

Episcopal Diocese of Dallas

POLICIES FOR

SAFEGUARDING GOD'S PEOPLE

1630 North Garrett Avenue
Dallas, Texas 75206
Tel: (214) 826-8310
Fax: (214) 826-5968

Introduction: The Episcopal Diocese of Dallas presents **Policies for Safeguarding God’s People**. It is the intent of the Episcopal Diocese of Dallas to incorporate the following three policies into one policy, known as the **Policies for Safeguarding God’s People**:

- Policies for the Prevention of Sexual Harassment of Church Workers
- Policies for the Prevention of Sexual Exploitation of Adults
- Policies for the Protection of Children and Youth from Abuse

Since these **Policies for Safeguarding God’s People** may be presented in whole or in part, it is important to understand that each section will rely on language found in the General Definitions or information found in the Appendices of this document. Instructors and participants should make time to review and understand the information in both of these sections.

To teach these policies as a complete unit will require approximately seven hours of time. Specifically, one point five hours for each of the first two sections or three hours. The last unit, Policies for the Protection of Children and Youth from Abuse, requires four hours to complete. This may be extended, depending on class size or design of the class to address a specific ministry or setting.

The trainer for the first two policies should be an approved Safeguarding presenter. The Policies for the Protection of Children and Youth from Abuse can be an approved Safeguarding presenter or Active Clergy member or designee who has a training kit. Also they should have experience leading group work in this subject. Also, anyone may now receive this training online as outlined in this policy.

These combined policies were adapted from Model Policies created by the Church Pension Group and the Nathan Network, as well as by the Episcopal Diocese of Dallas. The Nathan Network is a non-profit organization dedicated to serving the Episcopal Church by providing support for those engaged in preventing and/or responding to sexual misconduct through training and empowerment, education, spiritual support, resources, and networking.

For a complete history and original copy of the Model Policies you can find them on the internet at: <https://www.cpg.org/administrators/insurance/preventing-sexual-misconduct/overview/> .

The following are references to Legislation from General Convention of the Episcopal Church which were specifically related to the development of these policies:

- Prevention of sexual harassment of church workers, Resolution Number: 1991- B052, General Convention Resolution A156 (2006)
- Prevention of sexual exploitation of church workers, General Convention Resolution B052 (1991), General Convention Resolution A156 (2006)

- Protecting children & youth from abuse, Resolution X031, House of Bishops Letter on Child Sexual Abuse 2003, Resolution B008, Protection of Children and Youth from Abuse, 74th General Convention (2003)

Sample Forms

The Appendices contain sample forms. It is important that any personnel policies and/or forms be carefully considered, developed and revised to fit the needs of each setting and reviewed in light of each congregation's unique programs. These sample forms are provided strictly as a convenient reference and starting point to help congregations in the development of forms, such as an application, reference request on the covered subjects, as desired.

Distribution and Copying

Copies of *Model Policies* can be obtained from the Church Pension Group on its website at www.cpg.org.

Commercial use of *Model Policies for the Prevention of Sexual Exploitation of Adults* is strictly prohibited.

Commercial use of *Model Policies for the Prevention of Sexual Harassment of Church Workers* is strictly prohibited.

Commercial use of *Model Policies for Safeguarding God's Children* is strictly prohibited.

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I.

GENERAL DEFINITIONS

(1) Children, youth and young adults:

1. A “child is defined as anyone under the age of 12 years.
2. A “youth” is defined as anyone between the ages of 12 and 18 years old, or an individual who is 18 years old or older but still in high school.
3. An “adult” is defined as a person is over the age of 18 years old, and has been out of high school.

(2) Church:

For purposes of this Policy, the term “Church” means the Episcopal Diocese of Dallas (referred to herein as “Diocese”), and its member parishes and missions, affiliated schools, affiliated agencies, and clergy who are canonically resident in the Diocese.

(3) Church Employee:

For purposes of this Policy, the term “church employee” means all individuals hired by the Church who are employees of the Church for purposes of federal, state and/or local discrimination and harassment laws.

