

SAFEGUARDING GOD'S PEOPLE

Prevention of Childhood Sexual Abuse

Preventing Sexual Harassment and
Sexual Exploitation of Church Workers

The Episcopal Church in South Carolina
2013

**SAFEGUARDING GOD'S PEOPLE
IN THE EPISCOPAL CHURCH IN
SOUTH CAROLINA**

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Why we Have These Policies

In his first letter to the Church at Corinth, St. Paul urges members of that community to engage in a way of life that will show outsiders the nature of the community which is to be a reflection of Jesus.

Jesus himself teaches us again and again to meet each other with love, compassion and humility. As did Jesus, we are called to use whatever power we have to heal, not to “lord it over “others.

The final promise of our Baptismal Covenant asks us to “. . . strive for justice and peace among all people, and respect the dignity of every human being.” The Diocesan policies for the protection of children and youth from abuse and for the prevention of sexual exploitation and harassment of adults give life to that Baptismal promise.

At Ordination, clergy – both priests and deacons - take on an additional set of promises, including the promise to pattern their life in accordance with the teachings of Christ in order to be “a wholesome example” to their people.

The Episcopal Church in South Carolina is committed to maintaining an environment free of abuse, exploitation and harassment in its churches, schools, and institutions. It is a commitment the Diocese requires all ministers of the Church, lay and ordained, to make and uphold.

Responsibility for Administration

The Heads of Congregations, the Heads of Schools, Executive Directors or any other person serving in these or equivalent roles in Diocesan institutions are directly responsible to the bishop for the implementation and administration of the policies and procedures outlines in *Safeguarding God's People: Preventing Sexual Harassment and Sexual Exploitation of Church Workers*.

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

Anyone who administers *Safeguarding God's People* must have received the full *Safeguarding God's People (Prevention of Harassment AND Prevention of Exploitation)* training and have the results of a completed background check in their 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 required procedures in order to make appropriate decisions about their application in the local ministry setting. The Administrator is to contact The Ven. Calhoun Walpole, Archdeacon of the Diocese (Cwalpole@episcopalchurchsc.org or 843-259-2016) at any time for clarification of the policies or guidance in applying them.

This general sexual misconduct policy summarizes and incorporates three other policies that contain more specific guidelines for the various types of abuse that fall under the term "sexual misconduct," including:

- 1) Sexual Exploitation Policy**
- 2) Sexual Harassment Policy**
- 3) Diocesan Policies for the Protection of Children and Youth from Abuse (provided separately)**

Our continuing commitment to compliance with these polices is essential to our mission as a Church.

POLICY PROHIBITING SEXUAL MISCONDUCT

The Episcopal Church in South Carolina is committed to providing a healthy, safe, and nurturing environment wherein, by God's grace, the full work of the Church can be carried out. Sexual misconduct on the part of any clergyperson, employee, or volunteer of any congregation, institution, organization, school or agency within the Diocese violates the mission of the church, is prohibited, and will not be tolerated.

A. Definition

For purposes of this policy, sexual misconduct is defined as any sexual or sexualized activity toward another person of the same or opposite sex, irrespective of age or marital status. This includes fornication and adultery, as well as any inappropriate or lewd physical, verbal, or visual sexual conduct.

This definition includes sexual abuse or molestation of a minor (under 18 years of age) as set forth more specifically in the Diocesan Policies for the Protection of Children and Youth from Abuse, which is incorporated into this policy.

B. Abuse of Children and Youth

Anyone who has cause to believe that a child's physical or mental welfare has been adversely affected by abuse or neglect by any person has a legal responsibility to report it to the appropriate state or law enforcement agency. Anyone who becomes aware of sexual abuse or molestation involving a minor must also follow the reporting procedures outlined in the Diocesan *Child Abuse Prevention Policies*.

If a complaint of sexual misconduct is received by any person, that person shall report the complaint immediately to the Bishop so that an orderly response and investigation can be planned. If the alleged victim is a minor, the Diocese will follow all state law requirements for reporting abuse of a child, in accordance with the Diocesan *Child Abuse Prevention Policies*. All complaints will be promptly investigated. It is intended that the privacy of the persons involved be protected, except to the extent necessary to conduct a proper investigation.

