

The Episcopal Diocese of Long Island Policies on Sexual Harassment and Exploitation

Policy on Sexual Harassment

(Adapted by The Diocesan Council by unanimous written consent, July 2013)

The Diocese of Long Island (the "Diocese") prohibits sexual harassment of any applicants or employees by anyone (including clergy, supervisors or decision-makers, co-workers, consultants, vendors, and other non-employees). Such sexual harassment is prohibited. The behavior of individuals engaging in such conduct or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated.

All clergy, vendors, contractors, volunteers, interns, vestry members, and employees, whether supervisory or non-supervisory, are prohibited from engaging in the conduct prohibited by this policy.

A. PROHIBITED BEHAVIOR

As noted above, the Diocese prohibits all forms of sexual harassment in the Diocese. Specific definitions and examples of sexual harassment are set forth 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:

a. Verbal:

- repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
- 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;
- 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.

b. Visual/Non-Verbal:

- derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.)
- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, screensavers, or other electronic displays of a sexual nature)
- 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).

c. 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

d. 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 Diocese or its display, duplication, or transmission.

The verbal and physical conduct specified in sub-sections a-d above may constitute harassment when:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Diocesan work;
- ii. Submission to or rejection of such conduct by an individual is used as a basis for employment or other Diocesan work decisions affecting such individual; or
- iii. 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 Diocese will not take any action in retaliation against anyone who brings or voices a complaint pursuant to this policy or who participates in an investigation of a complaint or otherwise opposes sexual harassment. In addition, the Diocese will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Diocesan policy and violation of the 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.

B. PROCEDURE FOR REPORTING SUSPECTED SEXUAL HARASSMENT AND/OR RETALIATION

If you believe that the actions or words of a supervisor/manager, clergy member, vestry member, co-worker, consultant, vendor, volunteer, or any other individual in the Diocese constitute prohibited sexual harassment, you should promptly report that behavior. Prompt behavior enables the Diocese to stop the sexual harassment before it becomes severe or pervasive.

If you believe that you have been the victim of any form of sexual harassment or retaliation by clergy, you should promptly give notice of your concern to one or more of the following:

- a. Your supervisor;
- b. A warden of the congregation
- c. The bishop; and/or
- d. The Canon to the Ordinary.

If you believe that you have been the victim of any form of sexual harassment or retaliation by non-clergy, you should promptly give notice of your concern to one or more of the following:

- a. Your supervisor;
- b. The rector or clergy person in charge of the congregation; and/or
- c. A warden of the congregation.

You are not required to complain to your supervisor or within your chain of command.

You may formally or informally complain to any of the above personnel via any of the following:

- a. A telephone call
- b. A letter
- c. An e-mail
- d. An in-person meeting

In addition to the procedures set forth above, you also have the option of consulting with an attorney and/or you may also be able to file a complaint with the Equal Employment Opportunity Commission (EEOC) and/or any state or local agency(ies) responsible for processing employment discrimination matters, as well as pursuing any other remedies permitted by law.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent sexual harassment and retaliation against those who complain of sexual harassment or those who participate in an investigation of a complaint or otherwise oppose sexual harassment.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially. Complaints may be made orally or in writing. If it is determined that a fact-finding investigation is necessary, it will be promptly initiated. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the confidentiality of the allegations will be protected 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 individuals with a need to know in order to carry out the purpose and intent of this Policy.

Corrective remedial or disciplinary action will be taken against any individual found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including immediate termination from employment or removal from volunteer position, as applicable.

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



Policy on Sexual Exploitation

(Adopted by The Diocesan Council, January 8, 2014)

The Diocese of Long Island (“The Diocese”) prohibits sexual exploitation in any form. Exploitation involves an imbalance of power, such as employer over employee, strong over weak, spiritual leader over parishioner, and so on. It can be overt, such as where favors are given in return for sexual favors. It can be more subtle, such as where a sexual relationship develops between a church worker and someone under him or her in a pastoral, mentoring or supervisory relationship.

All Church Personnel including members of the clergy, and all seminarians, postulants, candidates for holy orders, volunteers who regularly supervise youth activities, vestry members, all employees of this Diocese or of parishes, missions, chapels, or other Diocesan Units, key holders to any church property, the lay leaders of any group with regular access to church property or facilities shall abide by the parameters set forth by this policy.

