

Policy for the Prevention of Sexual Exploitation of Adults



Diocese of Central Florida

Sexual Exploitation Policy

Prohibition Against Sexual Exploitation

The Diocese of Central Florida 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.

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

Verbal expressions such as sexual innuendo, indecent proposals, the sharing of sexual stories, jokes or fantasies, or making inappropriate comments about someone's appearance

Behaviors such as inappropriate touching, sending or posting communications with sexual content (correspondence, email, text messages, instant messages, photographs, attachments, phone conversations, voice mail, etc.), or the revealing of parts of the body with the intent of attraction or arousal

The sexualizing of a Pastoral Relationship by requesting dates, giving unwanted attention, or offering personal gifts out of the norm

A Pastoral Relationship is a relationship between any clergy person, duly appointed lay person, or minister licensed under Canon III.4 (Pastoral Leader, Worship Leader, Preacher, Eucharistic Visitor, or Catechist), whether employee or volunteer, who is authorized to provide and does provide any of the following ministries:

- counseling
- pastoral care (in the case of a clergy person, this care is understood to extend to any person who takes part in a congregation or other ministry setting in which the clergy person serves)
- spiritual direction or spiritual guidance
- ministration of any Sacrament (other than the distribution of Holy Communion by a lay person at a public celebration of the Eucharist)
- life/leadership/peer coaching
- the hearing of confessions

and any person who is the recipient or intended recipient of such ministries.

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/Vicar or clergy person in charge of the congregation
- the Senior Warden of the congregation who will confer with the Rector/Vicar.
- the Bishop
- the Canon to the Ordinary

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Via any of the following:

- Telephone call
- Letter
- Email
- Fax
- In-person meeting
- Filing a “Notice of Concern” (*See Form C*)

Church personnel are required to report any suspected or known policy violations to the Rector/Vicar or clergy person in charge of the congregation. When the suspected or known violation involves the Rector/Vicar then the report should be made to the Bishop or Canon to the Ordinary.

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

[Under Florida Law, certain persons have mandatory reporting requirements for instances of abuse, neglect, or exploitation of vulnerable adults. Vulnerable adults are persons 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging. Persons subject to the law include medical personnel, mental health professionals, spiritual healers, and law enforcement officers, among others. For more information on the Florida Department of Children and Families' Central Abuse Hotline, refer to Chapter 415, Florida Statutes, "Adult Protective Services."]

Church Personnel are defined as:

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 and church-related institution employees) whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies
3. All interns, persons in the ordination process, persons serving in field education assignments

Safeguards for Preventing Sexual Exploitation of Adults

A. Screening and Selection

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

1. Applicants shall be known to the leadership of the congregation for at least six (6) months.

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2. Background Screening must include the following:
 - a. An **Application** form [or church deployment form] completed by the applicant that includes an authorization for the release of information to conduct background screening and reference checks (*See Forms A & B*) and that also includes the **Code of Conduct** (*See Forms D*).
 - b. **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 seven (7) years, and other states, if any, as determined by the congregation or diocese.
 - c. **Sexual Offender Registry Check** in any state where the applicant has resided during the past seven (7) years.
 - d. **Individual Interview** with the applicant.
3. 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.
4. Information on Persons Who Have Pastoral Relationships must be kept in a confidential file where other church records are kept.
5. Criminal records checks and sexual offender registry checks will be renewed if and when in the opinion of the supervisor such renewal is warranted.
6. Persons Who Have Pastoral Relationships who transfer within the Diocese of Central Florida 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 pertinent information 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.

B. Education and Training Requirements

Persons Who Have Pastoral Relationships

Before any person engages in Pastoral Relationships s/he is required to complete training on the prevention of sexual exploitation of adults. If that is not possible, this policy must be reviewed and discussed with her/him before s/he has Pastoral Relationships. The remainder of the education and training must be completed within three months of the beginning of this new position. This training requirement must be implemented by December 31, 2010.

