

## **First Parish Brewster Unitarian Universalist Policy**

**Policy Title:** First Parish Brewster Sexually Safe Congregation Policy

**Effective Date:** November 2017

**Policy Number:** 3.3

**Revisions:** Revision 1 November 2017

**Purpose:** To create a place to live, work, and worship free from gender and sexual misconduct.

**Board Review:** November 2017

**Congregations' Acceptance:** May 2017

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### **POLICY STATEMENT**

First Parish Brewster aims to create a space for work, community, and worship, free from sexual misconduct. This policy calls for the establishment of a special committee which will implement this policy, monitor the need for updating this policy and conduct all related education identified in this policy to appropriate FPBUU members / staff in a timely manner.

### **PROCEDURES**

#### **1. Establish a Safer Congregation Committee**

- a. First Parish Brewster will have a standing Safer Congregation Committee (SCC), which will report to the Minister. This committee will be comprised of five (5) members: the Minister, CYM Director, and three (3) members of the FPBUU congregation appointed by the Minister and approved by the Board of Trustees.
- b. The SCC is responsible for implementation of our safe congregation policies. Their function individually and collectively is to offer confidential support, advice, and counsel with concern for the safety of all parties involved. The congregation will be advised annually of the members of the committee. The

names of the committee will appear in the newsletter, soundings, and on the website. It has the following responsibilities:

- i. Know about community resources for child abuse, treatment for sex offenders, and support groups for survivors
  - ii. Know about state laws regarding reporting
  - iii. Be a resource for people to share their concerns
  - iv. Evaluate the overall Application Process for CYM Program Leaders and Youth Advisors.
  - v. Review the Annual Program Leader Orientation for CYM Leaders/Advisors on issues, policies, and procedures relevant to this policy are included.
  - vi. Work with the DCYM to insure that child abuse education sections of the OWL are included whenever we offer OWL
  - vii. Receive allegations of possible abuse and develop a process for expedient handling of such allegations, including contacting the UUA Office of Ethics for consultation
  - viii. Meet with convicted sex offenders to develop a limited access agreement for participation in Congregation activities
- c. All activities of the committee will be conducted in a confidential fashion and may only be disclosed when necessary and appropriate as determined by the team.
- d. Any person in the congregation who has a concern or knowledge of sexual abuse or sexual harassment involving a congregant or staff member of the congregation is urged to contact the Minister or another member of the SCC. First Parish Brewster is committed to being a workplace and a congregation free of sexual harassment of any kind. Concerns about professional sexual misconduct by one of the ministerial staff will be handled as described below (pg 7) by the SCC.
- e. Develop Policies for Staff and Volunteers
- f. When adopted by the FPB Board these Policy Guidelines shall serve as the basis for responding to all matters of sexual abuse at FPB. Standards for FPB on Responding to Abuse is not intended to supplant any procedures required by law in the operation of any child or youth centered activity.
- g. FPB will disseminate these guidelines to all employees; throughout our adult, teen, and child communities; and to all new members who join FPB. Creating a safe congregation cannot just be the responsibility of a small group of congregants. We understand that standing by our principles for responding to and preventing sexual abuse is a community project. Every member has a role to play in ensuring safety within the Congregation.

