

# **Report to the 141<sup>st</sup> Convention of the Diocese of Newark**



## **FOSTERING RESPECT IN CHURCH SETTINGS**

**Collaborating to Reduce Bullying  
within our Church Community**

**Dignity at Work Task Force  
January 2015**

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to the 141st Convention of the Diocese of Newark

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## Introduction

*O God the Father of our Lord Jesus Christ, our only Savior, the Prince of Peace: Give us grace seriously to lay to heart the great dangers we are in by our unhappy divisions; take away all hatred and prejudice, and whatever else may hinder us from godly union and concord; that, as there is but one Body and one Spirit, one hope of our calling, one Lord, one Faith, one Baptism, one God and Father of us all, so we may be all of one heart and of one soul, united in one holy bond of truth and peace, of faith and charity, and may with one mind and one mouth glorify thee; through Jesus Christ our Lord. Amen. —from the Book of Common Prayer, Collect for the Unity of the Church*

Through the Sacrament of Baptism we are made members of Christ's Body, the Church. In the Baptismal Covenant, the Body of the faithful promise to "seek and serve Christ in all persons, loving your neighbor as yourself," and to "strive for justice and peace among all people, and respect the dignity of every human being." We are nourished in community through the Holy Eucharist, as a sign of the self-giving love which gathers us into union with Christ and one another.

Scripture further establishes a role model in the teachings and actions of Jesus, and provides guidelines for how we are to conduct ourselves in Christian community. Jesus summarizes our responsibility to each other in Matthew 22:37-44, calling us to love the Lord our God with all our heart, soul, and mind and to love our neighbor as ourselves. While this is the ideal, Matthew also offers us recourse if an individual sins against us and refuses private reconciliation and mediation: to bring the issue before witnesses, then before the elders of the church, and finally to distance the offending party if no manner of reconciliation can be achieved (Matthew 18:15-20). Thus we are taught to uphold the values of Christian love while at the same time holding each other accountable for reconciliation and just relationships.

The canons of The Episcopal Church also recognize that

[by] virtue of Baptism, all members of the Church are called to holiness of life and accountability to one another. The Church and each Diocese shall support their members in their life in Christ and seek to resolve conflicts by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved . . .<sup>1</sup>

The 140 Convention of the Diocese of Newark adopted Resolution 2014 AC 140-03, entitled *Dignity at Work*.<sup>2</sup> The resolution called upon the Bishop to establish a task force "to address bullying, harassment and abuse of clergy by lay persons and the development of healthy norms of clergy/lay behavior within our congregations." The resolution also directed the Task Force to report its findings to the 141<sup>st</sup> Diocesan Convention.

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<sup>1</sup> Title IV, Canon 1 of the Constitution and Canons of The Episcopal Church.

<sup>2</sup> Text of Resolution 2014 AC 140-03: *RESOLVED, that this 140th Annual Convention of the Episcopal Diocese of Newark call upon the Bishop to appoint a Task Force to develop a policy to address bullying, harassment and abuse of clergy by lay persons and the development of healthy norms of clergy/lay behavior within our congregations and report its findings to the 141st Annual Convention.*

The Task Force first convened in April 2014 and adopted the name “the Task Force on Dignity at Work” and began monthly meetings thereafter. The Task Force is composed of clergy and lay members of the Diocese, some with special areas of expertise in mental health and clergy wellness.

The Task Force notes it is important to distinguish three conversations that often occur regarding difficult clergy/lay situations that may lead to a breakdown of clergy/lay communications and, ultimately, the departure of the clergyperson.<sup>3</sup> The conversations highlight how one can distinguish common conflict situations from “bullying.”

The first conversation may develop around “challenging calls.” Common past examples of challenging calls are where new clergy and their congregations confront prayer book and liturgical revisions and movements to create more inclusivity, and the views of the clergy and the congregation diverge. Today, many clergy and congregations face challenges created by significant or steady decline in church attendance, membership, and stewardship as they may seek to welcome newcomers in different ways.

Conflicting views about the vision for the parish often are at the heart of the second conversation. While some disagreement between clergy and lay members is almost inevitable and emotions can run high about such disagreements, the use of good conflict management skills and even the engagement of a third-party conflict resolution consultant usually lead to a mutually satisfactory conclusion. More importantly, such disputes rarely are personal or vicious and many often achieve a peaceful, if not happy, end.

