



The
Episcopal Diocese
of West Texas

Recommended Guidelines
on Sexual Misconduct

For Congregations

**POLICY STATEMENT ON SEXUAL MISCONDUCT
BY CLERGY, LAY STAFF & VOLUNTEERS
Episcopal Diocese of West Texas**

It is the policy of this diocese that:

1. Sexual exploitation and abuse, as defined in the attached definitions, are immoral and grounds for disciplinary action including termination of employment or removal from ministry.
2. Sexual harassment, as defined below, is immoral and grounds for disciplinary action, including termination of employment or removal from ministry.
3. Interaction with children and youth in the care of this diocese by those with a criminal record of child abuse or mental health diagnoses of paraphilia (including pedophilia, exhibitionism, or voyeurism) as defined by the current edition of Diagnostic and Statistical Manual of Mental Disorders is strictly prohibited.
4. It is the responsibility of the clergy and others representing the Church to see that the trust and responsibility vested in them by virtue of their office and position is not violated.
5. Any persons who believe they are victims of sexual exploitation and abuse or sexual harassment while associated with any activity or agency of this diocese are encouraged to report to the Bishop or the diocesan officer in charge. Any report will be investigated and dealt with in a manner which respects the rights of the reporting party.
6. It is the responsibility of the Bishop or diocesan officer in charge of the related activity or agency to respond to each and every allegation promptly and seriously, to determine (with such professional assistance as may be needed) the validity of the allegations, to initiate appropriate discipline as necessary, and to initiate steps towards rehabilitation and reconciliation.
7. Any allegation of sexual misconduct by clergy will be addressed by the Bishop in accordance with the Diocesan Policy on Sexual Misconduct.

This Diocese intends through this policy to address the needs of alleged and real victims and accused party, to heal and to reconcile all parties, so that justice is served and appropriate disciplinary action taken.

DEFINITIONS

These definitions are intended for the purpose of clarifying the policy, and are not presented as legal terms. For purposes of these definitions, every lay employee and every volunteer lay member assuming any office or responsibility through which they represent the Church is considered to be a lay minister of this Church.

MISCONDUCT: Where used in this document, the inclusive term for **ABUSE**, **EXPLOITATION**, and **HARASSMENT**.

SEXUAL ABUSE: The subjection of a child or vulnerable adult, by any person responsible for his or her care, to any sexual act.

SEXUAL EXPLOITATION: Any willful sexual involvement between a minister and those ministered to, whether initiated by either party.

SEXUAL HARASSMENT: The unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature, by, or known by, an employer or supervisor, or minister, which violates the moral integrity of church standards or interferes with pastoral relationship, employment, promotion, or job performance.

Under Title VII of the Civil Rights Act of 1964, as amended, sexual harassment in the employment context is defined as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, 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."

HARASSMENT: To worry or impede by repeated action; to exhaust, fatigue; to annoy persistently.

EXPLOITATION:	To make use of in a mean or unjust manner.
ABUSE:	To put to wrongful or improper use; to use so as to injure or damage.
REPORTING PARTY:	Any person reporting an accusation of misconduct to church authorities, whether the victim or not ("alleging party")
ACCUSED PARTY:	Any person alleged to have been guilty of misconduct; the term is used without prejudice to guilt or innocence.
VICTIM:	Anyone subjected to misconduct; anyone falsely accused.
SECONDARY VICTIMS:	The families of victims or accused persons: congregations; other clergy in the diocese; the community; the Church, whose image, standing and witness are diminished in the public eye.
BISHOP:	Refers to the Diocesan Ordinary, the chief pastor of the diocese.
PASTORAL RELATIONSHIP:	A relationship between a cleric, employee or volunteer and any person to whom such cleric, employee or volunteer provides counseling, pastoral care, spiritual direction or spiritual guidance or from whom such cleric, employee or volunteer has received confession or confidential or privileged information.

SEXUAL HARASSMENT

The Legal Definition

Sexual Harassment is defined as *unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature, verbal or physical when:*

- Submission to such conduct is either an explicit or implicit term or condition of employment;
- Submission to or rejection of the advances is used as the basis for making employment decisions; or
- Such conduct has the purpose or *effect* of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Myths

- Victims "ask for it" through behavior or dress.
- Only women are sexually harassed.
- Sexual harassment takes place more often in blue-collar than in white-collar environments.
- Men and women agree on what type of behavior constitutes sexual harassment.
- If there are no complaints, there are no problems.

Sexual Harassment charges can stem from unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. Examples include: sexual remarks, touching, grabbing, brushing against, repeatedly asking for dates, etc.