## **2. Practices of holding events and activities with children present**

- a. At all church activities with youth under age 18 (classroom, worship, children and teen choir, youth group, youth outing etc.) there will be two (preferably unrelated) adults present. There will be two teachers in all CYM classrooms at all times; this may necessitate a parent volunteer staying if one of the adult teachers is not present. It is acceptable to have one adult, or youth who has gone through the CYM Childcare Training, in the Nursery/Childcare area with supervision and or other adults in adjoining Fellowship Hall space.
- b. Middle school and high school overnights/cons held at the congregation will follow denomination Guidelines for safety at such events, including a group covenant that intimate sexual behaviors are not to occur. The Youth Ministry Coordinator will work with the youth group each year to establish a covenant that includes guidelines on healthy physical boundaries, and exclusive relationships within youth groups, ie how to behave if youth within the group are dating.
- c. All drivers to CYM activities and pastoral care associates must provide copies of valid driver's licenses. Preferably, two unrelated adults must be in any car transporting unrelated minors. If this is not possible, there will be at least two unrelated children in a single driver's car, and rest stops will be coordinated with other drivers.
- d. It is expected that members of the congregation, staff, renters or any other adults using the building or potential members/participants with a history or active accusation of sexual misconduct/abuse/sexual offense, will make that history or accusation known to one of the congregation ministers, who will follow the procedures below:
- e. Any adult, adolescent or child accused of a sexual offense of any kind will be placed on a tailored limited access agreement without prejudice. The SCC will be convened within 10 days of such a person being made known to the minister, the DCYM, or any member of the SCC to develop the agreement (which may be subsequently revised upon more information). The limited access agreement will remain in effect until all charges are dropped or confirmed (in which case see below.) Persons will not continue to attend or participate in any programs or services of the congregation until a limited access agreement is drawn up. Adolescents or children who are known to have sexually abused or sexually assaulted another youth or child will only be allowed adult-supervised participation in future religious education or youth group activities unless otherwise recommended by a therapist's evaluation.
- f. Any person convicted of a sexual offense or with a history of known sexual offenses will be placed on a limited access agreement without prejudice. The SCC will be convened within 10 days of such a person being made known to the minister, the DCYM, or any member of the SCC in order to develop the limited access agreement. This will be done upon consultation with the person's parole officer and/or treatment provider so it may be determined that they can safely

participate in the adult life of the congregation.

- g. Any person accused, convicted, or with a history of known sex offenses who will not sign the limited access agreement will be denied access to any programs or services at the congregation.

### **3. Review of Policies**

- a. The Board of Trustees and the Committee will annually review the effectiveness and implementation of these policy guidelines, and will revise them as needed.

### **4. Provide Trainings on Abuse**

- a. All staff including clergy will have a CORI on file (CORI- Criminal Offense Records Investigation). All new staff hiring will be subject to background checks and completion of the screening form. CORI checks will be the responsibility of the Director of Admin and Finance and DCYM. New hires will be contingent upon clean reports about sexual offenses. Clergy and other professional staff will have had training on sexual misconduct prevention, handling sexual attractions and boundaries, and offering pastoral responses to disclosure of past and present abuse.
- b. All CYM Program Leaders and Youth Advisors, as well as minors who work in CYM and approved Childcare Providers will complete an online training in child abuse prevention and sign the ethics policy before they begin volunteering. All CYM Program Leaders/Youth Advisors will need to receive a satisfactory CORI. Other background checks will be done as needed.
- c. Only approved Childcare Providers will be paid by the congregation. Childcare Providers will also be encouraged to take a community babysitting course (i.e. Red Cross).
- d. Volunteers in the CYM program must have attended Church, preferably for a year, unless prior experience and recommendations allow the DCYM in consultation with the chair of the SCC to determine otherwise.

### **6. Conflicts of Interest**

If any member of the SCC has allegations made against them, that person will be recused from the Committee.

## **RESOURCES**

### **1. Department of Children and Families (DCF)**

**500 Main St., Hyannis, MA 02601**

**local tel (M-F, 9 AM to 5 PM): 508-760-0200**

**24 HOUR Child Protection Hotline: 800-792-5200**

**2. Independence House**

<http://independencehouse.org>

**Main Office: 160 Bassett Lane, Hyannis MA 02601**

**Tel: 508-771-6507**

**24 HOUR HOTLINE: 800-439-6507**

**FAX: 508-778-0143**

**TTY 508-771-6782**

**Other Locations:**

**220 Main St. 2nd Fl, Ste 200, Falmouth, MA 02540**

**57 Route 6A, Orleans, MA 02653**

**2 Mayflower Ct, Provincetown, MA 02657**

**3. Children's Cove (Mission: To provide coordinated and comprehensive multidisciplinary services to child victims of sexual abuse/serious physical abuse and their families.)**

