



The Diocese of Newark

MAKING CHURCH A SAFE PLACE

FOR ALL GOD'S PEOPLE

**Policies for the
Prevention of Sexual Exploitation of Episcopal
Diocese of Newark Employees and Volunteers**

**Adapted from the Model Policies developed by
The Church Pension Group in partnership with The Nathan
Network**

These policies were adopted by Diocesan Council, Diocese of Newark on October 10, 2012

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Disclaimer

The Episcopal Diocese of Newark provides these *Policies for the Prevention of Sexual Exploitation of Episcopal Diocese of Newark Employees and Volunteers* with the hope that it will assist congregations, other Episcopal entities and other groups in developing policies for the prevention of and response to sexual exploitation of adults. These diocesan policies may not cover every issue that your organization may want to consider in the development of such policies. Other entities may use them as a model and adapt this material in accordance with their applicable polity and practices. It is intended and expected that local adaptations, changes, amplifications, improvements, expansions, or other types of revisions will be made to these policies to accommodate your unique circumstances and context.

If you are considering utilizing these policies for adoption by your congregation, entity, or organization, it is very important that the policies you adopt comply with state laws and regulations, governing pastoral relationships or relationships between adults of unequal power, such as doctor/patient or therapist/client.

All laws are subject to change from time to time by action of state legislatures, Congress and state and federal courts. Therefore, you should develop and review your policy with assistance from persons knowledgeable in these laws.

The Episcopal Diocese of Newark is not engaged in giving legal or other professional advice or services by providing these diocesan policies. You are encouraged to consult with your own legal counsel and other professional advisors regarding efforts for the prevention of and response to concerns about sexual exploitation.

PREFACE

The Heads (Clergy or Lay) of Congregations, the Heads of Schools, Executive Directors or any other person serving in these or equivalent roles in Diocesan institutions and organizations are directly responsible to the Bishop for the implementation and administration of the policies and procedures outlined in *Making Church a Safe Place for All God's People: Policies for the Prevention of Sexual Exploitation of Episcopal Diocese of Newark Employees and Volunteers* and *Making Church a Safe Place for All God's People: Policies for the Prevention of Sexual Harassment of Episcopal Diocese of Newark Employees and Volunteers*.

The implementation and administration of these policies and procedures may be delegated to other staff members or volunteers, **but the ultimate responsibility may not be delegated.** Supervision of these administrative processes by the Heads (Clergy and Lay) of Congregations, the Heads of Schools, Executive Directors, etc. is required to assure appropriate compliance and confidentiality.

Anyone who administers these policies must have received the full training provided by the Diocese, and have the results of a completed background check in his/her personnel file.

It is essential that the administrator of these policies have a current copy of the policies on hand and be extensively familiar with them and the required procedures in order to make appropriate decisions about their application in the local ministry setting. The administrator is to contact Kitty Kawecki, Director of Resources and Training, kkawecki@dioceseofnewark.org, 973-430-9902 at any time for clarification of the policies or guidance in applying them.

Sexual Exploitation Policy

Prohibition Against Sexual Exploitation

The Episcopal Diocese of Newark (the “EDN”) does not tolerate sexual exploitation in any form. Sexual exploitation is the development or attempted development of an inappropriate sexual relationship between a person in any ministerial position, lay or ordained, and an individual with whom he or she has a Pastoral Relationship.

A. Definition of a Pastoral Relationship

A Pastoral Relationship is defined as a relationship between any clergy person and any person:

- Who attends a congregation or other ministry setting in which the clergy person serves;
- Who seeks ministry from the clergy person; or
- Who is a duly-appointed lay minister whether employee or volunteer.

