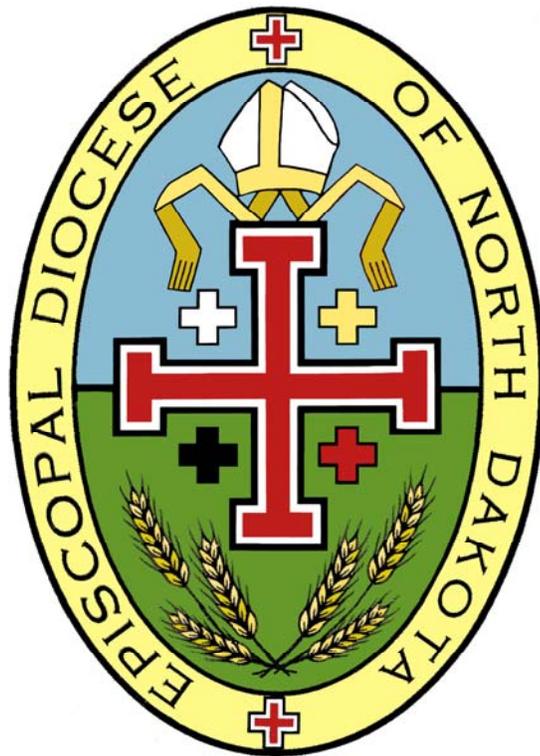


EPISCOPAL DIOCESE OF NORTH DAKOTA

Diocesan Policy on the Sexual Exploitation of Adults



Adopted at the 2011 Annual Convention

Episcopal Diocese of North Dakota Policy on the Sexual Exploitation of Adults

Introduction

The Book of Common Prayer states clearly that the mission of the Church is "to restore all people to unity with God and each other in Christ." This holy mission is carried out by the ministers of the Church, who are described not only as ordained people, but as "lay persons, bishops, priests, and deacons." Further, all Christians are called on by the Church "to follow Christ; to come together week by week for corporate worship; and to work, pray, and give for the spread of the Kingdom of God" (BCP, pp. 855-856).

By necessity, our mission is always carried out in the context of human relationships. In these relationships, we are guided by our Baptismal Covenant, which calls on us to "strive for justice and peace among all people, and (to) respect the dignity of every human being" (BCP, p. 305). In this holy context, with our holy calling, it is imperative that we learn to live, model, teach and nurture healthy and safe relationships. Relationships in ministry should always be experienced as caring and compassionate and without intention to do harm or allow harm to occur. This Sexual Exploitation Policy will help us create, maintain, and foster safe environments for caring and compassionate relationships to take place without fear of power imbalances that often occur in society.

General Definitions

A. Church Personnel

1. All clergy whether stipendiary, non-stipendiary, or otherwise, who are engaged in ministry or service to the church.
2. All paid personnel whether employed in areas of ministry or other kinds of services by the diocese and its congregations. For example, custodians or clerical support staff.
3. Those who contract their services to the diocese and its congregations.
4. Volunteers, including any person who enters into or offers him or herself for a church 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, boards of directors as well as others such as altar guild members or Christian education coordinators.

B. Pastoral Relationship

1. A relationship between a clergy person and any person who attends a congregation or other ministry setting in which the clergy person serves, or who seeks ministry from the clergy person.
2. A relationship between a clergy person/duly-appointed lay person, whether employee or volunteer, and any person where the clergy person/duly-appointed lay person is authorized to provide and does provide counseling, pastoral care, spiritual direction or

spiritual guidance, ministration of any Sacrament, life/leadership/peer coaching or hearing a person's confession.

3. A relationship between any of the following ministers licensed under Canon III.4 and any person served in the course of such ministries: Pastoral Leaders, Worship Leaders, Eucharistic Ministers, Preachers, Eucharistic Visitors, and Catechists.

C. Persons Who Have Pastoral Relationships

1. All clergy whether stipendiary, non-stipendiary, or otherwise.
2. All duly-appointed laypersons, whether employees or volunteers, who are authorized to provide and do provide counseling, pastoral care, spiritual direction or spiritual guidance, ministration of any Sacrament, life/leadership/peer coaching or hearing a person's confession.
3. Ministers licensed under Canon III.4: Pastoral Leaders, Worship Leaders, Eucharistic Ministers, Preachers, Eucharistic Visitors, and Catechists.