The third conversation involves altercations that are premeditated and intentionally executed where the person initiating the altercation has one “clear and irreversible goal” from the outset: “the removal and destruction of the ministry and reputation of their pastor.”<sup>4</sup>

Dr. Dennis Maynard and other experts on clergy bullying find that it is often one or more dysfunctional members that lead the attack against clergy, usually the rector. Maynard writes:

These pastors were often subjected to verbal abuse, threats (often physical), slander, lies, blackmail, and on occasion, death threats. These attacks were being led by highly controlling personalities intent not only on removing the rector, but ultimately destroying any future ministry they [the clergy] might desire. This character assassination often continues years, even decades, after that pastor has vacated the particular parish. Their attacks were seldom related to the ministry program of the parish, or even the work performance of the rector. The unrelenting vilification of the pastor was being led by less than one to two percent of the congregation.<sup>5</sup>

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<sup>3</sup> The Task Force recognizes the work of the Rev. Dr. Dennis R. Maynard in his essay written in partnership with the Episcopal Women’s Caucus and the Network of Episcopal Clergy Associations.

<sup>4</sup> Maynard, *op. cit.*

<sup>5</sup> Maynard, *op. cit.*

These unrelenting attacks on members of the clergy are what have come to be called “clergy bullying” and are what gave rise to the call for the formation of this Task Force.

As the Task Force engaged the issue of clergy bullying, we were also called to consider the second prong of our charge from the 140<sup>th</sup> Convention: “the development of healthy norms of clergy/lay behavior within our congregations.” In considering this part of our charge, we discussed that while the Church has a well-developed canonical mechanism to address clergy misconduct, there is no similar mechanism to call laity to account. This cannot be an excuse or justification for failing to provide policy and procedures to promote healthy norms of clergy/lay behavior within our congregations.

While clergy bullying by lay people was the initial context that framed our conversations, we recognized that norms for healthy lay and clergy behavior encompass a range of concerns for how clergy and laity interact and *includes* what has come to be called clergy bullying of lay people. As we worked to develop norms, policies and procedures that address both clergy and laity, this report encourages practices that are neither complex nor purely legalistic, but that employ common sense and basic principles of Christian fairness and integrity. While remedies may be available within the ecclesiastical setting and within the province of the secular legal system—and at times that may be an ultimate recourse—we hope to provide a better way: the development of healthy norms; investigation and acknowledgment of harm when appropriate, restorative justice and alternative dispute resolution, pastoral intervention and the use of communal resources.

Our hope is that this report will provide guidance for the Diocese and its congregations. It offers practical advice to help prevent bullying, and to deal with bullying when it occurs. It also includes a proposed Model Diocesan policy (“Model Policy”) which churches may choose to either adopt or use as the basis for developing their own policy.

The Task Force recommends that the Bishop reconstitute the Task Force with members willing to continue to serve, and additional new members as needed, so the Task Force may focus on the implementation of the Model Policy and the development of a training module.

Our report begins with findings and continues with a consideration of the spiritual foundation and context for this work. It then provides suggestions for how congregations can help to prevent bullying through the development of healthy norms and methods to respond when bullying occurs. Next, the report addresses key legal and ecclesiastical concerns related to bullying. Finally, the report concludes with several helpful appendices, including biblical and spiritual resources and a proposed Model Policy with recommendations for the creation of congregational policies consistent with the Model Policy.

## Dignity at Work Task Force Members

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## Findings<sup>6</sup>

*O God, the Father of all, whose Son commanded us to love our enemies: Lead them and us from prejudice to truth: deliver them and us from hatred, cruelty, and revenge; and in your good time enable us all to stand reconciled before you, through Jesus Christ our Lord. Amen.*  
—from the Book of Common Prayer, Collect for Our Enemies

1.1 A diocesan-wide anonymous survey distributed to our clergy through multiple channels resulted in few responses relative to clergy bullying. Having structures in place to deal with bullying, however, serves to emphasize our commitment to create a healthy environment in all our church related functions.

1.2 Bullying is a form of abuse. Abuse is “a violation of an individual’s human and civil rights by any other person or persons.”<sup>7</sup>

1.3 A person who is bullied may suffer emotionally, psychologically, physically, socially and spiritually. The impact of bullying can be life long and affect the person, their relationships and their capacity for ministry. Effects of bullying on ministry can include: loss of coping skills; disillusionment; inability to concentrate; loss of motivation; decreased productivity and competence; bad decision-making; poor judgment; loss of faith; crisis of vocation; difficulty trusting others; diminished employability; and premature desire to cease employment. Bullying also leads to reputational damage for the wider church, the individual congregation and for the clergyperson or layperson that is the subject of bullying.

1.4 Bullying does not necessarily happen face-to-face; it may be inflicted by written communications, email or phone or conducted through third parties. Some of the most damaging behaviors include spreading malicious rumors to third parties.

1.5 The Church is required by God and Scripture to foster relationships of the utmost integrity, truthfulness and trustworthiness. We believe it is of vital importance that the Diocese of Newark send an unequivocal message that these behaviors directed toward clergy and laity will not be tolerated. All complaints of bullying should be taken seriously and investigated.