(4) Church Personnel:

For purposes of this Policy, the term “church personnel” means:

1. All clergy, whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the Church;
 2. All paid personnel (including church employees) whether employed in areas of ministry or other kinds of service by the Church (e.g., secretaries, compensated treasurers or sextons, choir directors or other musicians);
 3. Those who contract their services to the Church;
 4. Volunteers, including any person who interest 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; and
 5. All interns, persons in the ordination process, and persons serving in field education assignments.
- a. Examples of church personnel who “regularly work with or around children or youth” include, but are not limited to:
- i) All clergy;
 - ii) All Church employees who supervise or assist with supervising children and youth (e.g., nursery workers, family life ministry coordinators, youth directors);
 - iii) All volunteers who supervise or assist with supervising children (e.g., Godly Play teachers, Sunday School teachers, children’s choir helpers, day camp volunteers);
 - iv) All persons who provide transportation to children or youth on a regular basis;

- v) Any individuals whose living quarters are on the grounds of the Church;
 - vi) All Church employees and volunteers who supervise or assist with supervising youth (e.g., youth group leaders);
 - vii) Church employees and volunteers who work or assist in the nursery;
 - viii) All staff, whether volunteer or paid, at church camps;
 - ix) Adults who participate in overnight activities with children or youth (e.g., youth retreats, mission trips);
 - x) Church school teachers; and
 - xi) Children’s or youth choir directors, including organists who work with children or youth.
- b. Examples of church personnel who “*occasionally* work with or around children or youth” include, but are not limited to:
- i) All persons who supervise or assist with supervising children or youth in ministries, programs or activities infrequently, generally no more than three times a year or for one program or activity during a year that lasts less than a month (e.g., assisting with preparation for the Christmas pageant, or substituting in a Church school classroom);
 - ii) All persons who provide transportation to children or youth without other adults in the vehicle at least four times a year;
 - iii) All persons who work or assist in the nursery four or fewer times a year whether on an emergency basis or as a substitute.
- c. Examples of church personnel who do *not* regularly or occasionally work with or around children or youth may include, but are not limited to:
- i) Vestries (so long as they do not assist with youth programs);
 - ii) Members of advisory boards, bishop’s committees, boards of directors and advisory boards of directors;
 - iii) Staff or volunteers who maintain buildings and grounds;
 - iv) Anyone else who is given a key to the church (but is not otherwise covered by one of the other categories above); and
 - v) Administrative office help.

(5) Pastoral Relationship:

For purposes of this Policy, a “pastoral relationship” means a relationship between:

- a. Any clergy person (stipendiary, non-stipendiary or otherwise) 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;
- b. Any person and a clergy person or a duly-appointed lay person, whether employee or volunteer, who is authorized to provide and provides to that person:
 - i) Counseling;
 - ii) Pastoral Care;
 - iii) Spiritual direction or spiritual guidance;
 - iv) Ministration of any Sacrament (other than the distribution of the Bread and Wine by a lay person at a public service of Holy Communion);

- v) Life/leadership/peer coaching;
 - vi) Hearing a person's confession, in the course of the duly-authorized ministry.
- c. Any minister licensed under Canon III.4 (e.g., pastoral leaders, worship leaders, preachers, Eucharistic visitors, and catechists) and those they serve in the course of these ministries.

(6) Supervisors and Decision-Makers:

For purposes of this Policy, the term "supervisors and decision-makers" means:

1. All persons who supervise Church personnel who have pastoral relationships;
2. All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment;
3. All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
4. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or personnel policies involving pastoral relationships; and
5. All members of Standing Committees, Diocesan Councils/Executive Boards, Vestries, and Bishop's Committees who appoint or approve persons who have pastoral relationships as defined in this Policy including all Standing Committees, Commissions on Ministry, Vestries, Board of Directors for Schools, Bishops Committees and the like.

(7) Types of Abuse

- a. **"Physical abuse"** is a non-accidental injury, which is intentionally inflicted upon another person (child, youth or adult).
- b. **"Sexual abuse perpetrated by an adult"** is any contact or activity of a sexual nature that occurs between a child or youth and an adult. This includes any activity which is meant to arouse or gratify the sexual desires of the adult, child or youth.
- c. **"Sexual abuse perpetrated by another child or youth"** is any contact or activity of a sexual nature that occurs between a child or youth and another child or youth when there is no consent, when consent is not possible, or when one child or youth has power over the other child or youth. This includes any activity which is meant to arouse or gratify the sexual desires of the child or youth involved in the activity.
- d. **"Emotional abuse"** is mental or emotional injury to a child or youth that results in an observable and material impairment in the child or youth's growth, development or psychological functioning.
- e. **"Neglect"** is the failure to provide for a child or youth's basic needs or the failure to protect a child or youth from harm.
- f. **"Economic exploitation"** is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a child or youth's belongings or money.
- g. **"Sexual harassment"** is harassment or unwelcome attention of a sexual nature. It includes a range of behavior from mild transgressions and annoyances to serious abuses, which can even involve forced sexual activity. Sexual harassment is considered a form of illegal discrimination, and is a form of abuse (sexual and psychological) and bullying.
- h. **"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.

