



Safeguarding God's People

The Episcopal Diocese of Texas

Policies Prohibiting Sexual Exploitation

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Why We Have These Policies

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.” Diocesan Safe Church Policies give life to that Baptismal promise.

The Episcopal Diocese of Texas is committed to maintaining an environment free of abuse, exploitation and harassment in its churches, schools, and other entities. 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 outlined in *Safeguarding God's People: Policies Prohibiting Sexual Exploitation*.

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

The administrator of these policies must be certified in Safeguarding God's People and be extensively familiar with the policies and procedures in order to make appropriate decisions about their application in the local ministry setting. The administrator is to contact the Safe Church Minister for clarification of the policies or guidance in applying them.

Safe Church Requirements for Clergy

The Diocese of Texas requires all clergy to be certified in Safeguarding by completing Safeguarding God's Children and Safeguarding God's People - Clergy training in our Diocese within 90 days of hire.

This is in addition to any training, which may have previously been taken in another diocese and/or seminary. Recertification is required every five years. Clergy certifications are managed through the Safe Church Office of The Episcopal Diocese of Texas. Contact the Safe Church Office safechurch@epicenter.org or call 800.947.0580 to access training opportunities and verify certification.

Policy Prohibiting Sexual Misconduct*

The Diocese of Texas 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.**

Definitions:

1. Sexual Misconduct

Sexual misconduct encompasses a range of behavior(s) used to obtain sexual gratification against another's will or at the expense of another, or outside of one's own marriage covenant. Sexual misconduct includes; sexual exploitation, sexual harassment and sexual abuse. This definition also includes sexual abuse 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*.

2. Sexual Exploitation

Sexual misconduct also includes sexual exploitation. As set forth in the *Policies Prohibiting Sexual Exploitation*, 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. (Married or dating relationships are covered in Section C of these policies.)

3. Sexual Harassment

Sexual harassment in the workplace is also included in the definition of prohibited sexual misconduct. Sexual harassment is defined in the Diocese's Policies Prohibiting Sexual Harassment 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.

4. 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 should promptly 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 *Policies Prohibiting Sexual Exploitation*.

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.

5. Abuse of Children and Youth

Anyone who has cause to believe that a child's physical or mental welfare has been or is being 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 involving a minor must also follow the reporting procedures outlined in the Diocesan Policies for the Protection of Children and Youth from Abuse.

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 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.

**See also – SGP College Ministries and Safeguarding Policies for Missional Communities.*

Sexual Exploitation Policy: Pastoral Relationships

A. Definition of a Pastoral Relationship

A pastoral relationship is defined as a relationship between a person in a duly appointed ministerial position, lay or ordained, whether employee or volunteer, and any person:

- Who attends a congregation or other ministry setting in which the minister serves;
- Who seeks ministry from the minister.

B. Examples:

In addition to Clergy, other persons with Pastoral Relationships may include, but are not limited to, the following:

- Heads of Schools
- Heads of Diocesan Entities/Organizations
- Members of Vestries, Bishop's Committees, and School Boards
- Parish Treasurer
- Lay Eucharistic Visitors; Stephens Ministers; Community of Hope Visitors; Hospital Visitors
- Lay Vicars (Pastoral Leaders)
- Music Ministers / Choir Directors
- Youth/Children Ministers
- Spiritual Directors
- Life Leadership/Peer Coaches
- Licensed Worship Leaders (preachers, catechists)
- Interns
- Parish Administrator / Administrative Assistant
- New Member Ministry Directors / Outreach Coordinator
- Persons who do field work
- Leaders / Facilitators of:
 - Bible Studies
 - Cursillo (serving on teams)
 - Christian Formation (e.g. EFM mentors; Catechumenate sponsors)
 - Safeguarding Ministries (Safe Church Coordinators, SRAs)
 - Small Group Ministries (e.g. formation workshops)
 - Mission Trips
 - ECW
 - Brotherhood of St. Andrew
 - Daughters of the King

Please note: All employees must also be certified in *Safeguarding God's People in the Workplace*. This consists of a short video and acknowledgment form found online. <http://www.epicenter.org/safeguarding-in-the-workplace-harassment-prevention-training/>

C. Restrictions

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-on-one meetings with adults only during regularly scheduled hours, by appointment, on church premises or in other appropriate professional settings when others are present in the building.

D. Code of Conduct

Individuals with pastoral relationships must meet and comply with the following code of conduct:

- 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 *Policies Prohibiting Sexual Exploitation*;
- Agree to never engage in 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 report any inappropriate behavior, boundary violations, or policy violations;
- Acknowledge their obligation and responsibility to prevent sexual exploitation of adults.

