



# **SAFEGUARDING GOD'S PEOPLE**

*Preventing Sexual  
Harassment and  
Sexual Exploitation  
of Church Workers*

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**Safe Church Ministry  
Episcopal Diocese of Oklahoma  
2011**

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**The Episcopal Diocese of Oklahoma**  
*Office of the Bishop*

February 2011

Dear People of the Diocese of Oklahoma:

In the Gospel of John, Jesus commands us “to love one another as I have loved you.” We are reminded throughout scripture of our responsibility as Christians to care for all members of Christ’s Body.

The Episcopal Diocese of Oklahoma is dedicated to creating an environment free of harassment and sexual exploitation in our congregations, schools, and institutions. These policies, along with the training, *Safeguarding God’s People*, serve as the Diocese’s commitment to ensure that all persons are able to fully live into the call to serve God’s people.

I ask each person of this diocese to use these policies as the foundation of how we conduct ourselves in our shared ministry.

Faithfully,

A handwritten signature in black ink, appearing to read "E. Konieczny", with a small cross symbol to the left.

The Rt. Rev. Dr. Edward J. Konieczny  
Bishop of Oklahoma

## **Policy Prohibiting Sexual Harassment and Sexual Exploitation**

### **Why we Have These Policies**

In his first letter to the Church at Corinth, St. Paul urges members of that community to engage in a way of life that will show outsiders the nature of the community which is to be a reflection of Jesus.

Jesus himself teaches us again and again to meet each other with love, compassion and humility. As did Jesus, we are called to use whatever power we have to heal, not to “lord it over” others.

The final promise of our Baptismal Covenant asks us to “. . . strive for justice and peace among all people, and respect the dignity of every human being.” The Diocesan policies for the protection of children and youth from abuse and for the prevention of sexual exploitation and harassment of adults give life to that Baptismal promise.

At Ordination, clergy – both priests and deacons - take on an additional set of promises, including the promise to pattern their life in accordance with the teachings of Christ in order to be “a wholesome example” to their people.

The Episcopal Diocese of Oklahoma is committed to maintaining an environment free of abuse, exploitation and harassment in its churches, schools, and institutions. It is a commitment the Diocese requires all ministers of the Church, lay and ordained, to make and uphold.

### **Responsibility for Clergy or Lay and Administration**

**The Heads (Clergy or Lay) of Congregations, the Heads of Schools, Executive Directors or any other person serving in these or equivalent roles in Diocesan institutions are directly responsible to the bishop for the implementation and administration of the policies and procedures outlines in *Safeguarding God’s People: Preventing Sexual Harassment and Sexual Exploitation of Church Workers*.**

The implementation and administration of these policies and procedures may be delegated to other staff members or volunteers, but the ultimate responsibility may not be delegated. Supervision of these administrative processes by the Heads (Clergy or Lay) of Congregations or Schools, Executive Director, etc. is required to assure appropriate compliance and confidentiality.

Anyone who administers *Safeguarding God’s People* must have received the full *Safeguarding God’s People (Prevention of Harassment AND Prevention of Exploitation)* training and have the results of a completed background check in their personnel file.

It is essential that the administrator of these policies have a current copy of the policies on hand and be extensively familiar with them and required procedures in order to make appropriate decisions about their application in the local ministry setting. The Administrator is to contact The

Rev. Canon José McLoughlin ([canonjose@epiok.org](mailto:canonjose@epiok.org)), 405 232 4820 at any time for clarification of the policies or guidance in applying them.

***I.***

***Safe Church Ministry in the  
Episcopal Diocese of Oklahoma***

# SAFE CHURCH MINISTRY IN THE DIOCESE OF OKLAHOMA

The Episcopal Diocese of Oklahoma prohibits sexual misconduct on the part of any person. The attached Policy on Sexual Misconduct undergirds our efforts to make the Church a safe place for all God's people.

This general sexual misconduct policy summarizes and incorporates three other policies that contain more specific guidelines for the various types of abuse that fall under the term "sexual misconduct," including:

- 1) *Diocesan Policies for the Protection of Children and Youth from Abuse (provided separately in Safe Church Ministry publication)*
- 2) *Sexual Exploitation Policy*
- 3) *Sexual Harassment Policy*

Our continuing commitment to compliance with these policies is essential to our mission as a Church.

# ***II.***

## ***Policy Prohibiting Sexual Misconduct***

## **POLICY PROHIBITING SEXUAL MISCONDUCT**

The Diocese of Oklahoma is committed to providing a healthy, safe, and nurturing environment wherein, by God's grace, the full work of the Church can be carried out. Sexual misconduct on the part of any clergy person, employee, or volunteer of any congregation, institution, organization, school or agency within the Diocese violates the mission of the church, is prohibited, and will not be tolerated.

### **A. Definition**

For purposes of this policy, sexual misconduct is defined as any sexual or sexualized activity toward another person of the same or opposite sex, irrespective of age or marital status. This includes fornication and adultery, as well as any inappropriate or lewd physical, verbal, or visual sexual conduct.

This definition includes sexual abuse or molestation of a minor (under 18 years of age) as set forth more specifically in the Episcopal Diocese of Oklahoma *Policies for the Parish Ministries with Children and Youth*, and *Supplemental Materials and Forms* which is incorporated into this policy.