**P.O. Box 427, Barnstable, MA 02630**

**Main Number: 508-375-0410**

**Toll-Free 24 Hr on call response: 888-863-1900**

**FAX: 508-375-0409**

**Email: [info@childrenscove.org](mailto:info@childrenscove.org)**

**Web: [www.childrenscove.org](http://www.childrenscove.org)**

**Outreach Coordinator: (Jacob) 508-375-6924**

**4. Brewster Police Department**

**631 Harwich Rd, Brewster MA 02631**

**Business Phone: 508-896-7011**

**Emergency: 911**

**5. Family and Community Resources**

**(Batterers Intervention Program of Cape Cod)**

**Tel: 508-778-1980**

**6. Gosnold on Cape Cod**

**(Seeking Safety Group— Recovery from substance abuse and trauma for women)**

**Web: [gosnold.org](http://gosnold.org)**

**Tel: 508-444-1554**

**200 Ter Heun Dr., Falmouth, MA 02540 (open 24 hrs)**

**Gosnold-Thorne Counseling Center**

**43 Race Point Rd., Provincetown, MA 02657**  
**Tel: 508-487-2449**

## **STANDARDS**

### **Responding to Sexual Abuse**

Any allegation of sexual abuse will be taken seriously and pursued as described below as fully and as swiftly as possible by designated individuals (e.g., SCC, Minister, DCYM) of the Congregation, who will abide by the legal mandates set out by Massachusetts Law. If the alleged survivor is a child, the alleged sexual abuse will be reported to the Department of Children and Families (DCF) or the police as required by law. If the alleged survivor is an adult, he or she will be consulted before any action is taken

#### ***If the alleged survivor is under the age of 18:***

Members of the Congregation should inform the SCC and/or Minister of any allegation of sexual abuse. Should the Minister be accused of abuse, any other Committee member may be informed, and the Minister will be recused from the Committee. Committee members may then appoint any member of the SCC who is not accused to act as SCC Chair. In addition, the President of the Board of Trustees will contact the appropriate persons in the Denomination. If the President of the Board of Trustees is alleged to have committed sexual misconduct, guidance will be sought from the Denomination by the Minister.

It is in the best interests of everyone that an allegation is taken seriously and responded to as swiftly as possible.

Outline of the process:

1. Anyone who hears the allegation of child abuse should provide a compassionate response to everyone involved (the child, the alleged adult or adolescent or child who allegedly abused and their loved ones).
2. The person who hears the allegation should inform the SCC and/or Minister immediately.
3. The Minister and/or SCC will convene a meeting to determine the best way to proceed.
4. If the Minister and/or SCC are/is UNSURE whether or not there is enough information to make a report to legal authorities in accordance with DCF standards, then the Minister and SCC will continue discussion and seek advisement from the UUA Office of Ethics.
5. If there is NOT enough information to make a report to legal authorities in accordance with DCF standards, see the statement immediately below this outline of the process (note that steps 6-11 do not apply).
6. If there IS enough information to make a report to legal authorities in accordance with

DCF standards, document the reporting process and FPB's responses.

7. Immediately notify the Department of Children and Families (or if a caretaker is not involved, the police) of the sexual abuse allegation.
8. Notify the parents of the alleged survivor and take the necessary steps to ensure the child's or adolescent's safety.
9. Treat the accused with dignity, but ensure that the accused has immediately stopped all contact with children or youth.
10. Notify the Committee (if not contacted already), FPB's Board of Directors, attorney and insurer.
11. The Committee will call on a designated spokesperson to make any announcements.

In cases where there is not enough information to report the abuse to legal authorities, FPB remains committed to protecting our children, even in situations where the legal system may not become involved. With this in mind, the safety of the children is our first consideration, and all appropriate means should be exhausted to provide that safety and protection. Outside agencies and experts may be contacted by the Committee, Minister, DCYM, or Board of Trustees President in order to determine the best ways to proceed. In particular, the UUA Office of Ethics should be contacted.

It is expected that members and friends of the congregation and staff with a history or active accusation of sexual misconduct/abuse/sexual offense, will make that history or accusation known to the minister, who will follow the procedures below:

Any adult, adolescent or child accused of a sexual offense of any kind will be placed on a tailored limited access agreement without prejudice. The SCC will be convened within 10 days of such a person being made known to the clergy, the DCYM, or any member of the SCC to develop the agreement (which may be subsequently revised upon more information). The limited access agreement will remain in effect until all charges are dropped or confirmed (in which case see below.) Persons will not continue to attend or participate in any programs or services until a limited access agreement is drawn up. Adolescents or children who are known to have sexually abused or sexually assaulted another youth or child will only be allowed adult-supervised participation in future religious education or youth group activities unless otherwise recommended by a therapist evaluation.