- i. **“Spiritual abuse”** is a form of psychological abuse, in which a person in a position of leadership uses religion to harass, humiliate or manipulate another person. An example is a cult mentality, in which there is a heavily legalistic and/or coerced conversion or over-emotional dependency on a leader.

II.

EDUCATION AND TRAINING REQUIREMENTS

A. Education and Training Requirements for Policies for Prevention of Sexual Harassment of and by Church Workers

1. Church Employees:

Church employees are required to take training on sexual harassment and the organization's sexual harassment policy by an approved Safeguarding God's People presenter.

- Existing church employees must be trained within three months of the effective date of this Policy.
- New church employees must be trained before they start work in their work in Church position. If that is not possible, the Policy must be reviewed and discussed with them before they start work and the training must be completed within three months of starting.

2. Supervisors and Decision-Makers:

Supervisors and decision-makers are required to take training on sexual harassment and the organization's sexual harassment policy by an approved Safeguarding God's People presenter.

- Existing Church supervisors and decision-makers must be trained within three months of the effective date of this Policy.
- New Church supervisors and decision-makers must be trained before they start work in their work in Church position. If that is not possible, the Policy must be reviewed and discussed with them before they start work and the training must be completed within three months of starting.

A certificate of completion of this training will be on file with the congregation and diocese. This training needs to be completed every three years.

B. Education and Training Requirements for Policies for the Prevention of Sexual Exploitation of and by Church Workers

1. Personnel Who Have Pastoral Relationships

Church personnel who have pastoral relationships are required to complete training on the prevention of the sexual exploitation of adults.

- Existing Church personnel with pastoral relationships must be trained within three months of the effective date of this Policy.
- New Church personnel with pastoral relationships must be trained before they engage in a pastoral relationship. If that is not possible, the Policy must be reviewed and discussed with them before they begin engaging in pastoral relationships and the training must be completed within three months of engaging in pastoral relationships.

2. Supervisors and Decision-Makers of Persons Who Have Pastoral Relationships:

Supervisors and decision-makers of persons who have pastoral relationships are required to take training on the prevention of sexual exploitation of and by church workers by an approved Safeguarding God's People presenter.

- Existing Church supervisors and decision-makers must be trained within three months of the effective date of this Policy.
- New Church supervisors and decision-makers must be trained before they start work in their work in Church position. If that is not possible, the Policy must be reviewed and discussed with them before they start work and the training must be completed within three months of starting.

A certificate of completion of this training will be on file with the congregation and diocese. This training needs to be completed every three years.

C. Education and Training Requirements for Protecting Children and Youth from Abuse

1. Church Personnel Who Work Regularly or Occasionally With or Around Children or Youth

All church personnel who work regularly or occasionally with or around children or youth are required to complete child abuse awareness education and training prior to beginning their work with or around children and/or youth. If that is not possible, then the person to be trained must complete the training within thirty days of being hired.

To satisfy the training requirements, each church personnel covered by this section must:

- Complete the course, "Safeguarding God's Children" (or "Safeguarding Guarding God's Children on-line");
- Have a Certificate of Complete of the course filed with the Church and the Diocese;
- Be given a copy of the Diocesan Policies for the Protection of Children and Youth and Abuse;
- Sign an acknowledgement that they have read and understand the current Policies for the Protection of Children from Abuse;
- Sign a copy of the "Contractual Code of Conduct" found in the Diocesan policies.

2. Supervisors and Decision-Makers of Church Personnel Who Work Regularly or Occasionally With or Around Children or Youth

Church personnel who are responsible for screening, selection and supervision of others in programs for children and youth are expected to complete an additional three hours of specialized education in these areas every three years.

3. Church Personnel Who Do Not Work With or Around Children or Youth

Church personnel, including those who have keys to the building, who do not work with or around children or youth are required to complete the "Safeguarding" training program.

Vestry members, whose responsibilities include the oversight of a congregation, are required to complete the “Safeguarding” training program. Within thirty (30) days of election of the new vestry members at an annual meeting, all vestry members must:

1. Receive a copy of the Diocesan Policies for Safeguarding God’s People;
2. Sign an acknowledgement that they have read and understand the current Policies for the Protection of Children from Abuse;
3. Sign a copy of the “Code of Conduct” found in the Diocesan policies (see Appendix G).

III.

POLICIES FOR THE PREVENTION OF SEXUAL HARASSMENT OF AND BY CHURCH WORKERS

The Episcopal Diocese of Dallas prohibits all church personnel from engaging in sexual harassment. Further, the Diocese prohibits sexual harassment of church personnel by anyone (including supervisors or decision-makers, co-workers, consultants, vendors and other non-employees). The behavior of any individuals engaging in such conduct, or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated.