B. Others with Pastoral Relationships

- Church Staff (paid and volunteer)
- Youth Ministers
- Members of Vestries and Executive Committees
- Lay Pastoral Ministers (e.g., Stephen’s Ministers)
- Spiritual directors and guides
- Counseling
- Ministers of any sacraments outside of public worship
- Hospital visitors (authorized by the congregation)
- Life/leadership/peer coaching
- Leaders/facilitators of:
 - Bible studies
 - Christian Formation (e.g., EFM, Catechumenate sponsors)
 - Small group/ministries (e.g., New Members, Prayer Group, Acolytes)
- Licensed Lay Ministers
 - Pastoral Leaders
 - Worship Leaders
 - Preachers
 - Eucharistic Visitors
 - Cathecists

Sexual exploitation includes but is not limited to the following actions:

1. Verbal: such as sexual innuendo, indecent proposals, sharing sexual stories, jokes or fantasies, or making inappropriate comments about someone's appearance.
2. Behaviors: such as inappropriate touching, sending or posting communications with sexual content (correspondence, email, text messages, instant messages, photographs, attachments, phone conversations, voice mail, etc.)
3. Sexualizing a Pastoral Relationship or relationship between a clergy or lay person and anyone to whom he or she provides ministry (e.g., requesting dates, giving unwanted attention, etc.).

Reporting Suspected Sexual Exploitation

If you believe that you or someone else has been subjected to sexual exploitation, actions that violate this policy or inappropriate behavior, you may make your concerns known to the offending person if you are comfortable doing so, or you may report your concerns in accordance with the following:

Reports of suspected or known sexual exploitation may be reported to:

- i The rector or clergy in charge of the congregation;
- i The head of the school, institution, or organization;
- i Your supervisor;
- i Anyone in your supervisory chain;
- i The Bishop;
- i The Canon to the Ordinary/Intake Officer

Via any of the following:

- i Telephone call
- i Letter
- i Email
- i Fax
- i In-person meeting
- i Filing a "Notice of Concern" (see Appendix F, page 14)

EDN Personnel are required to report any suspected or known policy violations to their supervisor, or the Bishop, or the Canon to the Ordinary/Intake Officer. All reports of sexual exploitation, policy violations, or inappropriate behavior under this policy will be taken seriously.

General Definitions

EDN Personnel

For purposes of this Policy, the term “EDN Personnel” shall mean:

- a. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the EDN;
- b. All paid personnel (includes EDN employees) whether employed in areas of ministry or other kinds of services by the diocese;
- c. Those who contract their services to the diocese;
- d. Volunteers, including any person who enters into or offers him or herself for an EDN related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, vestries, executive committees, and boards of directors;
- e. All interns, persons in the ordination process or persons serving in field education assignments; and
- f. All persons who have Pastoral Relationships as defined above.

Supervisors and Decision-Makers

For purposes of this policy, persons who are Supervisors and/or Decision-Makers are included in the definition of EDN Personnel and are defined as:

- a. All persons who supervise persons who have pastoral relationships;
- b. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, church activities, or policies involving pastoral relationships;
- c. Standing Committee, Trustees, Diocesan Council, Executive Boards, vestries and executive committees who appoint or approve EDN Personnel as defined in this policy including all Diocesan Committees, Commissions on Ministry, vestries, executive committees, and the like.

Education and Training Requirements

EDN Personnel

Individuals who are EDN Personnel are required to complete training on the prevention of sexual exploitation of adults within three (3) months of starting their employment or entering into any pastoral relationship. Training must be renewed every five (5) years.

Supervisors and Decision-Makers of Persons Who Have Pastoral Relationships

Within three months of becoming a Supervisor or Decision-Maker, individuals must complete training on the prevention of sexual exploitation of adults. Training must be renewed every five (5) years.