Any person convicted of a sexual offense or with a history of known sexual offenses will be placed on a limited access agreement without prejudice. The safe congregations committee will be convened within 10 days of such a person being made known to the clergy, the DCYM, or any member of the SCC in order to develop the limited access agreement. This will be done upon consultation with the person's parole officer and/or treatment provider so it may be determined that they can safely participate in the adult life of the congregation.

Any person accused, convicted, or with a history of known sex offenses who will not sign the

limited access agreement will be denied access to any programs or services at the congregation. For further procedures on responding to a person accused, convicted, or with a history of known sex offenses, the congregation will follow the procedures outlined in Balancing Acts.

***If the alleged survivor is 18 years of age or older:***

The alleged survivor has the right to decide on whether to report the alleged sexual abuse. Whenever possible, the minister and SCC should be informed of the allegation. The SCC and minister should pursue the matter, to deal appropriately and compassionately with the one who is asserting that they were abused, and to deal appropriately and understanding with the one accused of using violence. If the alleged survivor or alleged person who used violence does want help, outside agencies and experts should be contacted in order to determine the best ways to proceed. For congregational relationship building the UUA Office of Ethic be contacted. Should the Minister or member of SCC be accused of abuse, the Minister or committee member (who is not accused) should determine who will act in their place under the circumstances.

Special consideration may need to be given in circumstances when either the person who has been abused or the abuser is of diminished capacity. Outside agencies and experts should be contacted in order to determine the best ways to proceed, and all legally mandated reporting requirements should be complied with.

**Consideration for Screening Employees**

Screening staff who care for children is one important step an organization can take to further protect children within their care. Failure to implement a screening process can create unnecessary risk for children and for an organization. When an organization allows someone to have access to children, its legal liability will depend upon whether or not the organization took appropriate steps to protect the children from harm.

A basic screening process consists of:

- Reviewing a written application;
- Conducting a face-to-face interview; Providing information about the FPB Policy Guidelines to Prevent and Respond to Sexual Abuse in the interview and asking whether they have ever used such a policy; ever been concerned with someone's behavior and what they did in response/reaction; and if there are any concerns FPB should have of the applicant's past behaviors;
- Ensuring that at least 2-3 references are called; and
- Conducting a criminal background check for all those who work with children or adolescents.

## **Process for Inclusion or Exclusion of a Convicted Adult Sex Offender**

It is best to think through these policies and procedures in advance of facing a crisis. Given the prevalence of child sexual abuse, it is especially important to try to be prepared in advance.

In order to even consider inclusion, FPB must ensure that the convicted sex offender does not have the opportunity in our Congregation to re-offend. This includes avoiding situations where they can be accused falsely. One clear boundary that must be set from the beginning is that: **No person who has been convicted of, or with an unresolved accusation of, any sexual misconduct can be permitted to be involved in any Children and Youth Ministry Programs or activities.**

The core response of the Congregation to a convicted or accused sex offender is a Limited Access Agreement (LAA). This LAA invites the person with a history of sex offenses to participate in certain aspects of Congregational life, setting clear boundaries including what the individual will not do. Typically, the LAA will specify participation in adult worship services accompanied by a member of the Congregation familiar with the access agreement, committee meetings, adult education, all-adult social events, and well-supervised intergenerational events as acceptable. It asks the person to avoid all contact with children on Congregation property or Congregation-sponsored events. It generally requires the person to remain in the presence of an adult who knows their situation at all times when children are present, including in some cases, asking the person to suggest a group of people to act as companions at FPB events where children may be present. It denies the person access to keys to the building and asks them to avoid being in the building unsupervised when activities involving children are in session, such as nursery school, religious school, or youth group. An LAA can be modified based on the feedback of the committee and the individual circumstances of the offender. The LAA includes two introductory paragraphs: one for a person who has been accused of a sexual offense, the other for someone who has been convicted. It's available in checklist format as well. The message to the sex offender should be that they are both welcome to participate in adult worship, adult social, and adult educational activities and that they must sign an agreement with the Congregation to avoid all contact with children.

Each LAA should prioritize FPB's concern for the safety and well-being of the Congregation as a whole and must be given priority over the privileges and inclusion of the individual.