If the complaint of sexual misconduct or sexual abuse or molestation of a minor has been reported to the criminal authorities, the Diocese will cooperate fully in any criminal investigation but will not undertake its own independent investigation unless requested to do so by the authorities.

If the complaint of sexual misconduct or sexual abuse or molestation of a minor has been reported to the criminal authorities, the Diocese will cooperate fully in any criminal investigation but will not undertake its own independent investigation unless requested to do so by the authorities.

No person who is known to have a civil or criminal conviction or record of child abuse, or who has admitted to sexual abuse, may be ordained, employed, or permitted to volunteer to work with or around children in the Diocese.

C. Sexual Exploitation

Sexual misconduct also covers sexual exploitation. As set forth in Diocese's *Sexual Exploitation Policy*, sexual exploitation is the development or attempt to develop a sexual relationship between a person in a ministerial position, lay or ordained, and an individual with whom he or she has a pastoral relationship.

D. Sexual Harassment

Sexual harassment is also included in the definition of prohibited sexual misconduct. Sexual harassment is defined in the Diocese's *Sexual Harassment Policy* as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in which: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or relationship with the Diocese; (2) submission to or rejection of such conduct by the individual is used as a basis for employment or other decisions affecting that person; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

E. Reporting Sexual Misconduct Between Adults

Nothing in this policy requires the person complaining of sexual exploitation or sexual harassment to report the matter to the individual who is the subject of the complaint. Any person who believes that he or she is being subjected to any type of sexual misconduct between adults should bring the matter to the attention of the Church, regardless of the position of the offending person. Guidelines for reporting, including contact information, are contained in the *Sexual Exploitation and Sexual Harassment Policies*.

No one who reports sexual misconduct will be retaliated against or adversely treated because he or she made a complaint.

The Diocese may suspend any individual who is the subject of a complaint of sexual exploitation or sexual harassment during the pendency of the investigation.

If the investigation substantiates that the complaint is valid, immediate corrective action designed to stop the misconduct and prevent its recurrence will be taken. Such corrective action may include discipline, up to and including discharge or dismissal of the offending person.

SEXUAL HARASSMENT POLICY

The Episcopal Church in South Carolina prohibits and will not tolerate sexual harassment of Church personnel in any of its Diocesan entities.

Definition:

Sexual harassment includes:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

B. Examples of Sexual Harassment

Examples of unwelcome conduct which may constitute sexual harassment include, but are not limited to, the following:

Physical Conduct

- Sexual touching;
- Kissing;
- Casual hugs not intended to be sexual;
- Massaging necks, shoulders, backs.
- Being in someone else's "space;"
- Unwelcome displays of romantic or sexual affection;

- Aggressive physical contact or assault;
- Leering;
- Obscene, or vulgar gestures including gestures simulating sexual acts, “shooting the finger,” kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner.

Verbal

- Off-color jokes;
- Sexual language or references;
- Propositions;
- Suggestive or insulting sounds;
- References of a sexual nature about any person;
- Gossip or speculation about a person’s sexuality, sexual practices, sexual health, pregnancy, or virility;
- Request for dates;
- Remarks about anatomy;
- Bragging about sexual conquest;
- Inquiries about sexual conduct;
- Terms of endearment;
- Use of curse words or vulgarity;
- Sexual innuendo.
- Suggestive or insulting sounds;

Visual and Non-Verbal

- Posters;
- Photographs;
- Cartoons or drawings, including those that depict nudity, sex acts, provocative poses etc.;
- Email messages or graphics, including inappropriate wallpaper, screensavers, or other electronic displays of a sexual nature;
- Possession of pornography or inappropriate materials of a sexual nature on church or school property or on church or school computers, or its display, duplication, or transmission.

C. Training

The following individuals must complete the Diocesan training on the Policy Prohibiting Sexual Harassment and return the acknowledgement form for their personnel file:

- Clergy
- Heads of schools, congregations and institutions

- Supervisors of employees and volunteers
- Standing Committee members

The following individuals must receive a copy of the Policy Prohibiting Sexual Harassment and return the acknowledgement form for their personnel file:

- Employees
- Designated volunteers

D. Reporting

Anyone who believes he or she has been a victim of any form of sexual harassment must promptly report it to one or more of the following:

1. A supervisor;
2. Anyone in the supervisory chain;
3. The head of the congregation, school, or institution;
4. A warden of the congregation; or
5. Bishop's Office, Archdeacon Calhoun Walpole, 98 Wentworth St., Charleston, SC 29401 or call 1-843-723-4575.