ALL CHURCH PERSONNEL, WHETHER SUPERVISORY OR NON-SUPERVISORY, AND WHETHER PAID OR VOLUNTEER, ARE PROHIBITED FROM ENGAGING IN THE CONDUCT PROHIBITED BY THIS POLICY.

A. Prohibited Behavior

As noted above, the Church prohibits all forms of sexual harassment in the Church. Specific definitions and examples of sexual harassment are set forth in the “General Definitions” section above, as well as below.

1. Sexual Harassment

Sexual harassment is prohibited by this Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

Verbal:

- a) Repeated sexual innuendos, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
- b) Propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;
- c) Inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person’s sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the “forward” button instead of “reply,” or forgetting that a particular individual or worker is on one of your group lists.

Visual/Non-Verbal:

- a) Derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.);
- b) Suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, screensavers, or other electronic displays of a sexual nature);
- c) Graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, "shooting the finger," kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

Physical:

Unwanted physical contacts (including touching, interference with an individual's normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault); and

Other:

Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the Church or its display, duplication, or transmission.

Such verbal and physical conduct may constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Church work;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or other Church work decisions affecting such individual;
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.

2. Retaliation

The Church will not take any action in retaliation against any Church personnel who, in good faith and with a genuine belief that he/she has been sexually harassed, brings or voices a complaint pursuant to this Policy or otherwise opposes sexual harassment. In addition, the Church will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Church policy and applicable law. If you believe you have been subjected to retaliation in violation of this Policy, you should report your complaint immediately in the manner specified in Section B below. Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual because such individual (1) in good faith and with a

genuine belief that he/she has been subjected to sexual harassment, made an honest complaint about such conduct, (2) participated honestly and in good faith in any investigation into a sexual harassment complaint, and/or (3) in good faith opposed acts of sexual harassment.

B. Procedures for Reporting Suspected Sexual Harassment and/or Retaliation

These policies offer two options for reporting sexual harassment and/or retaliation: Option 1 is for Employers of 15 or more employees, and Option 2 is for Employers of less than 15 employees.

1. If Employer is covered by Title VII and has 15 or more employees

General Procedures Applicable to All Church personnel

If an individual believes that the actions or words of a supervisor/manager, co-worker, customer, vendor, volunteer, or other individual in the Church constitutes illegal or prohibited sexual harassment, that individual has the responsibility to promptly report that behavior to the Church's management. Prompt reporting enables the Church to stop the sexual harassment before it becomes severe or pervasive.

If an individual believes he or she has been the victim of any form of sexual harassment or retaliation, that individual must promptly give notice of his or her complaint to one or more of the following:

1. His or her supervisor;
2. Anyone in the supervisory chain of command;
3. The rector or clergy person in charge of the congregation;
4. A warden of the congregation;
5. The bishop or other designated person in the diocese;

Individuals are not legally required to complain to their supervisor or within their chain of command. In addition to reporting the offending behavior to one of the people listed above, individuals are encouraged to speak directly to the individual whose conduct he or she finds objectionable, but only if he or she is comfortable doing so. If a person decides to speak directly to the other person involved, they may find that clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church. However, such discussions are not always possible, and are not required.

An individual who believes that he or she has been the subject of sexual harassment may formally or informally complain to any of the above personnel via any of the following:

1. Telephone call

2. Letter
3. E-mail
4. Fax
5. In-person meeting
6. Filing a Notice of Concern (This is found in the appendices or the Diocesan website).

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 the rector or clergy person in charge of the congregation (for parishes), or Canon to the Ordinary, or bishop of the Episcopal Diocese of Dallas. All complaints must be reported, even if the individual reporting the violation has requested that the complaint be kept confidential. Church personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation. If the rector or clergy person in charge of the congregation is part of the problem, it is appropriate for a supervisor or decision maker to make this report to the Bishop or the Canon to the Ordinary.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent sexual harassment in the church, and retaliation against those who make a good faith complaint of sexual harassment, or those who participate honestly and in good faith in either an investigation of a complaint or oppose illegal or prohibited sexual harassment in the church.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially by church management and or its designee. Complaints may be made verbally or in writing. Once a supervisor or decision maker receives notice of any complaint of sexual harassment it will swiftly determine whether or not a fact-finding investigation is necessary.

If it is determined that a fact-finding investigation is necessary, it will be launched promptly.

If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the Church will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or Church personnel with a need to know in order to carry out the purpose and intent of this Policy.

Corrective or disciplinary action will be taken against any Church personnel found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination.