For these to constitute sexual harassment at work, they must meet *one* of the following criteria:

- Sex for job benefit, or
- Hostile environment

Sex for Job Benefit (Quid Pro Quo Harassment)

Sexual favors in turn for tangible job benefit or punishment/retribution for refusal of sexual favors can be:

- Implicit – change in attitude, performance following reaction to sexual suggestion
- Explicit – specific request for sexual favors

Originates with **Disparity of Power.**

WHEN IS IT SEXUAL HARASSMENT

Determining *Your* Behavior

- Would you say or do the same if your spouse or significant partner was nearby?
- Would you feel comfortable if your comments or behavior were reported on the front page of the congregation's newsletter?
- Would you be satisfied if the same behavior or comments were directed at you or someone you care about?

Examples of Sexual Harassment

Depending upon all circumstances, the following *may* constitute sexual harassment. This is only a *partial* list of possible examples.

Verbal Harassment

- Sexual language or comments - explicit or innuendo.
- Using nicknames with sexual connotations (hunk, babe, etc.).
- Telling sexual jokes or stories.
- Spreading rumors, talking or asking questions about a person's sex life.
- Sexual comments about a person's anatomy or clothing.

Non-Verbal Harassment

- Staring at someone.
- Facial expressions (winking, blowing kisses, etc.)
- Displaying sexually suggestive visual materials such as calendars of nude, semi-nude, and/or provocatively posed females or males.
- Making sexual gestures with hands or body movements.

Physical Harassment

- An unwanted massage of shoulders, back, or neck.
- Touching hair, clothing, or body.
- Bushing up against someone.
- Prolonged hugs, especially with hands moving down the back, or pelvic contact.

SEXUAL HARASSMENT can be any verbal, non-verbal or physical activity of a sexual nature that makes the recipient feel uncomfortable or threatened.

SEXUAL EXPLOITATION

A sexualized relationship between a spiritual leader and a person with whom he or she has a pastoral relationship, whether or not there is apparent consent from the individual.

Pastoral Relationship

A relationship between a cleric, employee or volunteer and *any* person (child, youth, or adult) to whom such cleric, employee or volunteer provides counseling, pastoral care, spiritual direction or spiritual guidance, etc., or from whom such cleric, employee, or volunteer has received confession or confidential or privileged information.

Consent

Agreement in sentiment, opinion, etc.

It *must* be achieved through mutual agreement *without* coercion or manipulation.

The ability to consent is affected by:

- Age – being old enough to consent.
- The influence of alcohol or drugs.
- Mental impairment
- Physical impairment
- Other reasons for vulnerability

Transference

The client's unconscious attachment to the counselor, positively or negatively, as the client connects to feelings and attitudes related to other important relationships in early life.

Counter-Transference

The counselor's unconscious response or attachment to a client, positive or negative, which connects to the counselor's feelings and attitudes outside of the professional role and serves to gratify the counselor's own physical and/or emotional needs.

SETTING HEALTHY PERSONAL BOUNDARIES

It's never too late!

Begins with Self

- Examining your reaction, physical and emotional to the subject of sex, sexuality, sexual relations – are you comfortable or uncomfortable, why? How were you first educated about this subject; what are your first recollections?
- Acknowledging to one's self or other professional one's own personal sexual responses to individuals or situations that are attractive or unattractive, boring or exciting, safe or dangerous.

Extends to Others

- How do you communicate your reactions, feelings, thoughts about sex and sexuality to others: casual acquaintances, close friends, children, spouse or intimate partner? When are you comfortable/not comfortable doing so?

Clues of Boundary Violations

- The relationship must be kept secret
- "Special" attention to attire and/or appearance
- Inappropriate gifts, expression of affection
- Recurring sense of discomfort or dread, or inappropriate rush of excitement, anticipation.

PASTORAL SEXUAL ETHICS

Means, at least, the *absence* of sexual misconduct

Sexual Misconduct means any of the following:

- a. Sexual abuse or sexual molestation of any person, including, but not limited to, any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent;

or

- b. Sexual harassment in a situation where there is an employment, mentor, or colleague relationship between the persons involved, including, but not limited to:

- Sexually-oriented humor or language
- Questions or comments about sexual behavior or preference unrelated to employment qualifications
- Undesired physical contact
- Inappropriate comments about clothing or physical appearance
- Repeated requests for social engagements

or

- c. Sexual exploitation, including, but not limited to, the development of or the attempt to develop a sexual relationship between a cleric, employee, or volunteer and a person with whom he/she has a pastoral relationship, **whether or not** there is apparent consent from the individual.