An individual may, but is not required, to speak to the person whose conduct is objectionable in an effort to resolve the situation. However, no one is ever required to complain to the person who is accused of the offensive conduct, and should only approach the person engaging in the unwelcome conduct if he or she is comfortable doing so. No one is required to complain to his or her supervisor or within his or her chain of command but may utilize the other reporting options.

Complaints of sexual harassment may be made in any of the following ways:

1. A telephone call;
2. A letter;
3. A fax; and/or
4. An in-person meeting.
5. By filing a Confidential Notice of Concern (see Appendix A)

E. Investigation

All supervisors and decision-makers are required to report all formal and informal complaints, as well as any suspected or known policy violations, immediately to head of the congregation, school, or institution. Church personnel are required to report immediately any suspected or known policy violations to the rector or clergy person

in charge of the congregation. Diocesan employees must report any complaints to the Archdeacon or the Bishop.

All complaints of sexual harassment will be promptly investigated. Complaints will be handled on a confidential basis, except to the extent necessary to conduct a proper investigation.

If the investigation substantiates the complaint, immediate corrective action designed to stop the harassment and prevent its reoccurrence, up to and including termination of employment, will be taken.

F. Retaliation

Any person who in good faith reports sexual harassment or provides information related to a complaint will not be retaliated against or adversely treated with respect to terms and conditions of employment as a result of making a report or providing information. Anyone who believes that he or she has been subjected to retaliation in violation of this policy should report it immediately, following the process outlined above. Persons who are found to have engaged in retaliation will be subject to discipline, up to and including termination.

POLICY FOR THE PREVENTION OF SEXUAL EXPLOITATION

IV. SEXUAL EXPLOITATION POLICY

The Episcopal Church in South Carolina does not tolerate sexual exploitation in any form. Sexual exploitation is the development or attempted development of a 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 a 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

In addition to clergy, other persons with Pastoral Relationships include the following:

- Members of Vestries and Bishop's Committees
- Stephen ministers
- Community of Hope
- Spiritual directors (those trained by FIND or other licensing group)
- Ministers of any sacrament outside of any public worship
- Lay Eucharistic visitors;
- Hospital visitors (authorized by your church)
- Life leadership/peer coaches
- Leaders/facilitators of
 - Bible studies
 - Cursillo (serving on teams)
 - Christian Formation (e.g. EFM mentors; Catechumenate sponsors)
 - Small group/ministries (e.g. New Member Ministry, prayer ministry)
- Licensed Worship leaders
- Licensed Preachers
- Licensed Catechists
- Lay Vicars (Pastoral Leaders)
- Lay chaplains
- Interns
- Persons who do field work

C. Expectations of Persons with Pastoral Relationships

The following guidelines are intended to assist individuals who have Pastoral Relationships and those who monitor and supervise them to understand and maintain appropriate boundaries at all times. The guidelines identify, through examples, conduct that is appropriate and shows positive affection in ministry while keeping safe boundaries with others.

Persons who have Pastoral Relationships must:

- Understand that the Church will not tolerate the sexual exploitation of any adult;
- Agree to never sexually exploit any person they serve or work with on behalf of the church, school, or institution;
- Agree to comply with the policies defined in *Policy for the Prevention of Sexual Exploitation of Adults*;

- Agree to immediately end any sexual or inappropriate relationship with a person in a Pastoral Relationship
- Immediately seek advice from the Bishop’s office if there are any questions or concerns about any of these policies or their expectations;
- Agree to immediately report any inappropriate behavior, boundary violations, or policy violations they observe;
- Acknowledge their obligation and responsibility to prevent sexual exploitation of adults.

D. Prohibited Conduct

Persons who have Pastoral Relationships are prohibited from dating or becoming romantically involved with anyone with whom they have a Pastoral Relationship, so long as the Pastoral Relationship continues.

This prohibition specifically includes having sexual contact with any person in the Pastoral Relationship.