The complaining party will be given notice in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

2. If Employer has less than 15 employees

General Procedures Applicable to All Church Personnel

If an individual believes the actions or words of a supervisor/manager, co-worker, customer, vendor, volunteer, or other individual in the church constitutes illegal or prohibited sexual harassment, that individual has a responsibility to promptly report that behavior to the church's management. Prompt reporting enables the church to stop the sexual harassment, before it becomes severe or pervasive.

If an individual believes that he or she has been the victim of any form of sexual harassment or retaliation, that individual must promptly give notice of the complaint to one or more of the following:

1. His or her supervisor;
2. Anyone in the supervisory chain of command;
3. The rector or clergy person in charge of the congregation;
4. A warden of the congregation;
5. The bishop or other designated person in the diocese.

Individuals are not legally required to complain to their supervisor or within their chain of command. In addition to reporting the offending behavior to one of the people listed above, individuals are encouraged to speak directly to the individual whose conduct he or she finds objectionable, but only if he or she is comfortable doing so. If a person decides to speak directly to the other person involved, they may find that clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church. However, such discussions are not always possible, and are not required.

An individual who believes that he or she has been the subject of sexual harassment may formally or informally complain to any of the above personnel via any of the following:

1. Telephone call
2. Letter
3. E-mail
4. Fax
5. In-person meeting
6. Filing a Notice of Concern (This is found in the appendices or the Diocesan website).

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 the rector or clergy person in charge of the congregation (for parishes), or Canon to the Ordinary, or bishop of the Episcopal Diocese of Dallas. All complaints must be reported, even if the individual

reporting the violation has requested that the complaint be kept confidential. Church personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation. If the rector or clergy person in charge of the congregation is part of the problem, it is appropriate for a supervisor or decision maker to make this report to the Bishop or the Canon to the Ordinary.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent sexual harassment in the church, retaliation against those who make a good faith complaint of sexual harassment, those who participate honestly and in good faith in either an investigation of a complaint, or oppose illegal or prohibited sexual harassment in the church.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially by the church's management and/or its designee. Complaints may be made orally or in writing. Once church management receives notice of any complaint of sexual harassment it will swiftly determine, after consultation with the Bishop, whether or not a fact-finding investigation is necessary. If it is determined that a fact-finding investigation is necessary, it will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the Church will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or church personnel with a need to know in order to carry out the purpose and intent of this policy.

Corrective or disciplinary action will be taken against any church personnel found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination.

The complaining party will be given notice in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

3. Additional Options for Church Employees, Not Volunteers

This section provides additional options for church employees, not volunteers, who believe they have been the victim of any form of sexual harassment, as prohibited by federal, state or local law.

If you are a church employee, not a volunteer, as defined under this policy and you believe you have been the victim of any form of illegal sexual harassment, in addition to the procedure set forth above, you also have the option of consulting with an attorney and/or filing a complaint with the Texas Workforce Commission (TWC) and the Labor and Employment Opportunity Commission (EEOC), as well as pursuing any other remedies permitted by law. Generally, complaints must be filed within 180 days of the date of the alleged discrimination under Texas law.

4. Timeliness

For all employment related complaints, a charge must be filed with TWC and/or the EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights.

This 180-day filing deadline may be extended to 300 days if the charge also is covered by a state or local anti-discrimination law.

These time limits do not apply to claims under the Equal Pay Act, because under that Act persons do not have to first file a charge with EEOC in order to have the right to go to court. However, since many EPA claims also raise Title VII sex discrimination issues, it may be advisable to file charges under both laws within the time limits indicated.

IV.

POLICIES FOR THE PREVENTION OF SEXUAL EXPLOITATION BY CHURCH PERSONNEL IN A PASTORAL RELATIONSHIP

The Episcopal Diocese of Dallas 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, as defined above in the “General Definitions” section.

ALL CHURCH PERSONNEL ENGAGING IN A PASTORAL RELATIONSHIP, WHETHER SUPERVISORY OR NON-SUPERVISORY, AND WHETHER PAID OR VOLUNTEER, ARE PROHIBITED FROM ENGAGING IN SEXUAL EXPLOITATION.

A. Prohibited Behavior

As noted above, the Church prohibits all forms of sexual exploitation in the Church. The term, “sexual exploitation” is specifically defined in the “General Definitions” section above.

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

- a) Verbal: such as sexual innuendo, indecent proposals, sharing sexual stories, jokes or fantasies, or making inappropriate comments about someone’s appearance;
- b) Behaviors: such as inappropriate touching, sending or posting communications with sexual content (correspondence, email, text messages, instant messages, photographs, attachments, phone conversations, voice mail, social networking, etc.);
- c) Sexualizing a Pastoral Relationship (e.g., requesting dates, giving unwanted attention, etc.).