### **B. Abuse of Children and Youth**

Anyone who has cause to believe that a child's physical or mental welfare has been adversely affected by abuse or neglect by any person has a legal responsibility to report it to the appropriate state or law enforcement agency. Anyone who becomes aware of sexual abuse or molestation involving a minor must also follow the reporting procedures outlined in the The Episcopal Diocese of Oklahoma *Policies for the Parish Ministries with Children and Youth* and *Subsequent Materials and Forms*.

If a complaint of sexual misconduct is received by any person, that person shall report the complaint immediately to the Bishop's office so that an orderly response and investigation can be planned. If the alleged victim is a minor, the Diocese will follow all state law requirements for reporting abuse of a child, in accordance with the Episcopal Diocese of Oklahoma *Policies for Parish Ministries with Children and Youth* and *Subsequent Materials and Forms*

All complaints will be promptly investigated. It is intended that the privacy of the persons involved be protected, except to the extent necessary to conduct a proper investigation.

If the complaint of sexual misconduct or sexual abuse or molestation of a minor has been reported to the criminal authorities, the Diocese will cooperate fully in any criminal investigation.

No person who is known to have a civil or criminal conviction or record of child abuse, or who has admitted to sexual abuse, may be ordained, employed, or permitted to volunteer to work with or around children in the Diocese.

### **C. Sexual Exploitation**

Sexual misconduct also covers sexual exploitation. As set forth in Diocese's *Sexual Exploitation Policy*, sexual exploitation is the development or attempt to develop a sexual relationship between a person in a ministerial position, lay or ordained, and an individual with whom he or she has a pastoral relationship.

### **D. Sexual Harassment**

Sexual harassment is also included in the definition of prohibited sexual misconduct. Sexual harassment is defined in the Diocese's *Sexual Harassment Policy* as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in which: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or relationship with the Diocese; (2) submission to or rejection of such conduct by the individual is used as a basis for employment or other decisions affecting that person; 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.

### **E. Reporting Sexual Misconduct Between Adults**

Nothing in this policy requires the person complaining of sexual exploitation or sexual harassment to report the matter to the individual who is the subject of the complaint. Any person who believes that he or she is being subjected to any type of sexual misconduct between adults should bring the matter to the attention of the Church, regardless of the position of the offending

person. Guidelines for reporting, including contact information, are contained in the *Sexual Exploitation and Sexual Harassment Policies*.

No one who reports sexual misconduct will be retaliated against or adversely treated because he or she made a complaint.

The Diocese may suspend any individual who is the subject of a complaint of sexual exploitation or sexual harassment during the pendency of the investigation.

If the investigation substantiates that the complaint is valid, immediate corrective action designed to stop the misconduct and prevent its recurrence will be taken. Such corrective action may include discipline, up to and including discharge or dismissal of the offending person.

# **III.**

## ***POLICY PROHIBITING SEXUAL HARASSMENT***

# SEXUAL HARASSMENT POLICY

The Episcopal Diocese of Oklahoma prohibits and will not tolerate sexual harassment of Church personnel in any of its Diocesan entities.

## A. Definition:

Sexual harassment includes:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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 a basis for employment decisions affecting that 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.

## B. Examples of Sexual Harassment

Examples of unwelcome conduct which may constitute sexual harassment include, but are not limited to, the following:

### Physical Conduct

- Sexual touching;
- Kissing;
- Casual hugs not intended to be sexual;
- Massaging necks, shoulders, backs;
- Being in someone else's "space;"
- Unwelcome displays of romantic or sexual affection;

- Aggressive physical contact or assault;
- Leering;
- Obscene, or vulgar gestures including gestures simulating sexual acts, “shooting the finger,” kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner.

#### Verbal

- Off-color jokes;
- Sexual language or references;
- Propositions;
- Suggestive or insulting sounds; whistles, “wolf calls”
- References of a sexual nature about any person;
- Gossip or speculation about a person’s sexuality, sexual practices, sexual health, pregnancy, or virility;
- Request for dates;
- Remarks about anatomy;
- Bragging about sexual conquest;
- Inquiries about sexual conduct;
- Terms of endearment;
- Use of curse words or vulgarity;
- Sexual innuendo.

#### Visual and Non-Verbal

- Posters;
- Photographs;

- Cartoons or drawings, including those that depict nudity, sex acts, provocative poses etc.;
- Email messages or graphics, including inappropriate wallpaper, screensavers, or other electronic displays of a sexual nature;
- Possession of pornography or inappropriate materials of a sexual nature on church or school property or on church or school computers, or its display, duplication, or transmission.