D. Sexual Exploitation

Sexual exploitation is the development or attempted development of a sexual relationship between persons with a Pastoral Relationship and 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 (e.g., requesting dates, giving unwanted attention, etc.).

E. Supervisors and Decision-Makers

1. All persons who supervise Persons Who Have Pastoral Relationships.
2. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, church activities, or policies involving Pastoral Relationships.
3. The Standing Committee, Diocesan Council, Vestries and the like who appoint or approve Persons Who Have Pastoral Relationships as defined in this policy.

Prohibition Against Sexual Exploitation

The Episcopal Diocese of North Dakota does not tolerate sexual exploitation in any form. Sexual exploitation is the development or attempted development of a sexual relationship between persons having a Pastoral Relationship.

Safeguards for Preventing Sexual Exploitation of Adults

A. Screening and Selection

Please note: Congregations are responsible for the screening and selection procedures described below for any position within the congregation covered by this policy. The Bishop or his/her designee is responsible for diocesan positions.

Any and all Persons Who Have Pastoral Relationships shall be screened and selected using the following tools and procedures:

Persons Who Have Pastoral Relationships shall be screened before engaging in Pastoral Relationships.

1. Lay applicants shall be known to the leadership of the congregation 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 (See Appendix A) and that also includes the **Code of Conduct** (Appendix F).
 - 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.
 - e. **Reference Checks** of applicants should include at least one relative outside the congregation and at least one other person outside the congregation.
3. All information gathered about an applicant will 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. Appropriate records (including documentation of background screening and licenses for lay ministries where relevant) for Persons Who Have Pastoral Relationships will be kept where other church records are kept.
5. Criminal records checks and sexual offender registry checks will be updated as deemed appropriate by the Bishop for Persons Who Have Pastoral Relationships.
6. Persons Who Have Pastoral Relationships who transfer within the Diocese of North Dakota and apply for or are asked to or who do undertake a position in which they have Pastoral Relationships are required to undergo the same screening and selection process specified above. This requirement may be met through a transfer of a copy of their

personnel file to the new congregation or program together with completion of a new application, individual interview and reference checks with the congregations, schools, agencies or other programs for which the applicant has had Pastoral Relationships since the screening was last done as shown in the applicant's personnel file.

B. Education and Training Requirements

1. Persons Who Have Pastoral Relationships

Before any person engages in Pastoral Relationships s/he is required to complete training on the prevention of sexual exploitation of adults. If that is not possible, this policy must be reviewed and discussed with her/him before s/he has Pastoral Relationships. The rest of the education and training must be completed within three months of beginning to have Pastoral Relationships. In the case of already licensed lay ministers - at a minimum - a review of this policy should be incorporated as part of their ongoing training and any preparation for re-licensure.

2. 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.

C. 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 including licensed lay ministers in the church office or other place where church records are kept.
2. Requiring that all new activities that include Pastoral Relationships have the approval of the rector or priest-in-charge before they start. Requests to develop new activities should be submitted in writing to the rector or priest-in-charge. The rector or priest-in-charge 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 rector or or priest-in-charge in accordance with the Screening and Selection process above.
4. Settings where Pastoral Relationships take place:
 - should, whenever possible, be places where casual monitoring by others is convenient (for example along well-traveled hallways or in areas where other Church Personnel work nearby);
 - in open, visible spaces or in closed spaces that have windows that remain unobstructed by closed blinds, furniture, plants, or other adornments;

- 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.

D. Behavioral Guidelines for the Prevention of Sexual Exploitation of Adults

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 Church Personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with other adults. These behavior guidelines are:

- based, in large part, on avoiding behaviors known to be used by those who have engaged in sexual exploitation of adults,
- intended to assist Church Personnel and Congregants in monitoring and supervising behaviors and interactions of Persons Who Have Pastoral Relationships to help maintain appropriate boundaries at all times,
- intended to be used to make decisions about interactions of Persons Who Have Pastoral Relationships with those with whom they have a Pastoral Relationship,
- to be carefully followed by all who are involved in Pastoral Relationships.