E. Certification Requirements

Any and all Church Personnel who have Pastoral Relationships must be certified in *Safeguarding God's People, Prohibiting Sexual Exploitation*. Certification must be completed within 90 days of the start of the Pastoral Relationship.

1. Be known to clergy and congregation for 6 months. (Volunteers)
2. Individual **Interview** with the applicant
3. **Application** completed by the applicant that includes an authorization for the release of information to conduct a background check.
4. **Background** check via a nationwide sexual offender and criminal history registry check in any state where the applicant has resided during the past ten (10) years.
5. **Reference checks** with persons who know the applicant. No more than one may be a relative and one must be outside the congregation
6. **Safeguarding God's People: Prohibiting Sexual Exploitation** training and signature on Sign-out Sheet, acknowledging compliance with Code of Conduct.

The Safeguarding Record System (SRS) of the Diocese of Texas must be used to obtain and retain all of the required documentation for Certification including registration for training. All information gathered about an applicant must be carefully reviewed and evaluated. The Safe Church Minister may be consulted if there is any uncertainty. If a person's background check reveals an arrest or conviction for a sexual or violent offense, contact the Safe Church Minister for consultation and guidance.

F. Examples of Inappropriate Conduct

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

- Using pastoral relationship to meet own needs;
- 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;
- Inappropriate or lengthy embraces;
- Kisses on the mouth;
- Showing affection while in isolated areas;
- 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;
- Receiving or requesting personal loans, substantial gifts and/or money;
- 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;
- Unwillingness to cease conduct after being told it is unwelcome;
- Inappropriate interaction on Social Media (See Social Media Guidelines).

G. 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;
- 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.

H. Reporting

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

- The head of congregation, school, or institution
- A warden of the congregation
- **The Bishop's Office**
 - Canon to the Ordinary; The Rev. Canon Kai Ryan, 1225 Texas Ave. Houston, TX 77002
 - 1-800-318-4452
- **The Safe Church Minister**
 - The Rev. Canon Carol Petty, P.O. Box 2247, Austin, Texas 78768;
 - 512-478-0580;
 - Secure Fax: 866-241-7050

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 should promptly 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:

- Telephone call
- Letter
- Fax
- An in person meeting

I. Documentation and Transfers of Location

1. Lay Church Personnel who transfer within the Diocese of Texas should contact the Safe Church office to update their certification to their new location. Clergy who transfer from another diocese must contact the Safe Church office to arrange for *Safeguarding God's People—Clergy* training.
2. Persons taking *Safeguarding God's People* training for the first time or individuals new to the Diocese of Texas must attend training. Online *Safeguarding* training is available for lay personnel recertification only. It must be arranged through the SRA and Safe Church Office.
3. Diocesan training shall be the program *Safeguarding God's People – Prohibiting Sexual Exploitation*. The in-person training shall be administered by a Diocesan-certified trainer using the Safeguarding Record system. **No other training program is accepted and there are no exceptions.**

J. Recertification Requirements

Persons who continue to have Pastoral Relationships as defined in this policy are required to be recertified in SRS every five years. Recertification includes a new background check and completion of *Safeguarding God's People –Prohibiting Sexual Exploitation* training.

K. Monitoring and Supervising Pastoral Relationships

In addition to the other steps outlined above, the monitoring and supervising of 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.

L. Clergy Directives for Spiritual Counseling

There are laws that prohibit sexual exploitation between mental healthcare providers and those to whom they are providing those services. (*Chapter 81 of the Texas Civil Practice and Remedies Code*)

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 areas of expertise and training, but instead should make a referral to a physician, psychologist or other mental health professional for issues that involve those specialties. A maximum of three sessions of spiritual counseling may precede referral.

- Clergy who are licensed or credentialed as mental healthcare professionals, such as psychologists, marriage or family therapists, or substance abuse counselors, must draw distinctions when they are functioning on behalf of the church and make it clear to 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 providing 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, as 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.

M. Ministry Settings

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.

The following recommendations will help create an appropriate setting for Pastoral Relationships that are 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, but if they are used, persons who have Pastoral Relationships should sit across from, not beside, one another. 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.