### **C. Training**

The following individuals must complete the Diocesan training on the *Policy Prohibiting Sexual Harassment* and return the acknowledgement form for their personnel file:

- Clergy
- Finance Committee
- Heads of schools, congregations and institutions
- Vestries
- Supervisors of employees and volunteers
- Standing Committee members
- Diocesan Council Members

The following individuals must receive a copy of the *Policy Prohibiting Sexual Harassment* and return the acknowledgement form for their personnel file:

- Employees
- Designated volunteers (to include volunteer staff)

### **D. Reporting**

Anyone who believes he or she has been a victim of any form of sexual harassment must promptly report it to one or more of the following:

- (1) A supervisor;
- (2) Anyone in the supervisory chain;
- (3) The head of the congregation, school, or institution;
- (4) A warden of the congregation; or

- (5) Bishop's Office, Canon to the Ordinary; The Rev. Canon José McLoughlin, Episcopal Diocese of Oklahoma, 924 N. Robinson, Oklahoma City OK, 73102, 405 232 4820

An individual may, but is not required, to speak to the person whose conduct is objectionable in an effort to resolve the situation. However, no one is ever required to complain to the person who is accused of the offensive conduct, and should only approach the person engaging in the unwelcome conduct if he or she is comfortable doing so. No one is required to complain to his or her supervisor or within his or her chain of command but may utilize the other reporting options.

Complaints of sexual harassment may be made in any of the following ways:

- (1) A telephone call;
- (2) A letter;
- (3) A fax; and/or
- (4) An in-person meeting;
- (5) By filing a Confidential Notice of Concern.

#### **E. Investigation**

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 head of the congregation, school, or institution. Church personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation. Diocesan employees must report any complaints to the Canon to the Ordinary, or the Bishop.

All complaints of sexual harassment will be promptly investigated. Complaints will be handled on a confidential basis, except to the extent necessary to conduct a proper investigation.

If the investigation substantiates the complaint, immediate corrective action designed to stop the harassment and prevent its reoccurrence, up to and including termination of employment, will be taken.

## **F. Retaliation**

Any person who in good faith reports sexual harassment or provides information related to a complaint will not be retaliated against or adversely treated with respect to terms and conditions of employment as a result of making a report or providing information. Anyone who believes that he or she has been subjected to retaliation in violation of this policy should report it immediately, following the process outlined above. Persons who are found to have engaged in retaliation will be subject to discipline, up to and including termination.

# Confidential Notice of Concern

Who is the complaint about? \_\_\_\_\_

Their position: \_\_\_\_\_

Date incident occurred: \_\_\_\_\_

Church/school/institution \_\_\_\_\_

City where church/school/institution is located \_\_\_\_\_

Nature of concern: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Describe the situation: (i.e. - what happened?)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Where did it happen?** \_\_\_\_\_

\_\_\_\_\_

**Who else was present?** \_\_\_\_\_

\_\_\_\_\_

**Has it ever happened before?** \_\_\_\_\_

\_\_\_\_\_

**Was it reported?** \_\_\_yes \_\_\_no \_\_\_don't know

**If reported, to whom:** \_\_\_\_\_

**What action was taken:** \_\_\_\_\_

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**Follow-up:** Does anyone else need to be notified?

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Would you like someone to call to discuss the situation? \_\_\_\_yes \_\_\_\_no

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Once completed, please fax or mail to the contact below:

The Rev. Canon José McLoughlin, Episcopal Diocese of Oklahoma, 924 N. Robinson,  
Oklahoma City OK, 73102, 405 232 4820, 405 232 4912 fax, [canonjose@epiok.org](mailto:canonjose@epiok.org).

# ***IV.***

## ***POLICY FOR THE PREVENTION OF SEXUAL EXPLOITATION***

### **IV. SEXUAL EXPLOITATION POLICY**

The Episcopal Diocese of Oklahoma 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.

**A. Definition of a Pastoral Relationship**

A Pastoral Relationship is defined as a relationship between a clergy person and any person:

- Who attends a congregation or other ministry setting in which the clergy person serves;
- Who seeks ministry from the clergy person; or
- Who is a duly-appointed lay minister whether employee or volunteer.

**B. Others with Pastoral Relationships**

In addition to clergy, other persons with Pastoral Relationships include the following:

- Church Staff (paid and volunteer)
- Youth Ministers
- Members of Vestries and Bishop's Committees
- Stephens Ministers
- Community of Hope
- Spiritual directors (those trained by FIND or other licensing group)
- Ministers of any sacrament outside of any public worship
- Lay Eucharistic visitors
- Hospital visitors (authorized by your church)
- Life leadership/peer coaches
- Leaders/facilitators of
  - A. Bible studies
  - B. Cursillo (serving on teams)
  - C. Christian Formation (e.g. EFM mentors; Catechumenate sponsors)
  - D. Small group/ministries (e.g. New Member Ministry, prayer ministry)
- Licensed Worship leaders

- Licensed Preachers
- Licensed Catechists
- Lay Congregational Leaders
- Lay chaplains
- Interns
- Persons who do field work

### **C. Expectations of Persons with Pastoral Relationships**

The following guidelines are intended to assist individuals who have Pastoral Relationships and those who monitor and supervise them to understand and maintain appropriate boundaries at all times. The guidelines identify, through examples, conduct that is appropriate and shows positive affection in ministry while keeping safe boundaries with others.

Persons who have Pastoral Relationships must:

- Understand that the Church will not tolerate the sexual exploitation of any adult;
- Agree to never sexually exploit any person they serve or work with on behalf of the church, school, or institution;
- Agree to comply with the policies defined in *Policy for the Prevention of Sexual Exploitation of Adults*;
- Agree to immediately end any sexual or inappropriate relationship with a person in a Pastoral Relationship
- Immediately seek advice from the Bishop's office if there are any questions or concerns about any of these policies or their expectations;
- Agree to immediately report any inappropriate behavior, boundary violations, or policy violations they observe;
- Acknowledge their obligation and responsibility to prevent sexual exploitation of adults.