Safeguards for Preventing Sexual Exploitation of Adults

Screening and Selection

Any and all persons who have pastoral relationships before engaging in such relationships should be screened and selected using the following tools and procedures:

1. Applicants should be known to the leadership of the Episcopal Diocese of Newark for at least six (6) months.
2. Background Screening
 - a. An application form [or church deployment form] completed by the applicant that includes an authorization for the release of information to conduct background screening and reference checks and that also includes the Code of Conduct (Appendix E).
 - b. Criminal Records Check for people who will be working with vulnerable adults in the home of the vulnerable adult in any state where the applicant has resided during the past seven (7) years, and other states, if any, as determined by the congregation or diocese.
 - c. Sexual Offender Registry Check in any state where the applicant has resided during the past seven (7) years.
 - d. Individual Interview with the applicant (Appendix A).
 - e. Reference Checks of applicants should include at least one relative outside the EDN and at least one other person outside the EDN.
3. All information gathered about an applicant should be carefully reviewed and evaluated to make a determination, in consultation with others as necessary, of whether or not the person is appropriate to engage in Pastoral Relationships.
4. Persons Who Have Pastoral Relationships should have a personnel file that is kept where other church or diocesan records are kept.
5. Criminal records checks and sexual offender registry checks should be conducted every five (5) years on Persons Who Have Pastoral Relationships.
6. **Transfers within the Diocese.** Persons who have pastoral relationships who transfer within the Diocese of Newark and apply for or are asked to or who do undertake a position in which they have pastoral relationships should undergo the same screening and selection process specified above. This requirement may be met through a transfer of a copy of the required documents in the individual's personnel file to the new congregation, school, or institution together with the completion of a new application, individual interview and updated reference checks, including information about his/her pastoral relationships since the last screening was completed.

Activities for Monitoring and Supervising Pastoral Relationships

The monitoring and supervision of programs and activities involving Pastoral Relationships is important for safeguarding adults from sexual exploitation. Monitoring and supervision should include, but are not limited to:

1. Maintaining an up-to-date list of approved Persons Who Have Pastoral Relationships in the church or diocesan office or other place where church or diocesan records are kept.
2. Requiring that all new activities that include Pastoral Relationships have the approval of the head of the congregation, school, institution, the Bishop or his/her designee before they start. Requests to develop new activities should be submitted in writing to the bishop or his/her designee. The designated head or the Bishop or his/her designee will consider whether the plan for a new activity includes adequate monitoring and supervision.
3. Requiring that all Persons Who Have Pastoral Relationships be approved to do so by the head of the congregation, school, institution, the Bishop or his/her designee in accordance with the Screening and Selection process above.
4. Settings where Pastoral Relationships take place:
 - a. should, whenever possible, be places where casual monitoring by others is convenient (for example along well-traveled hallways or in areas where other people work nearby)
 - b. in open, visible spaces or in closed spaces that have windows that remain unobstructed by closed blinds, furniture, plants, or other adornments
 - c. should convey safety and comfort without the use of couches, loveseats, beds, futons or other furniture that would encourage close seating between the persons in the Pastoral Relationship.

Behavioral Guidelines for the Prevention of Sexual Exploitation of Adults

1. When creating safe boundaries for Persons Who Have Pastoral Relationships, it is important to establish what types of interactions are appropriate and inappropriate. Stating which behaviors are appropriate and inappropriate allows EDN personnel, employees/volunteers to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with other adults. These Guidelines are:
 - a. based, in large part, on avoiding behaviors known to be used by those who have engaged in sexual exploitation of adults;
 - b. intended to assist EDN personnel, and volunteers in monitoring and supervising behaviors and interactions of Persons Who Have Pastoral Relationships to help maintain appropriate boundaries at all times;
 - c. intended to be used to make decisions about interactions of Persons Who Have Pastoral Relationships with those with whom they have a Pastoral Relationship;
 - d. to be carefully followed by all who are involved in Pastoral Relationships.