B. 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:

- the rector or clergy person in charge of the congregation;

- the Senior Warden of the congregation;
- The Bishop; or
- The Canon to the Ordinary.

An individual who believes that he or she has been the subject of sexual harassment may formally or informally complain to any of the above personnel via any of the following:

- Telephone call;
- Letter;
- Email;
- Fax;
- In-person meeting; and/ or
- Filing a “Notice of Concern”

Church Personnel are required to report any suspected or known policy violations to the rector or clergy person in charge of the congregation.

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

C. Safeguards for Preventing Sexual Exploitation

1. Screening and Selection

Any and all Persons Who Have Pastoral Relationships shall be screened and selected using the following tools and procedures *before* engaging in pastoral relationships:

- a. Applicants shall be known to the leadership of the congregation for at least six (6) months to a year.
- b. Background Screening
 - i. An **Application** form completed by the applicant that includes an authorization for the release of information to conduct background screening and reference checks (See Appendix B) and that also includes the **Code of Conduct** (Appendix G).
 - ii. **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 five (5) years, and other states, if any, as determined by the congregation or diocese.
 - iii. **Sexual Offender Registry Check** in any state where the applicant has resided during the past five (5) years.
 - iv. **Individual Interview** with the applicant.

- v. **Reference Checks** of applicants should include at least one relative outside the congregation and at least one other person outside the congregation.
- c. 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.
- d. Persons Who Have Pastoral Relationships must have a personnel file that is kept where other church records are kept.
- e. Criminal records checks and sexual offender registry checks will be conducted every three (3) years on persons who have pastoral relationships.
- f. Persons who have pastoral relationships who transfer within the Diocese 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, school, agency, 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.

2. Education and Training: Any and all Church personnel must comply with the Education and Training Requirements as set forth herein (see Page 5).

3. 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:

- a. Maintaining an up to date list of approved persons who have pastoral relationships in the church office or other place where church records are kept.
- b. Requiring that all new activities that include pastoral relationships have the approval of the rector or canonical equivalent before they start. Requests to develop new activities should be submitted in writing to the rector. The rector will consider whether the plan for a new activity includes adequate monitoring and supervision.
- c. Requiring that all persons who have pastoral relationships be approved to do so by the rector or canonical equivalent in accordance with the Screening and Selection process above.

d. 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.

4. 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 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; and
- 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

V.

PROTECTING CHILDREN AND YOUTH FROM ABUSE

Relationships among people are the foundation of Christian ministry and as such are central to the life of the church. Defining healthy and safe relationships through policies and codes of conduct is not meant, in any way, to undermine the strength and importance of personal interaction in our ministries. Rather, it is to assist in more clearly defining behaviors and practices that allow the church to more fully demonstrate its love and compassion for children and youth in sincere and genuine relationships. Relationships in ministry should always be experienced as caring and without intention to do harm or allow harm to occur. These Policies and Codes of Conduct have been adopted by the Episcopal Diocese of Dallas to help the church create safe environments for children and youth and for those who minister to them. All church personnel are asked to carefully consider each statement in the Code and within the Policies for the Protection of Children and Youth from Abuse before agreeing to adhere to the statements and continue in service to the Church.

A. CODE OF CONDUCT FOR THE PROTECTION OF CHILDREN AND YOUTH

- Church personnel agree to do their best to prevent abuse and neglect among children and youth involved in church activities and services;
- Church personnel agree to not physically, sexually or emotionally abuse or neglect a child or youth;
- Church personnel agree to comply with the **policies for general conduct** with children and youth as defined in these Policies for the protection of Children and Youth from Abuse;
- All Church personnel agree to comply with the **Guidelines for Appropriate Affection** (See Appendix I) with children and youth;
- In the event that Church personnel observe any inappropriate behaviors or possible policy violations with children or youth, Church personnel agree to immediately report their observations to their supervisor and/or to the appropriate legal authority;
- All Church personnel acknowledge their obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities in accordance with these policies; and
- Church personnel understand that the Church will not tolerate abuse of children and youth and agree to comply wholeheartedly with this position.

B. SAFEGUARDS FOR CHILDREN AND YOUTH

1. Screening and Selection

- a. Any and all Church personnel who are paid employees or who regularly work with or around children or youth in **overnight situations or long-term nursery care** shall be screened and selected utilizing at least the following:
 - i. Standard Application for an Employee or a Standard Application for a Volunteer (See Appendices C and D) completed by the applicant that includes an authorization for the release of information for background checks;
 - ii. Criminal Records Check in any state where the applicant has resided during the past five (5) years, and other states, if any, as determined by the Church (See Appendix G);
 - iii. Sexual Offender Registry Check in any state where the applicant has resided during the past seven (7) years (See Appendix G);
 - iv. Individual interview with the applicant;
 - v. If an employee, reference checks with persons outside the congregation who know the applicant, and preferably who know how the applicant works with children; and
 - vi. Driving or Motor Vehicle Records Check if the person may be transporting children or youth.