### **D. Prohibited Conduct**

Persons who have Pastoral Relationships are prohibited from dating or becoming romantically involved with anyone with whom they have a Pastoral Relationship, so long as the Pastoral Relationship continues.

This prohibition specifically includes having sexual contact with any person in the Pastoral Relationship.

Persons who have Pastoral Relationships are required to maintain clear and appropriate boundaries and to avoid even the appearance of impropriety.

Whenever possible, persons who have pastoral relationships should have one one-on-one meeting with adults only during regularly scheduled hours and by appointment and on church premises or in other appropriate professional settings when others are present in the building.

#### **E. Examples of Inappropriate Conduct**

The following are examples of inappropriate conduct that is prohibited for those who are in a Pastoral Relationship.

- Any form of unwanted affection;
- Surprise or sudden touching;
- Full frontal hugs or “bear hugs”;
- Touching bottoms, chests, or genital areas;
- Lying down or sleeping beside another;
- Massages;
- Patting others on their thigh, knee or leg;
- Tickling or wrestling;
- Touching or hugging from behind;
- Showing affection in isolated areas;
- Inappropriate or lengthy embraces;
- Kisses on the mouth;
- Showing affection while in isolated areas;
- Any form of unwanted affection;
- Comments or compliments, whether verbal or written, that relate to a person’s body or appearance or could be viewed as sexually suggestive;
- Giving gifts or money to favored individuals;
- Repeated or private meetings after hours or away from church property;
- Repeated electronic communications, such as e-mails or texts, especially those that contain personal disclosures or solicitations of an intimate relationship;
- Seeking excessive private time;

- Providing personal access, such as a personal e-mail address or cell phone number, if that is not generally available, to others;
- Possessing, using or referring to any sexually oriented materials, such as magazines or videos;
- Sharing sexually oriented materials or using the internet to view or download such material, whether on or off church property;
- Discussing sexual activities, including dreams and fantasies, or discussing the use of sexual oriented or explicit material, such as pornography, videos, or materials;

#### **F. Examples of Appropriate Physical Contact**

Some forms of physical contact may be appropriate between those in Pastoral relationships, provided they are welcomed by the recipient. These include the following:

- Brief hugs;
- Pats on the shoulder;
- Kisses on the cheek;
- Handshakes;
- Holding hands during prayer;
- Pats on the shoulder or back;
- Touching hands;
- Touching shoulders;
- Touching arms;
- Holding hands when a person is upset.

If a person in a Pastoral Relationship is ever unsure about whether one of these types of touching is appropriate, he or she should ask permission and wait for a response before making physical contact.

#### **G. Reporting**

Anyone who believes that he or she or someone else has been subjected to sexual exploitation must promptly report it to one of the following:

1. The head of congregation, school, or institution
2. A warden of the congregations

3. Bishop's Office: The Rev. Canon José McLoughlin Episcopal Diocese of Oklahoma, 924 N. Robinson, Oklahoma City OK, 73102, 405 232 4820, 405 232 4912 fax

4. Clergy and other church personnel are required to report immediately any suspected or known sexual exploitation to one or more of the individuals above. Diocesan employees must report any complaints or policy violations to the Canon to the Ordinary.

Complaints of sexual exploitation may be made in any of the following ways:

1. Telephone call
2. A letter
3. A fax
4. An in person meeting

#### **H. Screening and Selection**

All persons who have Pastoral Relationships shall be pre-screened and selected as follows:

1. An applicant must be known to the leadership of the congregation for at least six months.
2. All applicants must complete an application form that includes an authorization for the release of information to conduct background screening and reference checks.
3. A sexual offender registry check must be completed for all applicants in any state in which an applicant has resided for the past seven years.
4. A criminal records check must be performed for persons who will be working with vulnerable adults in their homes. At a minimum, the criminal records check must cover any state where the applicant has resided for the past seven years.
5. References provided by an applicant, including at least one person outside the congregation, must be checked.
6. An individual interview with the applicant must be conducted.

7. All information gathered about an applicant must be carefully reviewed and evaluated to make a determination of whether the person may engage in Pastoral Relationships.
8. A personnel file of persons who have Pastoral Relationships must be maintained with church records.

**I. Repeat Background Checks**

Criminal record checks and sexual offender registry checks must be repeated every five years for persons who have Pastoral Relationships.

**J. Education and Training Requirements**

Persons who have Pastoral Relationships as defined in this policy are required to complete the Diocesan training on the Prevention of Sexual Exploitation of Adults. The required education and training must be completed within three months of the start of the Pastoral Relationship. Training must be repeated every five years.

**K. Transfers within the Diocese**

Persons who have Pastoral Relationships who wish to transfer within the Diocese are required to undergo the same screening and selection processes specified above. This requirement may be met through a transfer of a copy of the required documents in the individual's personnel file to the new congregation, school, or institution; however, the individual seeking a transfer must complete a new application form, be interviewed, and update his or her references to include information about his or her Pastoral Relationships since the last screening was completed.