The process of inclusion by the Minister and the Committee is outlined below:

- Meet directly with the person accused or convicted of sexual abuse;
- Consult with professional experts such as the Offender's treatment provider if they have one;
- Respond to a lack of cooperation if the Offender refuses to cooperate;
- Based upon the initial contact, decide whether or not to consider including the Offender;

- If yes to consider inclusion, develop a Limited Access Agreement;
- Develop upon a list of “Who Needs to Know”, and who can be a part of the circle of support and accountability.

When meeting with the person accused or convicted of sexual abuse, the following reasons are grounds for exclusion:

- Refuse to allow the Minister to talk with their treatment provider or parole officer;
- Receives a report by a qualified treatment provider that they are too high a risk to safely be in the congregation;
- Refuse to sign or comply with the requirements of a Limited Access Agreement.

## **DEFINITIONS**

**Sexual misconduct** is an umbrella term used to identify a number of forms of unwelcome behavior, of a sexual nature, that are prohibited by law and First Parish Policy. The term sexual misconduct includes, but is not limited to, behaviors often described as sexual harassment, sexual assault, rape, stalking, sexual exploitation, and intimate partner or relationship violence. These behaviors violate our community standards and are inconsistent with mutual respect, dignity and personal integrity.

Sexual misconduct may occur in any sex or gender configuration – between members of the opposite sex or the same sex – regardless of gender or gender identity. Sexual misconduct may vary in its severity, and consists of a range of behaviors described below.

Please note: First Parish may consider the effects of off-campus conduct when making determinations of sexual misconduct affecting members of the First Parish community.

Sexual misconduct offenses, include, but are not limited to:

### **A. Sexual Harassment**

Sexual harassment is a form of sexual misconduct. Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted/unwelcome verbal or physical conduct of a sexual nature, when one of the following conditions is present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or participation in social, co- or extra-curricular activities (e.g., power differentials); or
- Submission to or rejection of such conduct is used as the basis for decisions affecting that individual (e.g., retaliation); or
- Such conduct has the purpose or effect of interfering with an individual’s work or academic performance by creating an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, or social environment. The purpose or effect will be evaluated based on the perspective of a reasonable person in the position of a Complainant.

Other examples of sexual harassment include, but are not limited to: inappropriate touching; suggestive comments; and public displays of pornographic or suggestive signs or posters, where such images are not connected to any legitimate academic or workplace purpose.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, and/or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. A hostile environment is created when an individual's behavior alters the terms, conditions, and/or reasonable expectations of a comfortable environment for students or employees. The more severe the conduct, the less need there is to show a repetitive series of incidents that together create the hostile environment, particularly if the harassment is physical.

Sexual harassment comes in many forms and:

- Can be blatant and intentional and involve an overt action, a threat or reprisal, or can be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- Can be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two people, harassment can occur in any context.
- Can be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- Can be committed by or against an individual or may be a result of the actions of a group.
- Can occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- Can occur in the classroom, in the workplace, in residential settings, or in any other setting.
- Can be a one-time event or can be part of a pattern of behavior.
- Can be committed in the presence of others or when the parties are alone.
- Can affect third parties who witness or observe harassment and are affected by it.

## **B. Sexual Assault**

Sexual Assault is unwanted physical contact of a sexual nature whether by an acquaintance or a stranger. Conduct is unwanted when it occurs without effective consent or by force. There are many degrees and forms of sexual assault, which are defined below.

## **1. Non-Consensual Sexual Contact is:**

- Any intentional sexual touching;
- However slight;
- With any object;
- By a person upon another person;
- Without consent or upon a person unable to consent as defined below.

Examples of actions that may constitute non-consensual sexual contact under this Policy:

Non-consensual touching of a person's intimate parts (genitalia, groin, breast, buttocks, mouth) and/or clothes covering them; touching an unwilling person with one's own body parts; or making an unwilling person touch you.

Sexual contact with a person who is incapacitated or unable to give consent is always considered non-consensual.

## **2. Non-Consensual Sexual Intercourse or Penetration**

- Any sexual intercourse or penetration of the anus, mouth or vagina;
- However slight;
- With any object;
- By a person upon another person;
- Without consent or upon a person who is unable to give effective consent, as defined below.

Examples of actions that may constitute non-consensual sexual intercourse or penetration under this Policy: Unwilling or non-consensual penetration of the mouth, vagina or anus with any objects or body part, including, but not limited, to fingers, penis, tongue, or any foreign object.

