



The
Episcopal Diocese
of New York

Wardens' Week 2023

Safe Church

What It Is and Why it Matters

Presented by Alice F. Yurke

Chancellor, The Episcopal Diocese of New York

June 20, 2023

Background

- For over 1,000 years, churches have served as asylums or sanctuaries for people seeking same.
- Although the idea of sanctuary is not new, the sexual abuses that have come to the fore in recent years have shaken the very foundations of churches and have challenged people involved in ministry to address those abuses.
- Sexual abuse has been covered by Church Insurance since the early 1990s, but sexual abuse is not the only form of behavior that runs counter to the notion of “church” as a sanctuary.
- In the last decade, The Episcopal Church (TEC) has actively been involved in developing safe church policies for the protection of children, youth and vulnerable adults. A task force of TEC is working on a a sexual harassment prevention policy which it hopes to roll out at the 2024 General Convention. See <https://www.episcopalchurch.org/safe-church/>.
- As we will see, “safe church” involves more than the prevention of sexual abuse and sexual misconduct, although those are historically the two categories of behavior that have been addressed in safe church policies.

What is Sexual Misconduct?

- Sexual misconduct is a broad term encompassing any behavior of a sexual nature that is committed without consent or capacity for consent or by force or intimidation, coercion or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender.
- Sexual misconduct refers to wrongful, improper or unlawful acts and behaviors that are sexual in nature, which are premeditated and intentional.
- Sexual misconduct usually occurs when a person of authority or trust engages in any sexual activity between him/her and a vulnerable person (incapable of consent or under the care of the person of authority or trust).

What is Sexual Harassment?

- Sexual harassment refers to unwelcome acts that are sexual in nature that affects the workplace environment.
- This includes sexual bullying, intimidation, and coercion. It also includes inappropriate promise of rewards in exchange for sexual favors.
- Sexual harassment is considered as a form of illegal discrimination based on sex and as a form of abuse both sexual and psychological.
- Unlike sexual misconduct, which may be against the law depending on the victim, sexual harassment is implicitly against the law and is an actionable offense.

What are the Church's Policies With Respect to Sexual Misconduct and Sexual Harassment?

- Our Diocese has policies currently in place that address sexual misconduct and sexual harassment. See [dioceseny.org/admin links/safe church](https://dioceseny.org/admin-links/safe-church), which includes information on training and reporting sexual misconduct. It also includes the current safe church policy, which covers both sexual misconduct and sexual harassment.
- Our policy currently requires safe church training at least every five years with respect to sexual misconduct, and New York State requires training every year for sexual harassment. Training through the links on the Diocesan website, which is currently available, is online only.
- To access training, you will need to send an e-mail to safechurchinfo@dioceseny.org for further instructions. Someone will answer your e-mail and provide assistance about training and setting up a safe church administrator for your congregation.
- The Diocese will be rolling out updated safe church policies based on more recent models prepared by TEC. These models require misconduct prevention training at least every three years, not every five years.

How Are the New TEC Policies Different?

- There are two TEC model policies available: one that protects children and youth and the other that protects vulnerable adults.
- The TEC task force is working on a sexual harassment prevention policy, which is expected to be rolled out after the 2024 General Convention.
- At the same time as the new TEC Policies are posted (expected to be in the fall of 2023), the Diocese will be posting on dioceseny.org an updated sexual harassment policy that complies with New York state and local laws.
- It is the obligation of each congregation to adopt its own policies that meet or exceed the TEC model policies and the sexual harassment policy. Each congregation should review and revise these policies to fit their own needs and should consult with an attorney to ensure compliance of their policies with Federal, state and local laws.

The TEC Model Policies

- This will be posted on diocesenyc.org as soon as the Diocesan trustees have approved them (expected to be in or prior to the fall of 2023).
- TEC requires that each diocese and congregation adopt policies protecting children, youth and vulnerable adults (including training requirements) that are at least as stringent as the TEC Model Policies. This will be a requirement for the TEC sexual harassment policy as soon as it is rolled out.
- Both TEC policies cover the adoption of preventive measures, how to respond to concerns and implementation and audit.
- The Diocese strongly urges that each congregation adopt a sexual harassment prevention policy that is at least as stringent as the then current Diocesan policy and that requires measures that are in compliance with Federal, state and local laws. New York state law requires such a policy, and each congregation should ensure that its policy on sexual harassment prevention adheres to or exceeds minimum legal standards.
- To recap: there will be three policies in total- the two TEC model policies and the model policy on sexual harassment prevention.

The TEC Policy for the Protection of Children and Youth

- In addition to describing measures designed to prevent sexual misconduct, this policy contains standards designed to promote inclusiveness, anti violence (anti bullying), medical preparedness and best practices for the use of social media and electronic communications.
- This policy describes best practices for screening, education and training, monitoring and supervision of programs, responding to concerns and policy implementation. It also provides definitions for terminology describing not only children and youth but also LGBTQ+ and gender non-conforming children and youth.
- On-site and offsite events and programming are covered by the policy.

The TEC Policy for the Protection of Vulnerable Adults

- As a general matter, this Policy covers most of the same categories covered by the TEC Policy for the Protection of Children and Youth, with conforming changes applicable to adults (e.g., conference and retreat centers are discussed but not camps.).
- “Vulnerable adults” is defined to include the following persons:
 - Any adult at or older than the age designated as an elder by applicable state law;
 - Any adult who is infirm or diminished in capacity due to age, illness, or disability;
 - Any adult who is ministered to in their home (by Eucharistic Visitors, Pastoral Care Visitors, Stephen Ministers, or others);
 - Any adult who is wholly or partially dependent upon one or more other persons for emotional, psychological, or physical care or support, such dependency may be temporary as in the case of an accident, illness, or birth of a child; and
 - Any adult who by virtue of a crisis, experiences vulnerability leading to dependency on another or lacks agency in a pastoral relationship as in the wake of death of a family member or job loss.

To Whom Do the TEC Model Policies and Sexual Harassment Prevention Apply?

- The TEC Model Policies describe different types of “Covered Persons” based on the activity involved. The activity and the person involved in the activity impact the level of screening and training protocols required.
- “Covered Persons” are described in detail in Appendix A of each TEC Model Policy.
- The sexual harassment prevention policy applies to “employees, clergy, administrators and officers, and all interns, temporary workers, individuals providing services to the [The Diocese/Name of Congregation/Name of Diocesan or Congregational Institution] in the workplace, as well as everyone with whom the [The Diocese/Name of Congregation/Name of Diocesan or Congregational Institution] does business.”

Discipline for Violations of the Policies

- Clergy: subject to discipline under Canon 33 of our Diocesan Canons, which dovetails with Title IV of the Canons of The Episcopal Church. The Bishop, Intake Officer and others are involved on a Diocesan level.
- Laity: the Diocese has systems in place with respect to the discipline of lay employees and volunteers who work at the Diocesan level. Each congregation should develop a process for disciplining its own lay employees, as this does not come under the purview of the Diocese.

Upcoming webinar

- There will be a webinar in the fall of 2023 after the new TEC model policies and the updated sexual harassment prevention policy are posted on the Diocesan website.

Questions?

- Thank you for attending this presentation on a very important topic for our Diocese and the broader Church.