**L. Monitoring and Supervising Pastoral Relationships**

In addition to the other steps outlined above, monitoring and supervising persons who have Pastoral Relationships should include the following:

1. Maintaining an up-to-date list of persons who have Pastoral Relationships in the church records;
2. Requiring that all new activities that involve Pastoral Relationships be approved by the head of the congregation, school or institution before the activity is to begin. Requests to develop new activities or programs should be submitted in writing to the designated head.

## **M. Spiritual Counseling**

There are laws that prohibit sexual exploitation between mental healthcare providers and those to whom they are providing those services. A copy of the Oklahoma Statute, Chapter 81 of the Oklahoma Civil Practice and Remedies Code is provided in the appendix. Clergy are included within the definition of “mental health provider” unless the services they provide cover only spiritual counseling. For this reason, it is important to follow these guidelines:

- Clergy and others in Pastoral Relationships should not go outside their area of expertise and training, but instead should make referral to a physician, psychologist or other mental health professional for issues that involve those specialties.
- Even clergy who are licensed or credentialed as mental healthcare professionals, such as psychologists, marriage or family therapists, and substance abuse counselors, must draw distinctions when they are functioning on behalf of the church and make it clear for those they are serving that they are not functioning in the role of a mental healthcare provider when working on behalf of the church, but only as a spiritual advisor.
- Clergy who are licensed and do provide services as mental healthcare providers while also serving as spiritual advisors on behalf of the church should clearly separate those roles by maintaining separate offices or locations and clearly communicate to all concerned when they are acting as a mental healthcare provider, as opposed to a spiritual advisor or spiritual counselor.
- Clergy who are separately licensed or credentialed as mental healthcare providers must maintain in full force separate professional insurance coverage at all times for any work they do outside their church role as spiritual advisors and provide proof of insurance to the church on an annual basis. The insurance must have per occurrence limits of at least \$1,000,000 and aggregate limits of at least \$3,000,000, including coverage for sexual misconduct, however defined in the policies, with limits of at least \$50,000. The insurance policy must name the church employer or church as an additional insured.

#### **N. Settings Where Pastoral Relationships Take Place:**

Locations where Pastoral Relationships occur should, whenever possible, be in open, visible spaces (or in closed spaces with windows, unobstructed by blinds or other barriers) where casual monitoring by others is convenient; for example, in areas where other church personnel are visible or work nearby.

The location that is selected should convey safety and comfort without the use of couches, loveseats, or other furniture that would encourage close seating.

#### **O. Suggestions for Office Décor**

The following are recommendations that will help create an appropriate for Pastoral Relationships that is private but allows for appropriate monitoring and supervision.

- Comfortable chairs positioned at 45 degree angle from each other create a good area for conversation. Couches and love seats are discouraged, but if they are used, persons who have Pastoral Relationships should sit. Furniture that reclines should be avoided.
- Artwork should be tasteful and not offensive.
- Windows in walls or doors should be unobstructed by blinds, furniture, curtains, or posters so that the space is always subject to casual monitoring.
- A sense of privacy can be maintained by arranging the furniture so that persons who provide pastoral care are always visible, but the parishioner or visitor does not feel exposed.
- If the space has a private entrance, and it is used, ensure that staff knows when someone is in the space and when it is being used for Pastoral Relationships.

# Confidential Notice of Concern

Who is the complaint about? \_\_\_\_\_

Their position: \_\_\_\_\_

Date incident occurred: \_\_\_\_\_

Church/school/institution \_\_\_\_\_

City where church/school/institution is located \_\_\_\_\_

Nature of concern: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Describe the situation: (i.e. - what happened?)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Where did it happen?** \_\_\_\_\_

\_\_\_\_\_

**Who else was present?** \_\_\_\_\_

\_\_\_\_\_

**Has it ever happened before?** \_\_\_\_\_

\_\_\_\_\_

**Was it reported?** \_\_\_yes \_\_\_no \_\_\_don't know

**If reported, to whom:** \_\_\_\_\_

**What action was taken:** \_\_\_\_\_

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**Follow-up:** Does anyone else need to be notified?

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Would you like someone to call to discuss the situation? \_\_\_\_yes \_\_\_\_no

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Once completed, please fax or mail to the contact below:

The Rev. Canon José McLoughlin Episcopal Diocese of Oklahoma, 924 N. Robinson,  
Oklahoma City OK, 73102, 405 232 4820, 405 232 4912 fax.

# **Appendix**

- 1. Acknowledgement of Policy**
- 2. Oklahoma Civil Practices and Remedies Code**

# Acknowledgement

I acknowledge that I have received and reviewed a copy of The Policy Prohibiting Sexual Misconduct of the Episcopal Diocese of Oklahoma.

I have read and understand this policy and agree to comply with it in all respects.

I have also received training on this date on the Diocesan Policy for the Prevention of \_\_\_(1) Sexual Exploitation of Adults and/or \_\_\_(2) Sexual Harassment and agree to comply with those policies and guidelines.

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Printed Name

---

Signature

---

Date

# OKLAHOMA STATUTES

## TITLE 43A.

### MENTAL HEALTH

§43A-10-101. Short title.