A. PROHIBITED BEHAVIOR

As noted above, the Diocese prohibits all forms of sexual exploitation in the Diocese. Specific definitions and examples of sexual exploitation are set forth below:

Sexual exploitation includes pressuring or demanding individuals to provide sexual favors against their will, with the threat of denying assistance, withholding work support, or any other negative repercussions in the work place or community. Other unwelcome conduct which may constitute sexual exploitation includes, but is not limited to, the following:

- 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.
- 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

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:

If you believe that you have been the victim of any form of sexual exploitation by clergy, you should promptly give notice of your concern to one or more of the following:

- a warden of the congregation
- The Bishop; and/or

- Canon for Pastoral Care

If you believe that you have been the victim of any form of sexual exploitation by non-clergy, you should promptly give notice of your concern to one or more of the following:

- The rector or clergy person in charge of the congregation; and/or
- A warden of the congregation.

You may formally or informally forward your concerns to the above via any of the following:

- A telephone call
- A Letter
- An Email
- An In-person meeting

Church Personnel are required to report any suspected or known policy violations to the rector or clergy person in charge of the congregation. Diocesan personnel are to report any policy violations to the Canon for Pastoral Care. All reports of sexual exploitation, policy violations, or inappropriate behavior under this policy will be taken seriously and reviewed and investigated promptly and impartially.

C. SCREENING

Any and all Persons covered by the scope of this policy shall be screened and selected using the following tools and procedures:

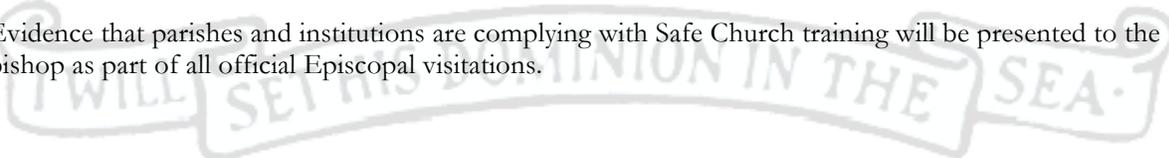
1. Applicants shall be known to the leadership of the congregation for at least six (6) months to a year.
2. Background Screening:
 - a. An Application form
 - b. Criminal Records and Sexual Offender Registry Checks
 - c. Individual Interview
 - d. Reference Checks

D. EDUCATION AND TRAINING

Education and training on issues of Sexual Exploitation in Pastoral Relationships is required for all Church Personnel and all others who fall under the scope of this policy. Each parish or diocesan institution shall maintain a record of those who have attended such trainings.

The Diocese will provide necessary training for these individuals through in-person and online courses through the George Mercer, Jr. School of Theology. Individuals should attend re-training every 5 years. Retraining requirements are outlined in the Mercer Safe Church catalogue.

Evidence that parishes and institutions are complying with Safe Church training will be presented to the bishop as part of all official Episcopal visitations.



E. GENERAL DEFINITIONS

1. Church Personnel

For the purposes of this policy, the following are included in the definition of Church Personnel when they are functioning in their respective roles for the church:

- All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
- Seminarians, postulants, and candidates for holy orders.
- All paid personnel whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies.
- Those who contract their services to the diocese, its congregations, schools or agencies.
- Volunteers, including any person who enters into or offers him or herself for a church related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, vestries, Bishop's Committees, and boards of directors.

Examples of Church Personnel include:

- Church School Teachers
- Children's or youth choir directors
- Organists who work with children or youth
- Lay youth ministers
- Volunteer youth directors
- All Church Personnel who regularly work in the nursery.
- All Church Personnel who work in the nursery if they are the only person over 21 present at any time
- Volunteers licensed under Canon III.4 (such as Lay Eucharistic Visitors)
- All staff, whether volunteer or paid, at church camps
- Adults who participate in overnight activities with children or youth more than twice a year

2. Key Holders

Anyone who has unencumbered access to the facilities

3. Children and youth

- A child is defined as anyone under the age of 12 years.
- A youth is defined as anyone who is at least 12 years old, but not yet 18 years old. A youth may also be an individual who is 18 years old or older, but still in high school.

4. Types of abuse

- *Physical abuse* is non-accidental injury, which is intentionally inflicted upon a child or youth.
- *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.
- *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 any of the children or youth.

- *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.
- *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.
- *Economic exploitation* is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a child or youth's belongings or money.

F. IMPORTANT CONTACT INFORMATION

Episcopal Diocese of Long Island Intake Officer
The Rev. Canon Patricia S. Mitchell
Canon for Pastoral Care
pmitchell@dioceseli.org
516-248-4800 x 166

Safe Church Trainings within the
Diocese of Long Island
George Mercer School of Theology
516-248-4800 x 150

Sterling Infosystems, Inc.
Criminal background screens

To set up a parish account contact the Diocesan Offices 516-248-4800 x111 of nsgnore@dioceseli.org;

New York State Office of Children and Family Services
Child Protective Services 24/hour hotline
1-800-342-3720

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