Supervisors and Decision-Makers of Persons Who Have Pastoral Relationships

Within three months of becoming a Supervisor or Decision-Maker, individuals must review the Policy for the Prevention of Sexual Exploitation of Adults and sign a statement indicating that they understand the policy and are in compliance with it. They are encouraged to attend *Preventing Sexual Exploitation in Communities of Faith – For Congregations* training.

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Supervisors and Decision-Makers are defined as:

1. All persons who supervise Persons Who Have Pastoral Relationships.
2. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, church activities, or policies involving Pastoral Relationships.
3. Standing Committees, Diocesan Councils/Executive Boards, Vestries, Bishop's Committees and Boards of Directors for Schools who appoint or approve Persons Who Have Pastoral Relationships as defined in this policy.

C. 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:

1. 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.
2. Requiring that all new activities that include Pastoral Relationships have the approval of the Rector/Vicar or canonical equivalent before they start. The Rector/Vicar will consider whether the plan for a new activity includes adequate monitoring and supervision.
3. Requiring that all Persons Who Have Pastoral Relationships be approved to do so by the Rector/Vicar or canonical equivalent in accordance with the Screening and Selection process above.

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)
- be in open, visible spaces or in closed spaces that have windows that remain unobstructed by closed blinds, furniture, plants, or other adornments
- 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

D. 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 congregations, schools and church-related organizations 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
- to be carefully followed by all who are involved in Pastoral Relationships

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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:

- any form of unwanted affection
- inappropriate or lengthy embraces
- inappropriate 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
- 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
- electronic communications 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

Persons Who Have Pastoral Relationships are prohibited from:

- dating or becoming romantically involved with those with whom they have a Pastoral Relationship as long as the Pastoral Relationship continues. This prohibition shall remain in effect until consultation with the Rector/Vicar (or in the case of a deacon and priest with the Bishop or Canon to the Ordinary).
- having sexual contact with any person with whom he/she has a Pastoral Relationship
- possessing any sexually oriented materials (magazines, cards, videos, films, clothing etc.) on church property or using such materials in the conduct of their ministry unless the materials are part of a pre-approved educational program or curriculum and are used only for that purpose
- using the Internet to view or download any sexually oriented materials on church property or from having it on church-owned computers, and from bringing such materials onto church property
- 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 any person with whom they have a Pastoral Relationships

Forms

A. Acknowledgment, Release, and Signature for Inclusion in Application or with Church Deployment Office Form

To the best of my knowledge, the information contained in this application is complete and accurate. I understand that providing false information is grounds for not hiring me or choosing me for a volunteer position or for my discharge if I have already been hired or chosen. I authorize any person or organization, whether or not identified in this application, to provide any information concerning my previous employment, education, credit history, driving record, criminal conviction record, sexual offender registry or other qualifications for my employment or volunteering. I also authorize _____ [Parish or Institution] to request and receive such information.

If hired or chosen, I agree to be bound by _____ [Parish or Institution's] policies and procedures, including but not limited to its ***Policies for the Prevention of Sexual Exploitation of Adults*** and ***Code of Conduct for Persons Having Pastoral Relationships***. I understand that these may be changed, withdrawn, added to or interpreted at any time at the _____ [Parish or Institution's] sole discretion and without prior notice to me.

I also understand that my employment or volunteering may be terminated, or any offer or acceptance of employment or volunteering withdrawn, at any time, with or without cause, and with or without prior notice at the option of _____ [Parish or Institution] or myself.

Nothing contained in this application or in any pre-employment or pre-volunteering communication is intended to or creates a contract between myself and _____ [Parish or Institution] for employment, volunteering or the providing of any benefit.

I have read and understand the above provisions.

Signature _____

Date _____

Print Name _____

Parish or Institution _____

Forms

B. Background Inquiry Release Form

For: _____
(Church or Organization)

In relation to my serving in the Diocese of Central Florida, I understand and authorize the access of information from various federal, state, and other agencies maintaining information regarding any public record information.

I also understand this information may be accessed during my service and up to 30 days after separation from this Diocese. I hereby consent to your obtaining various public record information from Diocesan/Church employers, from Professional Screening Services, Inc. and/or any other party or agency, in accordance with the Fair Credit Reporting Act and any and all state and federal laws. I also understand that the requested information below is to be used for proper identification only and not for discriminatory purposes.