Sexual intercourse or penetration with a person who is incapacitated or unable to consent is always considered non-consensual.

## **C. Sexual Exploitation**

Sexual exploitation occurs when an individual takes non-consensual, unfair, or abusive advantage of another person sexually for the purpose of one's own sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.

Examples of sexual exploitation include, but are not limited to:

- Inducing incapacitation to make another vulnerable to non-consensual sexual activity.
- Non-consensual audio recording, videotaping, streaming, or distribution of images, photography, video or audio recordings of sexual activity or nudity without the

knowledge and consent of all those involved.

- Observing another's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all those involved.
- Prostituting another individual.
- Exposing one's genitals in non-consensual circumstances.
- Knowingly exposing another individual to a sexually transmitted infection without her/his/hirs knowledge.

#### **D. Stalking, including Cyber-stalking**

Stalking and cyber-stalking can also violate the Sexual Misconduct Policy when the conduct involves a member of the First Parish community and is gender-based. Stalking is defined as a course of conduct, which causes a person to feel alarm, annoyance, emotional distress, and/or fear. The feared harm or injury may be physical, emotional, or psychological. The fear may be beyond her/his/hirs own safety and can include fear for the safety of family members or pets. Stalking can occur for several days or months and can impact a person's family, friends, and/or co-workers.

Examples of stalking include, but are not limited to:

Following a person; appearing at a person's home, class, or work uninvited; making frequent phone calls, emails or text messages; leaving written messages or objects; unwanted contact via social media or vandalizing a person's property

#### **E. Intimate Partner Violence (also called Domestic Violence, Dating Violence, and Relationship Violence)**

Intimate partner violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship, by the other person in the relationship. Intimate Partner Violence is a repetitive behavior that is meant to demean, humiliate and violate the partner. Intimate partner violence encompasses a range of behaviors, including, but not limited to: physical violence; sexual violence; emotional violence; and economic abuse. Intimate partner violence may take the form of threats, assault, property damage, and violence or threat of violence to one's self, one's sexual or romantic partner, and/or to one's family members or friends.

Intimate partner violence affects individuals of all genders, gender identities and expressions, sexual orientations, and racial, ethnic, social, and economic backgrounds. First Parish does not define intimate partner violence as a distinct form of sexual misconduct. Rather, the Church recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation may all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the Complainant.

Examples of actions that may constitute intimate partner violence include, but are not limited to:

- Taking away a person's cell phone during an argument so the person cannot call a friend or the police for help.
- Threatening harm to a person if they do not do what they are told
- Threatening to physically assault someone the person is dating, if they do not do what they are told.
- Hitting, punching, pinching, slapping, or choking someone with whom the person is or has been recently intimately involved (or with whom they have a child in common).
- Violating a protective order.
- Harming a person's children or animals while in an intimate relationship.

#### **F. Other Prohibited Forms of Harassment**

1. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
2. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
3. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the faith community, when related to the admission, initiation, pledging, joining, or other group-affiliation activity;
4. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.

#### **Definitions of Consent**

##### **Consent**

First Parish's Sexual Misconduct Policy is based on effective consent. Consent to engage in sexual activity must be given knowingly, voluntarily, and affirmatively. Consent must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact.

Effective consent is active, not passive. Consent can be a verbal "yes." It can also be demonstrated non-verbally with actions that clearly and unambiguously tell the other person that she/he/ze is willingly and freely engaging in sexual contact. Consent cannot be inferred through silence or lack of resistance. Consent to one activity does not constitute consent to other sexual acts. Past sexual activity does not constitute consent for future acts. If at any time consent is uncertain, the initiating party should stop and obtain verbal consent. Consent can be withdrawn at any time. If someone wants to engage in sexual activity, she/he/ze is responsible for obtaining effective consent from any other person involved.

Remember:

- Silence, by itself, cannot constitute consent.
- Passivity, lack of resistance, or lack of response is not effective consent. Relying on non-verbal communication can lead to serious misunderstandings. A person who does not physically resist or verbally refuse sexual activity is not giving effective consent.
- An individual is expected to give consent to each act of sexual activity.
- If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, an individual should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn at any time. Withdrawal of consent must also be outwardly demonstrated by mutually understandable words or clear, unambiguous actions that indicate a desire to end sexual activity.
- Once consent has been withdrawn, sexual activity must cease immediately.
- Previous consent does not imply consent to future sexual acts. Consent is required regardless of the parties' relationship status or sexual history together.
- A verbal "no" always indicates a lack of consent, even if it may sound tentative, indecisive or insincere.