- b. Any and all Church personnel who **regularly work with or around children or youth** shall be screened and selected utilizing at least the following:
 - i. Standard Application for a Volunteer completed by the applicant and the Code of Conduct;
 - ii. Sexual Offender Registry Check in any state where the applicant has resided during the past five (5) years;
 - iii. Individual interview with the applicant;
 - iv. Driving or Motor Vehicle Records Check if the person may be transporting children or youth.

- c. Any and all Church personnel who **occasionally work with or around children or youth** shall be screened and selected utilizing at least the following:
 - i. Standard Application for a Volunteer completed by the applicant and the Code of Conduct;
 - ii. Individual interview with the applicant;
 - iii. Sexual Offender Registry Check in any state where the applicant has resided during the past five (5) years;

- iv. If an employee, reference checks with persons outside the congregation who know the applicant, and preferably who know how the applicant works with children; and
 - v. Driving or Motor Vehicle Records Check if the person may be transporting children or youth.
- d. 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 work with children or youth.
 - e. Church personnel who work with or around children or youth must have a personnel file that is kept where other Church records are kept.
 - f. Criminal records checks and sexual offender registry checks will be conducted every three (3) years for Church personnel who regularly work with or around children or youth.
 - g. Church personnel who transfer within the Diocese of Dallas and apply for or are asked to or who do undertake a position working with children or youth are required to undergo the same screening and selection process in Section A above. This requirement may be met through a transfer of a copy of their personnel file to the new congregation, school, agency or program together with the completion of a new application, individual interview, and reference checks with the congregations, schools, agencies or other programs for which the applicant has worked with or around children or youth since the screening was last done as shown in the applicant's file.
2. Education and Training: Any and all Church personnel must comply with the Education and Training Requirements as set forth herein (see Page 5).
3. Monitoring and Supervision of Programs
- a. Church personnel who are responsible for screening, selection and supervision of others in programs for children and youth are required to keep adequate records in this area.
 - b. The Diocese of Dallas will maintain a database record of all Church Personnel who have received Safe Church Training in child abuse prevention.
 - c. The minimum number of adults at any activity involving children or youth is two. It may be appropriate for a Sunday School class to have only one teacher so long as at least one other adult can maintain visual contact with the teacher. The congregation, school, agency or program is responsible for ensuring that sufficient leadership is provided for all activities.

- d. Older children or teens working with educational programs can do so in a leadership role under the supervision of and in the physical presence of an adult.
- e. Church personnel are prohibited from being alone with a child or youth where other adults cannot easily observe them.
- f. An up to date list of approved congregation-sponsored programs for children or youth will be maintained in the church office or place where other church records are kept.
- g. Church personnel are not permitted to develop new activities for children or youth without approval from the rector or vestry. No event for children or youth shall take place in a private residence without prior approval from the rector or vestry. Requests to develop new activities should be submitted in writing to the rector or vestry who will consider whether the plan includes adequate adult supervision.
- h. Each program will develop age-appropriate procedures to ensure the safety of children and youth using restrooms and showers or baths.
 - i. When supervising or assisting private activities such as dressing, bathing or diapering infants or children, Church personnel will remain in an area observable by other adults or work in pairs.
 - j. When both boys and girls are participating in an activity other than educational programs or under nursery care, male and female adults must be present.

4. General Conduct for the Protection of Children and Youth

These guidelines should be used to make decisions about interactions with children and youth in church sponsored affiliated programs. They are not designed or intended to address interactions within families. When exceptions to these guidelines must be made, they should be reported to the supervisor of the church personnel making the exception as soon as possible.

- a. All church personnel who work with children or youth must agree to comply with the Diocese of Dallas Guideline for Appropriate Affection.
- b. No person will be allowed to volunteer or be employed to work with children or youth until the person has been known to the clergy and congregation for at least six months. Staff and volunteers may be hired for specific skills or diversity. Some examples include: kitchen, international staff, licensed RN, physician, Emergency Medical Technicians, or Red Cross training. In these cases the director or priest shall seek three references who have known the applicant for not less than six months, and the staff or volunteer person must undergo the usual four hours of misconduct training.
- c. Programs for infants and children under six years old have procedures to ensure that children are released only to their parents or legal guardians or those designated by them.
- d. Church personnel are prohibited from the use, possession, distribution, of alcohol, illegal drugs, or the misuse of legal drugs while participating in or assisting with programs or activities specifically for children or youth.