1.6 Currently there is no disciplinary canon governing the conduct of laypersons. While Title IV<sup>8</sup> addresses policies and procedures that may be reasonably responsive for bullying by clergy, there is no corresponding policy or procedure to address complaints of the bullying of clergy.

1.7 The Church must constantly emphasize and reinforce healthy norms of clergy and lay behavior, thus providing education to all in distinguishing positive, constructive conversation from bullying.

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<sup>6</sup> The Task Force has adopted as part of its findings, with minor modifications, the supporting information of the drafters of resolution 2014 AC 140-03.

<sup>7</sup> *Promoting a safe church: Policy for safeguarding adults in the Church of England*. Church House Publishing (2006).

<sup>8</sup> Title IV of the *Constitution and Canons of The Episcopal Church* (2012 edition) (“Title IV”).

## The Spiritual Call to Action<sup>9</sup>

*O God, you have bound us together in a common life. Help us, in the midst of our struggles for justice and truth, to confront one another without hatred or bitterness, and to work together with mutual forbearance and respect; through Jesus Christ our Lord. Amen. —from the Book of Common Prayer, Collect In Times of Conflict*

2.1 In the New Testament, all the Epistles are clear that anger, slander, and dissension have no place in Christian community. The clearest Gospel statement of managing conflict in community is found in Matthew 18:15-22:

Jesus said, 'If another member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax-collector. Truly I tell you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven. Again, truly I tell you, if two of you agree on earth about anything you ask, it will be done for you by my Father in heaven. For where two or three are gathered in my name, I am there among them.' Then Peter came and said to him, 'Lord, if another member of the church sins against me, how often should I forgive? As many as seven times?' Jesus said to him, 'Not seven times, but, I tell you, seventy-seven times.'

2.2 At first glance, the two responses appear to be juxtaposed. The first is a process of community mediation that ends in avoiding or expelling the unrepentant member. The second is a command to forgive an offending member seventy times seven. Actually these two readings create the context for each other and balance our response. Sins against fellow Christians are the responsibility of the whole community. There is a process of mediation that protects the community from abuse and keeps the community healthy when an offender refuses to stop the sin or to seek reconciliation. Yet, we as individual Christians are still called to forgive others and are called to not sin in our anger, because we have the power to bind sin in people's lives through our own bitterness and lack of forgiveness.

2.3 It is assumed that the offending member of the church has listened to Peter, but then returns to offend him again. Under these circumstances, Jesus counsels ultimate patience. For the ones who enter into community mediation and refuse to listen even to the church, boundaries are then set to protect ourselves and the community from further abusive or hurtful behaviors.

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<sup>9</sup> All Bible citations in this section and hereafter are from the New Revised Standard Version of the Bible, copyright 1952 [2nd edition, 1971] by the Division of Christian Education of the National Council of the Churches of Christ in the United States of America. Used by permission. All rights reserved.



## How Can Congregations Help to Prevent Bullying?

*O God, you made us in your own image and redeemed us through Jesus your Son: Look with compassion on the whole human family; take away the arrogance and hatred which infect our hearts; break down the walls that separate us; unite us in bonds of love; and work through our struggle and confusion to accomplish your purposes on earth; that, in your good time, all nations and races may serve you in harmony around your heavenly throne; through Jesus Christ our Lord. Amen.  
—from the Book of Common Prayer, Collect for the Human Family*

### Set standards of behavior

3.1 A congregation's or diocese's statement about the standards of behavior expected of its members can make it easier for people to be fully aware of their responsibilities to others. A subject of bullying may be provoked into not behaving well. Also, the bully might argue that the subject is the problem rather than the bully.

3.2 The behavior of clergy, lay leaders and those with pastoral responsibilities is as important as any formal policy. What may be intended as strong leadership can tip over into bullying behavior. It is important to distinguish between bullying behavior and behavior that is reasonable in a particular context. For example, there may be occasions where shortcomings are being addressed and more incisive behavior is interpreted as bullying, simply because the recipient is unaccustomed to being challenged and held responsible for one's acts.

### Frame a formal policy

3.3 The policy need not be complex – the proposed policy of the Diocese is attached as Appendix B.

3.4 A congregation may simply choose to adopt its own version of the Diocesan policy. We recommend that the policy be discussed and developed within the particular circumstances of that congregation for the following reasons:

- (a) The policy will gain additional authority and value if the clergy and laity are involved in its development;
- (b) Everyone should understand that bullying (regardless of ecclesiastical status) will not be tolerated;
- (c) Clergy and laity should know who to contact if they believe they have been the subject of bullying;
- (d) Church employees, lay leaders and parishioners should be aware of how their conduct can be perceived as bullying behavior.