Signature _____ Date _____

Please print the following information

Name: _____
(First) (Middle) (Last)

Current Address _____
(Street)

(City) (State) (Zip code)

List other counties/states where you have lived within past 10 years

Social Security Number _____ Date of Birth _____

Gender _____ Driver's License Number _____ State _____

Diocese where you are canonically resident _____

Diocese in which you currently serve (if different) _____

Return completed form: ATTN: The Reverend Canon Timothy C. Nunez, Diocese of Central Florida,
1017 East Robinson Street, Orlando, FL 32801

(Feb 2018)

Forms

C. Confidential Notice of Concern

Individual(s) of Concern:

Date of occurrence:

Time of occurrence:

Type of Concern:

☐ Inappropriate behavior within a Pastoral Relationship

☐ Policy violation with those served in ministry

☐ Possible risk of an inappropriate relationship between adults of unequal power

☐ Other concern:

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, and who was notified? If reported to the State, what was their recommendation about investigating? Attach additional sheets if needed.

Has this situation ever occurred previously? Attach additional sheets if needed.

If you answered yes to the previous question:

What action was taken? How was the situation handled, who was involved, who was questioned, were police called? Attach additional sheets if needed.

What is the follow-up plan? Does anyone else need to be notified? Will the situation needs monitoring? Would you like someone to call you to discuss this situation? Attach additional sheets if needed.

Submitted by:

Telephone number:

Location and address:

Forms

D. Code of Conduct for Persons Who Have Pastoral Relationships

Persons Who Have Pastoral Relationships:

- understand that the church will not tolerate the sexual exploitation of adults it serves.
- agree to not attempt to or to sexually exploit any person they serve or work with on behalf of the church.
- agree to comply with the policies for general conduct with adults as defined in these *Policies for the Prevention of Sexual Exploitation of Adults*.
- agree to comply with the _____ [Parish or Institution] Code of Conduct for Persons Who Have Pastoral Relationships.
- agree, whenever appropriate and possible, to have one-to-one meetings with adults during regularly/publicly scheduled hours and by appointment on church property while others are present in the building or in other appropriate professional settings where they can be observed.
- agree to maintain clear and appropriate boundaries and avoid even the appearance of impropriety.
- agree to immediately end any sexual or inappropriate relationship with a person with whom he/she has a Pastoral Relationship or when he/she has questions about the implementation of these policies and immediately seek advice from the Bishop, a trusted colleague or mental health professional.
- agree to immediately report any inappropriate behaviors, boundary violations or possible policy violations they observe under these policies.
- acknowledge their obligation and responsibility to prevent sexual exploitation of adults and agree to report known or suspected sexual exploitation of adults to church leaders and state authorities in accordance with these policies.

Persons Who Have Pastoral Relationships are prohibited from:

- dating or becoming romantically involved with those with whom they have a Pastoral Relationship as long as the Pastoral Relationship continues. This prohibition shall remain in effect until consultation with the Rector/Vicar (or in the case of a deacon and priest with the Bishop or Canon to the Ordinary).
- having sexual contact with any person with whom he/she has a Pastoral Relationship
- possessing any sexually oriented materials (magazines, cards, videos, films, clothing etc.) on church property or using such materials in the conduct of their ministry unless the materials are part of a pre-approved educational program or curriculum and are used only for that purpose
- using the Internet to view or download any sexually oriented materials on church property or from having it on church-owned computers, and from bringing such materials onto church property
- 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 any person with whom they have a Pastoral Relationships

Signed and agreed upon: _____

Printed Name: _____ **Date:** _____

Parish or Institution _____

Resources

A. Suggested Questions for the Interview

The following are sample questions that may help you screen out someone who is unable to maintain healthy boundaries with adults.

