what I hope for, but it's going to take all of us to make that happen. And no doubt there will be some teeth-grinding along the way.

— Lindsay Hardin Freeman