2. Some appropriate interactions, as long as they are welcomed by the recipient, are listed below:
 - a. brief hugs
 - b. pats on the shoulder or back
 - c. kisses on the cheek
 - d. handshakes
 - e. holding hands during prayer
3. Some inappropriate interactions in Pastoral Relationships and other ministries with adults include but are not limited to:
 - a. inappropriate or lengthy embraces
 - b. kisses on the mouth
 - c. touching sexual areas of the body
 - d. showing affection while in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
 - e. any form of unwanted affection
 - f. comments or compliments (spoken, written, or electronic) that relate to a person's body or appearance that are at all suggestive. Examples would be, "You should wear that outfit more often," or "You look really hot in those jeans."
 - g. giving gifts or money to favored individuals
 - h. repeated and/or private meetings with individual adults, especially meetings that occur away from church property and during non-business hours
 - i. repeated electronic communications, such as email or texts, especially those that contain personal disclosures or solicitations of an intimate relationship
 - j. seeking excessive private time with a specific adult
 - k. changing one's manner of dress when in the company of a specific adult
 - l. providing a specific adult with personal access such as one's personal email address or cell phone number if that is not the norm

Appendix

A. Specialized Questions for the Interview

The following are sample questions that may help you screen out someone who is unable to maintain healthy boundaries with adults.

1. Please tell me about the last time a member of your (congregation, youth group, office staff, etc.) demanded too much of your time. How did you handle that?
2. Please give an example of a time in your work or volunteer history when you thought the policies were too rigid. How did you handle that?
3. Please describe a time when you felt a special bond or friendship between yourself and a member of your (congregation, youth group, office staff, etc.).
4. Please give an example of a "boundary violation." Has that ever happened to you, or has anyone ever said that you violated a boundary of some sort?
5. Has disciplinary action of any sort ever been taken against you by a licensing board, professional association, ecclesiastical body or educational or training institution? Have there been complaints against you that did not result in discipline? Are there complaints pending against you before any of the above-named bodies? If yes, please explain.
6. Have you ever been asked to resign or been terminated by a training program or employer? If yes, please explain.
7. Have you ever had a civil suit brought against you about your professional work or is any such action pending? Have you ever had professional malpractice insurance suspended or revoked for any reason? If yes, please explain.
8. Have you ever been charged (formally or informally) with any ethics violations, sexual exploitation, sexual abuse or sexual harassment? Are any such actions or complaints pending against you? If yes, please explain.
9. Are you now or have you ever had sexual contact or attempted sexual contact (sexual intercourse of any kind, intentional touching, or conversation for the purpose of sexual arousal) with any person you were/are seeing in any professional context or in a Pastoral Relationship (i.e. parishioner, client, patient, employee, student)? If yes, please explain.
10. Are you now or have you ever been involved in the production, sale, or distribution of pornographic materials? If yes, please explain.
11. Have you ever had a restraining order, injunction, order for protection or the like issued against you? Have you ever had your parental rights restricted, suspended or terminated or have any of your children ever been in foster care? Have you ever been accused of domestic violence? If so, please explain.

B. Specialized Questions for References

1. Please give me an example of how (applicant's name) maintains good boundaries with adults.
2. Have you ever heard (applicant's name) tell a joke or say something that made you or others uncomfortable?
3. Would you be comfortable referring a vulnerable friend of yours to (applicant's name) for pastoral counseling? Why? Why not?
4. The position for which (applicant's name) has applied requires that s/he be able to work closely with people whose lives may be in turmoil and who may not have good judgment at that point in time. Can you think of any reason that (applicant's name) should not be allowed to do this work?

C. Guidelines for Office Decor

Spaces where Pastoral Relationships occur should be a relaxing and productive setting ready at all times for use for Pastoral Relationships. The following are recommendations that will help create an environment that is peaceful and private while allowing appropriate supervision.

Furniture

Comfortable chairs set at a 45 degree angle from each other create a good area for conversation. Couches and love seats are discouraged but if they are used Persons Who Have Pastoral Relationships should not sit on them with parishioners or other visitors. Having furniture that allows reclining can leave persons open to false allegations of inappropriate behavior.

Artwork

Artwork should be tasteful without offending the staff or other visitors.