1. Please tell me about the last time a member of your (congregation, youth group, office staff, etc.) demanded too much of your time. How did you handle that?
2. Please give an example of a time in your work or volunteer history when you thought the policies were too rigid. How did you handle that?
3. Please describe a time when you felt a special bond or friendship between yourself and a member of your (congregation, youth group, office staff, etc.).
4. Please give an example of a “boundary violation.” Has that ever happened to you, or has anyone ever said that you violated a boundary of some sort?
5. Has disciplinary action of any sort ever been taken against you by a licensing board, professional association, ecclesiastical body or educational or training institution? Have there been complaints against you that did not result in discipline? Are there complaints pending against you before any of the above-named bodies? If yes, please explain.
6. Have you ever been asked to resign or been terminated by a training program or employer? If yes, please explain.
7. Have you ever had a civil suit brought against you about your professional work or is any such action pending? Have you ever had professional malpractice insurance suspended or revoked for any reason? If yes, please explain.
8. Have you ever been charged (formally or informally) with any ethics violations, sexual exploitation, sexual abuse or sexual harassment? Are any such actions or complaints pending against you? If yes, please explain.
9. Are you now or have you ever had sexual contact or attempted sexual contact (sexual intercourse of any kind, intentional touching, or conversation for the purpose of sexual arousal) with any person you were/are seeing in any professional context or in a Pastoral Relationship (i.e. parishioner, client, patient, employee, student)? If yes, please explain.
10. Are you now or have you ever been involved in the production, sale, or distribution of pornographic materials? If yes, please explain.
11. Have you ever had a restraining order, injunction, order for protection or the like issued against you? Have you ever had your parental rights restricted, suspended or terminated or have any of your children ever been in foster care? Have you ever been accused of domestic violence? If so, please explain.

B. Suggested Questions for References

1. Please give me an example of how _____ maintains good boundaries with adults.
2. Have you ever heard _____ tell a joke or say something that made you or others uncomfortable?
3. Would you be comfortable referring a vulnerable friend of yours to _____ for pastoral counseling? Why? Why not?
4. The position for which _____ has applied requires that s/he be able to work closely with people whose lives may be in turmoil and who may not have good judgment at that point in time. Can you think of any reason that _____ should not be allowed to do this work?

Resources

C. Suggested Guidelines for Office Decor

Spaces where Pastoral Relationships occur should be a relaxing and productive setting ready at all times for use for Pastoral Relationships. The following are recommendations that will help create an environment that is peaceful and private while allowing appropriate supervision.

Furniture

Comfortable chairs set at a 45 degree angle from each other create a good area for conversation. Couches and loves seats are discouraged but if they are used Persons Who Have Pastoral Relationships should not sit on them with parishioners or other visitors. Having furniture that allows reclining can leave persons open to false allegations of inappropriate behavior.

Artwork

Artwork should be tasteful without offending the staff or other visitors.

Windows

Windows in walls or doors should be unobstructed by blinds, furniture, curtains, or posters so that the space is always available to casual monitoring. A sense of privacy can be maintained by arranging the furniture so that Persons Who Have Pastoral Relationships are always visible, but the parishioner or visitor does not feel exposed.

Entrances

If the space has a private entrance, and it is used, be sure staff knows when someone is in the space and when it is being used for Pastoral Relationships.

D. Suggested Guidelines for Providing Counseling

- Limited number of sessions, generally no more than 4 or 5 on any particular life issue
- Don't go outside your area of expertise. Refer to a psychologist, credentialed professional, medical doctor, or mental health professional.
- Even if you are separately credentialed and/or licensed as a mental health professional (psychologist, marriage and family therapist, substance abuse counselor, etc.) while you are functioning on behalf of the church you should:
 1. Make it clear to those you are serving that you are NOT serving in that role.
 2. If you function in that role while you are also functioning on behalf of the church, you should clearly separate those two roles by where you practice each and clearly communicate to all concerned of when you are functioning in each role.
 3. You must maintain in full force adequate professional insurance at all times for any work you do outside your church role covering general liability, including coverage for sexual misconduct, in an amount set by the Diocesan Board, and with an insurance company approved by the Diocesan Board and naming your church employer or church for whom you function in Pastoral Relationships as an additional insured.
 4. You must provide evidence of such insurance to your church employer or church for which you function in Pastoral Relationships annually.