Additional Policies

Harassment and Discrimination Policy:

The Episcopal Diocese of Texas prohibits discrimination or harassment based on race, color, sex, (including sexual orientation or sexual identity), national origin, age, religion, or disability toward any person. To report discrimination or harassment based on any of these protected classes, please follow the guidelines for reporting sexual harassment. All complaints will be promptly investigated, and corrective action designed to stop the harassment or discrimination will be taken.

Weapons Policy:

The Episcopal Diocese of Texas does not permit any person, including clergy, staff, students, volunteers, and visitors, to carry a weapon in our churches or schools. This prohibition applies even if the person is licensed to carry a concealed weapon under Texas law.

There are three ways to legally give notice that the church is a gun free zone: (1) signs posted at entrances, (2) a printed card or other written communication and (3) oral communications.

Notification details can be found here: <http://www.epicenter.org/gun-law-and-policy>

Bullying Policy:

Bullying is manifested in various ways: abusive language; offensive name calling; acts or threats of physical abuse; vandalism; theft or destruction of property. Bullying violates a person's sense of worth and their immeasurable value to God. Bullying of all forms, including homophobic bullying, inhibit a person's ability to feel safe at an Episcopal school or church.

Therefore, bullying of any form will not be tolerated in entities of the Episcopal Diocese of Texas. Incidents of bullying that may occur shall be reported immediately to the head of the institution or to the Safe Church Ministry Office. All reports will be taken seriously, will be investigated, and disciplinary action will be taken as deemed to be appropriate.

Social Media Guidelines

All digital communications must comply with the same Safeguarding policies as all other EDOT entities. The following guidelines apply commonly accepted principles of healthy boundaries for social networking, communication, online forums and gaming.

1. Implement consistent privacy settings that respect personal boundaries with all participants across all platforms.

- a. Remember that privacy settings do not ensure confidentiality.
- b. Each church/school/organization should develop and publish agreed upon privacy settings that staff and volunteers will use, and make that information available to parishioners, teachers, students, parents, and employees.

2. Be Accountable

- a. Adults (parents) should be aware of how leaders utilize social media platforms.
- b. Communication should be with groups, in public areas rather than in private messages. This includes image sharing.
- c. **Youth Ministers:** When electronic pastoral communications are of a potentially harmful nature, they should be saved and disclosed to supervising clergy and, as appropriate, to parents. (Examples: bullying; abuse; etc.)
- d. Ministry presence on social media platforms should have more than one administrator.

3. Social media is rarely appropriate for a sensitive matter that requires pastoral care and attention. In those instances, a face to face meeting or phone call is preferable, as it allows for an assessment of tone and demeanor that can be helpful in evaluating the situation and determining both the urgency and appropriateness of a response. When received communication raises concerns or questions it must be shared with a ministry leader.

4. Frequently review your accessible content and photos. Keep informed about new and emerging social media platforms.

5. Online Groups are required to follow the same Safeguarding policies as all other EDOT entities. Youth Ministers, note item 2.c. above. In group communication platforms, leaders should create covenants to govern group communication, addressing:

- a. appropriate & inappropriate language and behavior; profane or derogatory language is forbidden
- b. who may join and/or view group activity
- c. content that can be posted/published on the site or page
- d. how images will be taken and shared
- e. consequences for breaking the covenant: removal from group
- f. mandatory reporting rules

6. Any inappropriate material posted in online groups should be removed from the page, but should be saved the administrator and reported to the ministry leader to be addressed or reported as necessary.

7. When video chatting, a leader should be mindful of appropriate attire and surroundings, as they are visible to the viewer. One-on-One video chatting should follow the same Safe Church guidelines as when meeting with people face to face. Video chatting should not occur behind closed doors.

8. If posting photos of children online or in any publication, obtain a photo release from parents. (This should be done annually for schools and programs). Do not provide personal or identifying information about the children or youth pictured.

The following **Photo Release** wording may be added to school and program registration:

"I understand that photos or videos of my child and others may be taken during Sunday school and other church/school events. I consent to the use of my child's photo or likeness in promotional materials such as church/school website and other social media outlets. I understand that my child's identifying information will not be provided unless I give permission at a later time."

9. Be aware that all communications sent digitally are not confidential and potentially may be shared or reposted to other platforms or people without an individual's permission or knowledge.

10. Use prudent judgment in the timing of your communications. For example, consider work hours, school hours, meal times, vacations and sleep schedules.

11. Reporting: Laws regarding mandated reporting of suspected child abuse or exploitation of children, youth, elders and vulnerable adults apply in the virtual world just as they do in the physical world. Report suspected abuse to the Texas Department of Family and Protective Services: 800.252.5400.