Persons who have Pastoral Relationships are required to maintain clear and appropriate boundaries and to avoid even the appearance of impropriety.

Whenever possible, persons who have pastoral relationships should have one one-on-one meetings with adults only during regularly scheduled hours and by appointment and on church premises or in other appropriate professional settings when others are present in the building

E. Examples of Inappropriate Conduct

The following are examples of inappropriate conduct that is prohibited for those who are in a Pastoral Relationship.

- Any form of unwanted affection;
- Surprise or sudden touching;
- Full frontal hugs or “bear hugs”;
- Touching bottoms, chests, or genital areas;
- Lying down or sleeping beside another;
- Massages;
- Patting others on their thigh, knee or leg;
- Tickling or wrestling;
- Touching or hugging from behind;
- Showing affection in isolated areas.
- Inappropriate or lengthy embraces;

- Kisses on the mouth;
- Showing affection while in isolated areas;
- Any form of unwanted affection;
- Comments or compliments, whether verbal or written, that relate to a person's body or appearance or could be viewed as sexually suggestive;
- Giving gifts or money to favored individuals;
- Repeated or private meetings after hours or away from church property;
- Repeated electronic communications, such as e-mails or texts, especially those that contain personal disclosures or solicitations of an intimate relationship;
- Seeking excessive private time;
- Providing personal access, such as a personal e-mail address or cell phone number, if that is not generally available, to others;
- Possessing, using or referring to any sexually oriented materials, such as magazines or videos;
- Sharing sexually oriented materials or using the internet to view or download such material, whether on or off church property;
- Discussing sexual activities, including dreams and fantasies, or discussing the use of sexual oriented or explicit material, such as pornography, videos, or materials;

F. Examples of Appropriate Physical Contact

Some forms of physical contact may be appropriate between those in Pastoral relationships, provided they are welcomed by the recipient. These include the following:

- Brief hugs;
- Pats on the shoulder;
- Kisses on the cheek;
- Handshakes;
- Holding hands during prayer;
- Pats on the shoulder or back;
- Touching hands;
- Touching shoulders;
- Touching arms;
- Holding hands when a person is upset.

If a person in a Pastoral Relationship is ever unsure about whether one of these types of touching is appropriate, he or she should ask permission and wait for a response before making physical contact.

G. Reporting

Anyone who believes that he or she or someone else has been subjected to sexual exploitation must promptly report it to one of the following:

1. The head of congregation, school, or institution
2. A warden of the congregation
3. Bishop's Office: The Ven. Calhoun Walpole, 98 Wentworth St., Charleston, SC, 29401 or call 1-843-256-2016.

Clergy and other church personnel are required to report immediately any suspected or known sexual exploitation to one or more of the individuals above. Diocesan employees must report any complaints or policy violations to the Canon to the Ordinary or Safe Church Minister.

Complaints of sexual exploitation may be made in any of the following ways:

1. Telephone call
2. A letter
3. A fax
4. An in person meeting

H. Screening and Selection

All persons who have Pastoral Relationships shall be pre-screened and selected as follows:

1. An applicant must be known to the leadership of the congregation for at least six months.
2. All applicants must complete an application form that includes an authorization for the release of information to conduct background screening and reference checks.
3. A sexual offender registry check must be completed for all applicants in any state in which an applicant has resided for the past seven years.
4. A criminal records check must be performed for persons who will be working with vulnerable adults in their homes. At a minimum, the criminal records check must cover any state where the applicant has resided for the past seven years.
5. References provided by an applicant, including at least one person outside the congregation, must be checked.
6. An individual interview with the applicant must be conducted.
7. All information gathered about an applicant must be carefully reviewed and evaluated to make a determination of whether the person may engage in

Pastoral Relationships.

8. A personnel file of persons who have Pastoral Relationships must be maintained with church records.

I. Repeat Background Checks

Criminal record checks and sexual offender registry checks must be repeated every five years for persons who have Pastoral Relationships.

J. Education and Training Requirements

Persons who have Pastoral Relationships as defined in this policy are required to complete the Diocesan training on the Prevention of Sexual Exploitation of Adults. The required education and training must be completed within three months of the start of the Pastoral Relationship. Training must be repeated every five years.