Sections 10-101 through 10-110 of this title may be cited as the "Protective Services for Vulnerable Adults Act".

Added by Laws 1977, c. 264, § 1, emerg. eff. June 17, 1977. Amended by Laws 1984, c. 256, § 1, eff. Nov. 1, 1984; Laws 1986, c. 103, § 97, eff. Nov. 1, 1986. Renumbered from § 801 by Laws 1986, c. 103, § 103, eff. Nov. 1, 1986. Amended by Laws 1997, c. 195, § 4, eff. Nov. 1, 1997.

§43A-10-102. Purpose.

A. The Legislature recognizes that many citizens of this state, because of the infirmities of aging, incapacity, or other disability are unable to manage their own affairs or to protect themselves from exploitation, abuse, or neglect and are in need of protective services.

B. Services provided pursuant to the provisions of the Protective Services for Vulnerable Adults Act shall guarantee, to the maximum degree of feasibility, the individual the same rights as other citizens, and at the same time protect the individual from exploitation, abuse, or neglect.

C. The Protective Services for Vulnerable Adults Act is designed to establish a program of protective services for vulnerable adults in need of those services.

Added by Laws 1977, c. 264, § 2, emerg. eff. June 17, 1977. Amended by Laws 1984, c. 256, § 2, eff. Nov. 1, 1984. Renumbered from § 802 of this title by Laws 1986, c. 103, § 103, eff. Nov. 1, 1986. Amended by Laws 1997, c. 195, § 5, eff. Nov. 1, 1997; Laws 2003, c. 332, § 1, emerg. eff. May 29, 2003.

§43A-10-103. Definitions.

A. When used in the Protective Services for Vulnerable Adults Act:

1. "Protective services" means services which are necessary to aid a vulnerable adult in meeting the essential requirements for mental or physical health and safety that the vulnerable adult is

unable to provide or obtain without assistance. The term "protective services" includes but is not limited to services provided to or obtained for such person in order to prevent or remedy the abuse, neglect, or exploitation of such person;

2. "Services which are necessary to aid an individual to meet essential requirements for mental or physical health and safety" include, but shall not be limited to:

- a. the identification of vulnerable adults in need of the services,
- b. the provision of medical care for physical and mental health needs,
- c. the provision of social services assistance in personal hygiene, food, clothing, and adequately heated and ventilated shelter,
- d. protection from health and safety hazards,
- e. protection from physical mistreatment,
- f. guardianship referral,
- g. outreach programs, and
- h. the transportation necessary to secure any of such services.

The term shall not include taking the person into physical custody without the consent of the person except as provided for in Sections 10-107 and 10-108 of this title, and the evaluation, monitoring, and provision of protective placements;

3. "Meet essential requirements for mental or physical health and safety" means those actions necessary to provide the health care, food, shelter, clothing, personal hygiene and other care without which physical injury or illness to the vulnerable adult is likely to occur;

4. "Incapacitated person" means:

a. any person eighteen (18) years of age or older:

(1) who is impaired by reason of mental or physical illness or disability, dementia or related disease, mental retardation, developmental disability or other cause, and

(2) whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that such person lacks the capacity to manage his or her financial resources or to meet essential requirements for his or her mental or physical health or safety without assistance from others, or

b. a person for whom a guardian, limited guardian, or conservator has been appointed pursuant to the Oklahoma Guardianship and Conservatorship Act;

5. "Vulnerable adult" means an individual who is an incapacitated person or who, because of physical or mental disability, incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others;

6. "Caretaker" means a person who has:

a. the responsibility for the care of a vulnerable adult or the financial management of the resources of a vulnerable adult as a result of a family relationship,

b. assumed the responsibility for the care of a vulnerable adult voluntarily, by contract, or as a result of the ties of friendship, or

c. been appointed a guardian, limited guardian, or conservator pursuant to the Oklahoma Guardianship and Conservatorship Act;

7. "Department" means the Department of Human Services;

8. "Abuse" means causing or permitting:

a. the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish, or

b. the deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult;

9. "Exploitation" or "exploit" means an unjust or improper use of the resources of a vulnerable adult for the profit or advantage, pecuniary or otherwise, of a person other than the vulnerable adult through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense;

10. "Neglect" means:

a. the failure to provide protection for a vulnerable adult who is unable to protect his or her own interest,

b. the failure to provide a vulnerable adult with adequate shelter, nutrition, health care, or clothing, or

c. negligent acts or omissions that result in harm or the unreasonable risk of harm to a vulnerable adult through the action, inaction, or lack of supervision by a caretaker providing direct services;

11. "Sexual abuse" means:

a. oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult with any other object, or

b. for the purpose of sexual gratification, the touching, feeling or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult, or

c. indecent exposure by a caretaker or other person providing services to the vulnerable adult;

12. "Indecent exposure" means forcing or requiring a vulnerable adult to:

a. look upon the body or private parts of another person or upon sexual acts performed in the presence of the vulnerable adult, or

b. touch or feel the body or private parts of another;

13. "Self-neglect" means the action or inaction of a vulnerable adult which causes that person to fail to meet the essential requirements for physical or mental health and safety due to the vulnerable adult's lack of awareness, incompetence or incapacity;

14. "Sexual exploitation" includes, but is not limited to, a caretaker's causing, allowing, permitting or encouraging a vulnerable adult to engage in prostitution or in the lewd, obscene, or pornographic photographing, filming or depiction of the vulnerable adult as those acts are defined by state law; and

15. "Verbal abuse" means the use of words, sounds, or other communication including, but not limited to, gestures, actions or behaviors, by a caretaker or other person providing services to a vulnerable adult that are likely to cause a reasonable person to experience humiliation, intimidation, fear, shame or degradation.