Some appropriate interactions, *as long as they are welcomed by the recipient*, are listed below:

- brief hugs
- pats on the shoulder or back
- kisses on the cheek
- handshakes
- holding hands during prayer

Some inappropriate interactions in Pastoral Relationships and other ministries with adults include:

- inappropriate or lengthy embraces
- kisses on the mouth
- touching sexual areas of the body
- showing affection while in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
- any form of unwanted affection
- 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."
- giving gifts or money to favored individuals
- repeated and/or private meetings with individual adults, especially meetings that occur away from church property and during non-business hours
- repeated electronic communications, such as email or texts, especially those that contain personal disclosures or solicitations of an intimate relationship
- seeking excessive private time with a specific adult
- changing one's manner of dress when in the company of a specific adult

- providing a specific adult with personal access such as one's personal email address or cell phone number if that is not the norm

Reporting Suspected Sexual Exploitation

Anyone who believe that s/he or someone else has been subjected to sexual exploitation, actions that violate this policy or inappropriate behavior, may make their concerns known to the offending person if they are comfortable doing so, or they may report their concerns to one of the following:

- a diocesan intake officer (names are posted on the diocesan web site)
- the rector or clergy person in charge of the congregation
- the senior warden of the congregation
- the bishop

Church Personnel are required to report any suspected or known policy violations to one of the individuals above. NOTE: One of the diocesan intake officers should be notified promptly of any suspected or known policy violation that is initially reported to any of the other persons listed above.

Reports may be made via any of the following:

- Telephone call
- Letter
- Email
- Fax
- In-person meeting
- Filing a "Notice of Concern" (a form is available at the Diocesan website or from the Diocesan Office)

All reports of sexual exploitation, policy violations, or inappropriate behavior under this policy will be taken seriously.

Appendices

A. Acknowledgment, Release, and Signature for Inclusion in Application or with Church Deployment Office Form

To the best of my knowledge, the information contained in this application is complete and accurate. I understand that providing false information is grounds for not hiring me or choosing me for a volunteer position or for my discharge if I have already been hired or chosen. I authorize any person or organization, whether or not identified in this application, to provide any information concerning my previous employment, education, credit history, driving record, criminal conviction record, sexual offender registry or other qualifications for my employment or volunteering. I also authorize _____ [Congregation] to request and receive such information.

If hired or chosen, I agree to be bound by _____ [Congregation's] policies and procedures, including but not limited to its *Policies for the Prevention of Sexual Exploitation of Adults* and *Code of Conduct for Persons Having Pastoral Relationships*. I understand that these may be changed, withdrawn, added to or interpreted at any time at the _____ [Congregation's] sole discretion and without prior notice to me. I also understand that my employment or volunteering may be terminated, or any offer or acceptance of employment or volunteering withdrawn, at any time, with or without cause, and with or without prior notice at the option of _____ [Congregation] or myself.

Nothing contained in this application or in any pre-employment or pre-volunteering communication is intended to or creates a contract between myself and _____ [Congregation] for employment, volunteering or the providing of any benefit. I have read and understand the above provisions.

Signature _____ Date _____

B. Recommended 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.

C. Recommended Questions for References

1. Please give me an example of how _____ maintains good boundaries with adults.
2. Have you ever heard _____ tell a joke or say something that made you or others uncomfortable?
3. Would you be comfortable referring a vulnerable friend of yours to _____ for pastoral counseling? Why? Why not?
4. The position for which _____ 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 _____ should not be allowed to do this work?

D. 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 loves 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.

E. Guidelines for Providing Counseling

- Limited number of sessions, generally no more than 4 or 5 on any particular life issue
- Don't go outside your area of expertise. Refer to a psychologist, credentialed professional, medical doctor, or mental health professional.
- 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 that role
 2. If you function in that role 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 \$ _____ and aggregate limits of at least \$ _____, including coverage for Sexual Misconduct, however defined in the policy(s) in with limits of at least \$ _____ and name your church employer or church for whom you function in Pastoral Relationships as an additional insured.
 4. You must provide evidence of such insurance to your church employer or church for which you function in Pastoral Relationships annually.

F. 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 not attempt to or to 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 Adults
- agree to comply with the _____ [Congregation] Code of Conduct for Persons Who Have Pastoral Relationships (Appendix F)
- 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 those with whom they have a Pastoral Relationship as long as the Pastoral Relationship continues and for a period of no less than six months after the Pastoral Relationship has ended.
- 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: _____

G. Confidential Notice of Concern – Episcopal Diocese of North Dakota

Individual(s) of Concern: _____

Type of Concern (check all that apply):

- 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:

Date(s) of occurrence: _____ Time(s): _____

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, if any, 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.

Notice of Concern submitted by: _____

Telephone number: _____

Location and address: _____