K. Transfers within the Diocese

Persons who have Pastoral Relationships who wish to transfer within the Diocese are required to undergo the same screening and selection processes 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; however, the individual seeking a transfer must complete a new application form, be interviewed, and update his or her references to include information about his or her Pastoral Relationships since the last screening was completed.

L. Monitoring and Supervising Pastoral Relationships

In addition to the other steps outlined above, monitoring and supervising persons who have Pastoral Relationships should include the following:

1. Maintaining an up-to-date list of persons who have Pastoral Relationships in the church records;
2. Requiring that all new activities that involve Pastoral Relationships be approved by the head of the congregation, school or institution before the activity is to begin. Requests to develop new activities or programs should be submitted in writing to the designated head.

M. Spiritual Counseling

There are laws that prohibit sexual exploitation between mental healthcare providers and those to whom they are providing those services. In the state of South Carolina, Clergy are included within the definition of “mental health provider” unless the services they provide cover only spiritual counseling. For this reason, it is important to follow these guidelines:

- Clergy and others in Pastoral Relationships should not go outside their area of expertise and training, but instead should make referral to a physician, psychologist or other mental health professional for issues that involved those specialties.
- Even clergy who are licensed or credentialed as mental healthcare professionals, such as psychologists, marriage or family therapists, and substance abuse counselors, must draw distinctions when they are functioning on behalf of the church and make it clear for those they are serving that they are not functioning in the role of a mental healthcare provider when working on behalf of the church, but only as a spiritual advisor.
- Clergy who are licensed and do provide services as mental healthcare providers while also serving as spiritual advisors on behalf of the church should clearly separate those roles by maintaining separate offices or locations and clearly communicate to all concerned when they are acting as a mental healthcare provider, as opposed to a spiritual advisor or spiritual counselor.
- Clergy who are separately licensed or credentialed as mental healthcare providers must maintain in full force separate professional insurance coverage at all times for any work they do outside their church role as spiritual advisors and provide proof of insurance to the church on an annual basis. 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 policies, with limits of at least \$50,000. The insurance policy must name the church employer or church as an additional insured.

N. Settings Where Pastoral Relationships Take Place:

Locations where Pastoral Relationships occur should, whenever possible, be in open, visible spaces (or in closed spaces with windows, unobstructed by blinds or other barriers) where casual monitoring by others is convenient; for example, in areas where other church personnel are visible or work nearby.

The location that is selected should convey safety and comfort without the use of couches, loveseats, or other furniture that would encourage close seating.

O. Suggestions for Office Décor

The following are recommendations that will help create an appropriate for Pastoral Relationships that is private but allows for appropriate monitoring and supervision.

- Comfortable chairs positioned at a 45 degree angle from each other create a good area for conversation. Couches and love seats are discouraged. If they are used, persons who have Pastoral Relationships should sit in a chair separate from visitors or parishioners. Furniture that reclines should be avoided.
- Artwork should be tasteful and not offensive.
- Windows in walls or doors should be unobstructed by blinds, furniture, curtains, or posters so that the space is always subject to casual monitoring.
- A sense of privacy can be maintained by arranging the furniture so that persons who provide pastoral care are always visible, but the parishioner or visitor does not feel exposed.
- If the space has a private entrance, and it is used, ensure that staff knows when someone is in the space and when it is being used for Pastoral Relationships.



Confidential Notice of Concern

Who is the complaint about?

Their position:

Date incident occurred:

Church/school/institution

City where church/school/institution is located

Nature of concern:

Describe the situation: (i.e. - what happened?)

Where did it happen?

Who else was present?

Has it ever happened before?

Was it reported? ___yes ___no ___don't know

If reported, to whom:

What action was taken:

Follow-up: Does anyone else need to be notified?

Would you like someone to call to discuss the situation? _____yes _____no

Name _____ Phone _____

Address _____

Signature _____ Date _____

Once completed, please fax or mail to one of the contacts below:

The Ven. Calhoun Walpole, 98 Wentworth St. Charleston, SC 29401

Telephone: 1-843-723-4575 or FAX 1-843-722-0415

OR

The Rt. Rev. Charles G. vonRosenberg, 98 Wentworth St. Charleston, SC 29401

Telephone: 1-843-723-4575 or FAX 1-843-722-0415