Windows

Windows in walls or doors should be unobstructed by blinds, furniture, curtains, or posters so that the space is always available to casual monitoring. A sense of privacy can be maintained by arranging the furniture so that Persons Who Have Pastoral Relationships are always visible, but the parishioner or visitor does not feel exposed.

Entrances

If the space has a private entrance, and it is used, be sure staff knows when someone is in the space and when it is being used for Pastoral Relationships.

D. Guidelines for Providing Counseling

- i Limited number of sessions, generally no more than 4 or 5 on any particular life issue
- i Don't go outside your area of expertise and training. Make a referral to a psychologist, credentialed professional, medical doctor, or mental health professional for issues that involve those specialties.
- i Even if you are separately credentialed and/or licensed as a mental health professional (psychologist, marriage and family therapist, substance abuse counselor, etc.) while you are functioning on behalf of the Church you should:
 1. Make it clear to those you are serving that you are NOT serving in the role of mental healthcare provider, but only in the role of spiritual advisor or spiritual counselor.
 2. If you do function in the role of mental healthcare provider while you are also functioning on behalf of the Church, you should clearly separate those two roles by where you practice each and clearly communicate to all concerned of when you are functioning in each role.
 3. You must maintain in full force separate professional insurance coverage at all times for any work you do outside your Church role. The insurance must have per occurrence limits of at least \$1,000,000 and aggregate limits of at least \$3,000,000, including coverage for Sexual Misconduct, however defined in the policy(s) in with limits of at least \$50,000 and name your church employer or church for whom you function in Pastoral Relationships as an additional insured.
 4. You must annually provide evidence of such insurance to your church employer or church for which you function in Pastoral Relationships.

E. Code of Conduct for Persons Who Have Pastoral Relationships

Persons Who Have Pastoral Relationships:

- Understand that the Church will not tolerate the sexual exploitation of adults it serves.
- Agree to never attempt to or sexually exploit any person they serve or work with on behalf of the Church.
- Agree to comply with the policies for general conduct with adults as defined in these *Policies for the Prevention of Sexual Exploitation of Episcopal Diocese of Newark Employees and Volunteers*.
- Agree to comply with the Episcopal Diocese of Newark Code of Conduct for Persons Who Have Pastoral Relationships (Appendix E).
- Agree, whenever appropriate and possible, to have one-to-one meetings with adults during regularly/publicly scheduled hours and by appointment on church property while others are present in the building or in other appropriate professional settings where they can be observed.
- Agree to maintain clear and appropriate boundaries and avoid even the appearance of impropriety.
- Agree to immediately end any sexual or inappropriate relationship with a person with whom he/she has a Pastoral Relationship or when he/she has questions about the implementation of these policies and immediately seek advice from the Bishop, a trusted colleague or mental health professional.
- Agree to immediately report any inappropriate behaviors, boundary violations or possible policy violations they observe under these policies.
- Acknowledge their obligation and responsibility to prevent sexual exploitation of adults and agree to report known or suspected sexual exploitation of adults to church leaders and state authorities in accordance with these policies.

Persons Who Have Pastoral Relationships are prohibited from:

- Dating or becoming romantically involved with anyone with whom they have a Pastoral Relationship as long as the Pastoral Relationship continues. Any layperson who wishes to explore a romantic relationship with a person with whom they have a Pastoral Relationship should meet with the rector or clergy in charge of the congregation to discuss this matter before entering into such a relationship. Any clergy who wishes to explore a romantic relationship with a person with whom they have a Pastoral Relationship must seek the advice and counsel of the Bishop before entering into such a relationship.
- Having sexual contact with any person with whom he/she has a Pastoral Relationship
- Possessing any sexually oriented materials (magazines, cards, videos, films, clothing etc.) on church property or using such materials in the conduct of their ministry unless the materials are part of a pre-approved educational program or curriculum and are used only for that purpose
- Using the Internet to view or download any sexually oriented materials on Church property or from having it on Church-owned computers, and from bringing such materials onto Church property
- Discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with any person with whom they have a Pastoral Relationships

Signed and agreed upon: _____

Date: _____

F. Confidential Notice of Concern

Individual(s) of Concern:

Date of occurrence:

Time of occurrence:

Type of Concern:

- Inappropriate behavior within a Pastoral Relationship
- Policy violation with those served in ministry
- Possible risk of an inappropriate relationship between adults of unequal power
- Other concern:

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, and who was notified? If reported to the State, what was their recommendation about investigating? Attach additional sheets if needed.

