



St. Timothy's Episcopal Church

# SAFE CHURCH POLICY FOR THE PROTECTION OF PASTORAL RELATIONSHIPS

Adopted March 2022



## **I. Keeping Adults Safe: Preventing & Responding to Sexual Harassment**

### **A. Definitions**

**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:**

- 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.

#### **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).

#### **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:**

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Church work;
- B. 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;
- C. 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.

All church personnel, whether supervisory or non-supervisory, and whether paid or volunteer, are prohibited from engaging in the conduct prohibited by this policy.

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

### **Church Personnel**

For purposes of this Policy, the term “Church Personnel” shall mean:

- a. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the Church;
- b. All paid personnel (including Church employees) whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies.
- c. Those who contract their services to the diocese, its congregations, schools, or other agencies;
- d. 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 but are not limited to members of advisory boards, vestries, bishop’s committees and boards of directors.
- e. All persons in the ordination process including persons serving in field education assignments.

### **Church Employees**

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

### **Supervisors and Decision-Makers**

For purposes of this Policy, the term “supervisors and decision-makers” shall mean:

- a. All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment;
- b. All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
- c. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or personnel policies;
- d. 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, Boards of Directors for Schools, and the like.

## **B. Procedure for Reporting Suspected Sexual Harassment and/or Retaliation**

### **1. General Procedures Applicable to All Church Personnel**

If you believe 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, you have 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 you believe you have been the victim of any form of sexual harassment or retaliation, you must promptly give notice of your complaint to one or more of the following:

1. Your supervisor;
2. Anyone in your supervisory chain;
3. The rector of the congregation;
4. A warden of the congregation;
5. The bishop [or other designated person in the diocese]; and/or
6. Chancellor or vice-chancellor of the diocese.

You are not required to complain to your supervisor or within your chain of command. In addition to reporting the offending behavior to one of the people listed above, you are encouraged to speak directly to the individual whose conduct you find objectionable. You are not required to do this and it is suggested that you should do so only if you are comfortable with that action. If you decide to speak directly to the person involved, you may find that clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church.

You 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 "Confidential Notice of Concern" (Appendix L)

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 of the congregation (for congregations) or bishop (for dioceses), even if you ask the supervisor or decision-maker to keep the complaint confidential, or indicate that you do not wish to file a formal complaint. Church Personnel are required to report immediately any suspected or known policy violations to the rector of the congregation.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent (1) sexual harassment in the Church, and (2) 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 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 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.

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

## **2. 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 Iowa

Civil Rights Commission, Grimes State Office Building, 400 East 14<sup>th</sup> Street, Des Moines, IA 50319, Tel: (515) 281-4121 or Toll Free 1-800-457-4416, Fax: (515) 242-5840, <http://www.state.ia.us/government/crc/>.

As a general matter, the time frame for filing a complaint with the Iowa Civil Rights Commission is three-hundred (300) days from the date of the alleged act of unlawful sexual harassment. See Iowa Code section 216.15(13).

Iowa cities with populations greater than twenty-nine thousand are required to maintain an independent local civil rights agency or commission. Contact information for those agencies and commissions may be obtained from the Iowa Civil Rights Commission or its website, <http://www.state.ia.us/government/crc/>.

**Warning:** These time limits typically do not run from the date that the complaint made to the Church is resolved but from the date the act of sexual harassment is alleged to have occurred. **Please note that this is not legal advice.** Individual employees are responsible for confirming the time frames and other requirements for filing a complaint with these administrative agencies by contacting the agencies themselves and/or legal counsel.

**Nothing in this posting or in the Church's sexual harassment policy creates any legal rights that did not otherwise exist nor does the Church admit that it is covered by or subject to any federal, state, or local laws.**

## C. Education and Training Requirements

### 1. Church Personnel

Church Personnel are required to participate in *Safeguarding God's People: Preventing Sexual Harassment of Church Workers* training. Existing Church Personnel must be trained within three (3) months of the effective date of this Policy. New Church Personnel must be trained before they start work in their 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 six months of starting.

### 2. Supervisors and Decision-Makers

Supervisors and decision-makers must complete *Safeguarding God's People: Preventing Sexual Harassment of Church Workers* training within six months of the effective date of this Policy, or of becoming a supervisor or decision-maker.

## II. Diocesan Procedures for Responding to Complaints of Violations of Sexual Boundaries

**A.** Information received by anyone in the diocese concerning **sexual boundary violations by a cleric** shall be forwarded to the diocesan Intake Officer for investigation and action in accordance with Title IV of the Canons of the Episcopal Church (Ecclesiastical Discipline), as revised July 1, 2011. Whenever a report is made to an Intake Officer, the Bishop is required to provide an appropriate pastoral response. This shall include an explanation of the steps that will be taken to investigate the complaint and, when appropriate, providing the complainant or other interested person with information concerning the Church's procedure for resolving such matters, either by conciliation, agreement, or contested hearing.

The diocese shall publicize methods and means of reporting information concerning allegations of sexual misconduct and other offenses. Details of Title IV procedures may be found at [http://www.episcopalarchives.org/pdf/CnC/CandC\\_2009pp123-166.pdf](http://www.episcopalarchives.org/pdf/CnC/CandC_2009pp123-166.pdf)

**B.** Reports of **sexual boundary violations by a lay volunteer** affiliated with the Diocese of Iowa shall be immediately forwarded to the Standing Committee. These complaints of sexual boundary violations may involve another adult, dependent adult or child.

1. For the purposes of this policy adult lay volunteers will be considered to be peers of other adults, and unless the action is illegal, any sexual activity will not be considered the responsibility of the church to monitor or rectify. Pastoral support will be offered to both parties in assessing and dealing with the personal dilemma posed.

If a complaint is made by one adult against another adult volunteer alleging criminal behavior against him/herself or another adult, it will be the responsibility of the complainant to make a criminal complaint to the secular authorities. The person making the complaint will at all times be treated with respect, and if the complaint results in a conviction, the perpetrator will be relieved of any leadership responsibilities.

2. If the complaint involves criminal activity perpetrated against a child or dependent adult, the legal authorities will be informed immediately. While the matter is investigated, the accused volunteer will withdraw without prejudice from all leadership positions. The parish clergy will not, while the complaint is under investigation, hear the formal sacramental confession of the either the accused or the complainant; but will make every effort to provide for ongoing pastoral care for both parties. Both the complainant and the accused will refrain from discussing the case with the congregation at large.

If the complaint is found to be true, the perpetrator will resign formally from any position of responsibility in the church and will be barred from further service for a period of time to be determined by the nature of the charges. Assuming that the misconduct is against a child, the perpetrator will be permanently prohibited from further ministries involving children or youth.

**C.** Reports of **sexual boundary violations by a lay professional employee** affiliated with the Diocese of Iowa shall be immediately forwarded to the Standing Committee. These complaints of sexual boundary violations may involve another adult, dependent adult or child.

Complaints made against lay professional employees (e.g., paid youth directors, Directors of Christian Education, Music Directors) of the church will be handled carefully, in accordance with employment law as well as the church's policies and procedures. A carefully written job description will include directions about expectations regarding dating relationships with members of the congregation. In the event of a complaint involving a child or dependent adult, once again the

appropriate legal authorities will be notified, and the accused will be removed from any supervision of or work with children and youth. Where the lay employee directly supervises adult volunteers, the professional will be expected to refrain from exploitative relationships with those supervised.