- e. Parents or guardians must complete written permission forms before church personnel transport children and youth for a church sponsored activity or for any purpose on more than an occasional basis.
- f. Church personnel will respond to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socio-economic status.
- g. Church personnel will portray a positive role model for children and youth by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism.
- h. One-to-one counseling with children or youth will be done in a place where private conversations are possible, but occur in full view of others, including open or public places.
- i. Church personnel are prohibited from dating or becoming romantically involved with a child or youth.
- j. Church personnel are prohibited from having sexual contact with a child or youth.
- k. Church personnel are prohibited from possessing any sexually oriented materials (magazines, cards, videos, films, clothing, etc.) on church property or in the presence of children or youth, except as expressly permitted as part of a pre-authorized educational program.
- l. Church personnel are prohibited from using the Internet to view or download any sexually oriented materials. If discovered, the person is subject to immediate termination.
- m. Church personnel are prohibited from 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 children or youth.
- n. On any overnight events, the sleeping arrangements shall be reviewed and approved by the priest and wardens, or governing committee for each programmed event. Wherever possible, children and youth should be supervised by teams of trained volunteers or personnel.
- o. Church personnel should avoid dressing, undressing, bathing, or showering in the presence of children or youth.
- p. Church personnel are prohibited from using physical punishment in any way for behavior management of children and youth. No form of physical discipline is acceptable. This prohibition includes: spanking, slapping, pinching, hitting, or any other physical force. Physical force may only be used to stop a behavior that may cause immediate harm to the individual or to a child, youth or others
- q. Church personnel are prohibited from using harsh or degrading language, punishment, or restraint such as rope or tape for behavior management.
- r. Church personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to children's or youth ministry or camp activities.

C. RESPONDING TO PROBLEMS

Reporting inappropriate behaviors or policy violations with children or youth:

1. When church personnel observe any inappropriate behaviors inconsistent with the Guidelines for Appropriate Affection, or which may violate any provision of these Policies, they must immediately report their observations. Examples of inappropriate behaviors or policy violations would be:
 - Seeking private time with children or youth;
 - Taking children or youth on over-night trips without other adults;
 - Swearing or making suggestive comments to children or youth; or
 - Selecting or using staff or volunteers without the required screening.
2. Such inappropriate behaviors or possible policy violations that relate to interactions with children or youth should be reported in one of the following ways:
 - b) A telephone call or meeting with the immediate supervisor of the person;
 - c) A telephone call or meeting with the rector, if the person is not the rector;
 - d) A telephone call or meeting with a church warden if the person is the rector;
 - e) A telephone call, meeting or fax to the bishop;
 - f) Submit a signed Notice of Concern and send it to the bishop.
3. All reports of inappropriate behavior or policy violations with children or youth are taken seriously. A priest may request a personal inquiry pursuant to Title IV, Canon 3, Section 6.

D. REPORTING SUSPECTED ABUSE OF CHILDREN OR YOUTH

All church personnel are required to report known or suspected abuse of children or youth to the Department of Family and Protective Services immediately, but no later than within 48 hours from the time of the suspected abuse. A report shall be made to:

Texas Department of Family and Protective Services
Texas Abuse Hotline: 1-800-252-5400
Online: www.txabusehotline.org

Failure to report suspected abuse of children or youth may be a crime, in violation of Section 21.11 of the Texas Penal Code. Reports may be made confidentially or anonymously to appropriate authorities. Texas provides immunity from civil liability for persons who report suspected abuse in good faith. Simply stated, "in good faith" means that the person submitting the report believes what he or she is reporting to be true.

In addition to reporting to the state authorities, church personnel are required to report any suspected or known abuse of children or youth that may have been perpetrated by church

personnel directly to the rector of the parish so that immediate and proper steps may be taken to ensure the safety of alleged victims.

Reports of suspected or known abuse that involve church personnel may be reported to the Episcopal Diocese of Dallas in the following ways:

- 1) A telephone call, meeting or fax to the bishop:

Tel: (214) 826-8310

Toll Free: (800) 851-8497

Fax: (214) 826-5968 (cover letter to the Bishop)

- 2) A telephone call or meeting with the rector, if the rector is not the person about whom the complaint is lodged; or
- 3) Send a signed Notice of Concern to the Bishop

The Episcopal Diocese of Dallas and every congregation will cooperate with any investigation by state authorities to the fullest extent appropriate and inform authorities that a concurrent internal investigation will be directed by the Diocese.