**Consent can never be given:**

- On response to threats of physical force, intimidation, or coercion, or any other factor that eliminates an individual's ability to exercise free will.
- By an individual who is physically incapacitated from alcohol and/or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware, or otherwise physically helpless. A person who is asleep or passed out cannot give consent.
- The age of consent in Massachusetts is sixteen (16). Consent can never be given by persons under the age of 16. An individual is violating state law and this Policy if she/he/ze engages in sexual activity with someone who is under the age of consent, regardless of whether the person appeared to be a willing participant or misrepresented her/his/hirs age.

**Incapacitation**

Incapacity is the inability to understand what is happening. Someone who is incapacitated cannot consent to sexual activity. Someone who is incapacitated cannot make a rational, reasonable decision because she/he/ze is unable to understand the consequences of her/his/hirs actions.

Where alcohol and/or other drugs (including prescription or non-prescription drugs) are involved, incapacitation is a state beyond a heightened state of drunkenness or intoxication. Warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait (i.e., a manner of walking, stepping, or running), odor of alcohol or other substance, concerns expressed by others about the individual's combativeness and/or emotional volatility.

If someone engages in sexual activity with someone she/he/ze knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity, she/he/ze is engaging in sexual misconduct and violating this Policy. Incapacity may result from ingestion of a "date-rape" or "predatory" drug. Possession, use, and/or distribution of any of

these drugs, including but not limited to Rohypnol, Zolpidem, Ketamine, GHB, Burundanga, Ecstasy, etc., is prohibited. Administering one of these drugs to another person for the purpose of inducing incapacity is prohibited under Church Policy and Massachusetts criminal statutes.

An individual may also be in a state known as a “blackout,” where they are also incapacitated and while they may appear to give consent, they do not actually have conscious ability to do so. Therefore, it is of particular importance that any two people engaging in sexual activity know the other’s level of intoxication prior to beginning sexual contact. For purposes of this Policy, the standard that shall be applied is whether or not a reasonable person would have known, based on the facts and circumstances presented, that the other party was incapacitated and therefore incapable of consenting. For the Respondent, being under the influence of alcohol or drugs is never a defense to this Policy and does not excuse sexual misconduct.

#### **Alcohol and/or Other Drugs**

If someone consumes alcohol and/or drugs, she/he/ze is responsible for obtaining consent for any sexual activity with another. Use of alcohol or drugs is never an excuse for failing to obtain effective consent and will not diminish one’s responsibility to obtain consent.

Alcohol and drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. The use of alcohol and/or drugs can limit a person’s ability to give consent, knowingly, voluntarily, and affirmatively. Alcohol and drug use can also create an atmosphere of confusion over whether or not effective consent has been given.

Individuals are responsible for being aware of the other person’s level of intoxication before engaging in sexual activity. If an individual has any doubt as to the level or extent of the other individual’s intoxication or impairment, she/he/ze should cease sexual contact or activity. When determining whether sexual misconduct has occurred, Respondents will be judged by the “reasonable person standard.” The question will be: whether, given the circumstances, a reasonable person should have been aware of the extent and amount of alcohol and/or other drugs consumed by the Complainant before engaging in sex with her/him/hirs.

#### **Coercion**

Coercion is a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person to perform or to submit to an act to which she/he/ze otherwise would not have. Coercion can include unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. A person’s words or conduct cannot amount to coercion unless they wrongfully impair the freedom to choose whether to engage in sexual activity. When someone makes clear that she/he/ze does not want to engage in sexual activity, or wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure for sexual activity beyond that point can be coercive.

Example: John and Evans are friends who meet at a party. Evan confides in John that he has recently ‘come out’ to a few friends, but people, including his family, do not yet know. As the

evening progresses, John and Evan start kissing. John wants to have sex, but Evan does not. John threatens to “out” Evan on Facebook if he does not have sex with him. Out of fear, Evan submits to sex although he does not want to. John’s threats and his sexual activity with Evan violate this policy.