B. Nothing in this section shall be construed to mean a vulnerable adult is abused or neglected for the sole reason the vulnerable adult, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the practices of a recognized religious method of healing, for the treatment or cure of disease or remedial care, or a caretaker or other person responsible, in good faith, is furnishing such vulnerable adult spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, for the treatment or cure of disease or remedial care in accordance with the practices of or express consent of the vulnerable adult.

Added by Laws 1977, c. 264, § 3, emerg. eff. June 17, 1977. Amended by Laws 1980, c. 238, § 1, eff. Oct. 1, 1980; Laws 1984, c. 256, § 3, eff. Nov. 1, 1984. Renumbered from § 803 of this title by Laws 1986, c. 103, § 103, eff. Nov. 1, 1986. Amended by Laws 1994, c. 244, § 1, eff. Sept. 1, 1994; Laws 1997, c. 195, § 6, eff. Nov. 1, 1997; Laws 1998, c. 298, § 3, eff. Nov. 1,

1998; Laws 2001, c. 393, § 1, emerg. eff. June 4, 2001; Laws 2003, c. 332, § 2, emerg. eff. May 29, 2003.

NOTE: Laws 1998, c. 219, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§43A-10-104. See OS 43A-10-104v1 or OS 43A-10-104v2.

§43A-10-104v1. Persons required to report abuse - Contents of report - Penalty - Immunity - False reports - Reporting of suspicious deaths - Impairment of employment prohibited.

A. 1. Any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation shall make a report to either the Department of Human Services, the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred or the local municipal police department or sheriff's department as soon as the person is aware of the situation.

2. a. If a report is made to the Department of Human Services, the county office, after investigating the report, shall forward its findings to the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred.

b. The findings shall also be sent to any state agency with concurrent jurisdiction over persons or issues identified in the investigation, including, where appropriate, the State Department of Health, the Oklahoma Board of Nursing, or any other appropriate state licensure or certification board, agency, or registry.

B. Persons required to make reports pursuant to this section shall include, but not be limited to:

1. Physicians;
2. Operators of emergency response vehicles and other medical professionals;
3. Social workers and mental health professionals;
4. Law enforcement officials;
5. Staff of domestic violence programs; and
6. Long-term care facility personnel.

C. The report shall contain the name and address of the vulnerable adult, the name and address of the caretaker, if any, and a description of the current location and current condition of the

vulnerable adult and of the situation which may constitute abuse, neglect or exploitation of the vulnerable adult.

D. Any person who knowingly and willfully fails to promptly report any abuse, neglect, or exploitation as required by the provisions of subsections A and B of this section, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

E. 1. Any person participating in good faith and exercising due care in the making of a report pursuant to the provisions of this section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

2. The same immunity from any civil or criminal liability shall also be extended to previous employers of a person employed to be responsible for the care of a vulnerable adult, who in good faith report to new employers or prospective employers of such caretaker any misconduct of the caretaker including, but not limited to, abuse, neglect or exploitation of a vulnerable adult, whether confirmed or not.

F. Any person who willfully or recklessly makes a false report shall be civilly liable for any actual damages suffered by the person being reported and for any punitive damages set by the court or jury which may be allowed in the discretion of the court or jury.

G. Any state or county medical examiner or physician who has reasonable cause to suspect that the death of any vulnerable adult may be the result of abuse or neglect as defined by Section 10-103 of this title shall make a report to the district attorney of the county in which the death occurred. The report shall include the name of the person making the report, the name of the deceased person, the facts or other evidence supporting such suspicion, and any other information that may be of assistance to the district attorney in conducting an investigation into the matter.

H. No employer shall terminate the employment, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that the employee made or caused to be made a report or cooperated with an investigation pursuant to the Protective Services for Vulnerable Adults Act. A court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated the provisions of this subsection.

Added by Laws 1977, c. 264, § 4, emerg. eff. June 17, 1977. Amended by Laws 1984, c. 140, § 1, eff. Nov. 1, 1984; Laws 1984, c. 256, § 4, eff. Nov. 1, 1984. Renumbered from § 804 of this title by Laws 1986, c. 103, § 103, eff. Nov. 1, 1986. Amended by Laws 1993, c. 159, § 1, eff. July 1, 1993; Laws 1997, c. 195, § 7, eff. Nov. 1, 1997; Laws 1998, c. 298, § 4, eff. Nov. 1, 1998; Laws 2000, c. 340, § 24, eff. July 1, 2000; Laws 2003, c. 332, § 3, emerg. eff. May 29, 2003.