Has this situation ever occurred previously? Attach additional sheets if needed.

What action was taken? How was the situation handled, who was involved, who was questioned, were police called? Attach additional sheets if needed.

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation? Attach additional sheets if needed.

Submitted by:

Telephone number:

Location and address:

All notices of concern will be handled appropriately and confidentially as determined by the laws of the State of New Jersey.

G. General Convention Resolution B052 (1991)

Resolution Number: 1991-B052

Title: Establish a Committee on Sexual Exploitation

Legislative Action Taken: Concurred As Amended

Final Text: *Resolved*, the House of Deputies concurring, That the 70th General Convention of the Episcopal Church declares that sexual abuse, exploitation, coercion, and harassment of adults and minors by clergy and church employees are abuses of trust, a violation of the Baptismal Covenant, contrary to Christian Character, and are therefore wrong; and be it further

Resolved, That the 70th General Convention of the Episcopal Church establish a Committee on Deputies to work with the Office of Pastoral Development. It shall be the duty of the Committee on Sexual Exploitation to study, educate, develop curriculum, and propose policy and standards of conduct on sexual abuse, exploitation, coercion, and harassment, and to advise the Office of Pastoral Development as resource persons. The membership of the committee is to be representative as to sex, race and ethnic diversity. The Committee will report to the 71st General Convention.

Citation: General Convention, *Journal of the General Convention of The Episcopal Church, Phoenix*, 1991 (New York: General Convention, 1992), p. 783.

H. Final Version - Concurred (2006)

Resolution A156

Title: Sexual Exploitation

Topic: Sexual Misconduct

Committee: Social and Urban Affairs

House of Initial Action: Bishops

Proposer: Institutional Wellness and Prevention of Sexual Misconduct Sub Committee

Resolved, That the 75th General Convention of The Episcopal Church affirm the work already occurring in many dioceses and at the same time recommit itself to the positions taken by previous General Conventions that sexual misconduct (encompassing both sexual harassment and sexual exploitation) of adults by clergy, church employees, and volunteer workers has been and continues to be of deep concern to this Church, is an abuse of trust, a violation of the Baptismal Covenant, contrary to Christian character and is, therefore, wrong; and be it further

Resolved, That each diocese adopt policies for the protection from sexual misconduct of those served by diocesan programs, those who volunteer in the work of the diocese or are employed by the diocese, and that dioceses assist congregations in the development of such procedures and policies, including using the many resources that already exist, that address the following:

1. the articulation of behavioral standards for all clergy, lay employees and volunteers who work with adults or who provide pastoral counseling, pastoral care, spiritual direction, or the sacraments;
2. a screening process for all clergy, lay employees and volunteers who provide pastoral counseling and care, spiritual direction or the sacraments and who supervise clergy or lay volunteers;
3. education and training for all clergy, lay employees, and volunteers as listed above, with particular attention paid to what legally constitutes sexual harassment and to appropriate behavior and inappropriate sexual or sexualized behaviors towards adults, and with periodic refresher training encouraged;
4. guidelines for responding to concerns of sexual misconduct; and be it further

Resolved, That each diocese shall report to the House of Bishops Committee on Pastoral Development prior to the Spring 2009 House of Bishops meeting with a copy of its adopted and implemented policy and an evaluation of the history of its use. A summary report shall be made to the House of Bishops Spring 2009 meeting and a full report made to the 76th General Convention.