§43A-10-104v2. Persons required to report abuse, neglect, or exploitation - Penalty - Immunity - Civil liability for false reports - Disclosure of health information - Reporting of suspicious deaths - Impairment of employment prohibited.

A. Any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation shall make a report as soon as the person is aware of the situation to:

1. The Department of Human Services; or
2. The municipal police department or sheriff's office in the county in which the suspected abuse, neglect, or exploitation occurred.

B. Persons required to make reports pursuant to this section shall include, but not be limited to:

1. Physicians;
2. Operators of emergency response vehicles and other medical professionals;
3. Social workers and mental health professionals;
4. Law enforcement officials;
5. Staff of domestic violence programs;
6. Long-term care facility personnel; and
7. Other health care professionals.

C. 1. If the report is not made in writing in the first instance, as soon as possible after it is initially made by telephone or otherwise, the report shall be reduced to writing by the Department of Human Services, in accordance with rules promulgated by the Commission for Human Services, or the local municipal police or sheriff's department whichever entity received the initial report. The report shall contain the following information:

- a. the name and address of the vulnerable adult,
- b. the name and address of the caretaker, guardian, or person having power of attorney over the vulnerable adult's resources if any,
- c. a description of the current location of the vulnerable adult,
- d. a description of the current condition of the vulnerable adult, and

e. a description of the situation which may constitute abuse, neglect or exploitation of the vulnerable adult.

2. If federal law specifically prohibits the disclosure of any of the information required by this subsection, that information may be excluded from the report.

D. If the initial report is made to the local municipal police department or sheriff's office, such police department or sheriff's office shall notify, as soon as possible, the Department of Human Services of its investigation.

E. Any person who knowingly and willfully fails to promptly report any abuse, neglect, or exploitation as required by the provisions of subsection A of this section, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

F. 1. Any person participating in good faith and exercising due care in the making of a report pursuant to the provisions of this section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. The same immunity from any civil or criminal liability shall also be extended to previous employers of a person employed to be responsible for the care of a vulnerable adult, who in good faith report to new employers or prospective employers of such caretaker any misconduct of the caretaker including, but not limited to, abuse, neglect or exploitation of a vulnerable adult, whether confirmed or not.

G. Any person who willfully or recklessly makes a false report shall be civilly liable for any actual damages suffered by the person being reported and for any punitive damages set by the court or jury which may be allowed in the discretion of the court or jury.

H. 1. Every physician or other health care professional making a report concerning the abuse, neglect or exploitation of a vulnerable adult, as required by this section, or examining a vulnerable adult to determine the likelihood of abuse, neglect or exploitation, and every hospital in which a vulnerable adult is examined or treated for abuse, neglect or exploitation shall disclose necessary health information related to the case and provide, upon request by either the Department of Human Services or the local municipal police or sheriff's department receiving the initial report, copies of the results or the records of the examination on which the report was based, and any other clinical notes, x-rays or photographs and other health information which is related to the case if:

a. the vulnerable adult agrees to the disclosure of the health information, or

b. the individual is unable to agree to the disclosure of health information because of incapacity;  
and

(1) the requesting party represents that the health information for which disclosure is sought is not intended to be used against the vulnerable adult in a criminal prosecution but to provide protective services pursuant to the Protective Services for Vulnerable Adults Act,

(2) the disclosure of the information is necessary to conduct an investigation into the alleged abuse, neglect or exploitation of the vulnerable adult subject to the investigation, and

(3) immediate enforcement activity that depends upon the disclosure:

(a) is necessary to protect the health, safety and welfare of the vulnerable adult because of incapacity, or

(b) would be materially and adversely affected by waiting until the vulnerable adult is able to agree to the disclosure.

2. If federal law specifically prohibits the disclosure of any of the information required by this subsection, that information may be excluded from the disclosed health information.

I. After investigating the report, either the county office of the Department of Human Services or the municipal police department or sheriff's office, as appropriate, shall forward its findings to the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred.

J. Any state or county medical examiner or physician who has reasonable cause to suspect that the death of any vulnerable adult may be the result of abuse or neglect as defined by Section 10-103 of this title shall make a report to the district attorney or other law enforcement official of the county in which the death occurred. The report shall include the name of the person making the report, the name of the deceased person, the facts or other evidence supporting such suspicion, and any other health information that may be of assistance to the district attorney in conducting an investigation into the matter.

K. No employer shall terminate the employment, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that the employee made or caused to be made a report or cooperated with an investigation pursuant to the Protective Services for Vulnerable Adults Act. A court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated the provisions of this subsection.

Added by Laws 1977, c. 264, § 4, emerg. eff. June 17, 1977. Amended by Laws 1984, c. 140, § 1, eff. Nov. 1, 1984; Laws 1984, c. 256, § 4, eff. Nov. 1, 1984. Renumbered from § 804 of this title by Laws 1986, c. 103, § 103, eff. Nov. 1, 1986. Amended by Laws 1993, c. 159, § 1, eff. July 1, 1993; Laws 1997, c. 195, § 7, eff. Nov. 1, 1997; Laws 1998, c. 298, § 4, eff. Nov. 1, 1998; Laws 2000, c. 340, § 24, eff. July 1, 2000; Laws 2003, c. 399, § 1, emerg. eff. June 5, 2003.