3.5 The policy should be made available to all and should be monitored and periodically reviewed.

### Follow-up and monitor

3.6 When a matter is resolved under the Diocesan policy or a congregation's policy, it is recommended that monitoring of the situation be maintained for a period of time.

Those engaged in bullying behavior may resort to their offending behavior either against the same subject or a new subject. If those engaged in bullying behavior refuse to modify their behavior, other corrective measures may be taken.

3.7 Those engaged in bullying behavior may seek to resume their offensive behavior once the investigation has ended. One engaged in bullying may also adopt a strategy of defense:

- (i) Denial or minimization of their actions; or
- (ii) Counterattack against the subject; or
- (iii) Employ a “poor me” strategy, thereby seeking to gain sympathy and thereby potentially avoiding the penalty for their behavior; or
- (iv) Present themselves as the “victim” and present the subject of the bullying as the bully.

### **Communicate and raise awareness**

3.8 Basic information that is provided herein must be supplemented with guidance booklets and training sessions or seminars for clergy, church wardens, vestryperson, employees and parishioners. Your church website is another useful communication tool and can be used to communicate your policy to members.

3.9 In adopting a policy, the Diocese and any individual congregation should ensure that the topic of preventing bullying is periodically on the agenda of church meetings.

3.10 Consider giving a trained member of the congregation particular responsibility for administering your anti-bullying policy, coordinating communication and monitoring progress.

### **Use Anti-Bullying Advocates**

3.11 Churches can encourage members of the congregation to consider training as Anti-Bullying Advocates. An Anti-Bullying Advocate is someone who helps guide an individual's empowerment in determining how one may wish to proceed when bullied. Although the Advocates are volunteers, they should be selected carefully. They should have good communication skills, be empathetic and be able to keep appropriate confidences.

3.12 Anti-Bullying Advocates should be given training for their role and have the full support of the clergy in charge and of lay leaders. They should be available to any member of the congregation to offer, in confidence, advice and information as required. From time to time, the Diocese will offer training for Anti-Bullying Advocates. (See Appendix E for a more detailed description of the role of Anti-Bullying Advocates.)

### **Offer training to all**

3.13 Training can increase everyone's awareness of the damage bullying can inflict on the Diocese, its congregations and to the individual who is the subject of the bullying. An efficient means of delivering training to large numbers of people is to train one or two trainers who can in turn offer training to local groups.

## **Be fair and sensitive**

3.14 Inform all church members and employees that complaints of bullying and matters relating to such complaints, will be dealt with quickly, fairly, and sensitively. Subjects of bullying are often reluctant to come forward if they feel they may be treated unsympathetically or are likely to be confronted aggressively by the person about whose behavior they are complaining.

3.15 Bullying can often be difficult to recognize because the behaviors may not be obvious to others, and may be insidious. For instance, subjects of bullying may believe that this is “normal” or “permitted behavior.” They may be anxious that others will consider them weak, or not up to the task, if they find the actions of others intimidating. Subjects may be accused by others in the community of “overreacting,” and may worry that they won’t be believed if they report incidents. Bullying is often wrongly interpreted as a personality clash. Subjects may fear the ultimate consequence: rejection from their community and being forced to resign or forced to worship in a different place.

3.16 Colleagues, employees and parishioners may be reluctant to come forward as witnesses, as they, too, may fear the consequences for themselves. Witnesses should be treated with the same sensitivity as the subject. The one who bullies can sometimes manipulate witnesses. A witness may even choose not to support the subject of bullying or may collude with the bully in fear that they may become the next subject of the bully.

3.17 Do not assume that the subject of bullying wants to separate from the church community or that such a separation will be in the subject’s best interest. He/she might well prefer conciliation and resolution. The subject should be involved in fashioning the outcome or resolution.

3.18 When bullying behaviors are covert and passive, individual incidents of objectionable behavior may sound trivial to the uneducated listener. However, even a single incident can constitute a case of bullying when it is severe. While generally, bullying requires repetition and sustained behaviors, this is not always the case.

3.19 Remember that bullying does not necessarily happen face-to-face; it may be inflicted by written communications, email or phone or conducted through third parties. Some of the most damaging behaviors include spreading malicious rumors to third parties.

3.20 One of the important steps that a congregation needs to take whenever a complaint of bullying is made is to search for patterns of behavior. Has the alleged bully, engaged in similar behavior in the past? Has the particular congregation or organization ever had a bullying problem before? There are often important clues when looking for patterns of behavior. Research has shown that bullying can be serial behavior.

3.21 There may be a reluctance to come forward if a person believes matters might move too swiftly to a formal procedure. Recognizing one may be reluctant to come forward, congregations should make every effort to consider the subject’s desires and wishes.

## How Should Congregations Respond to a Complaint of Bullying?

*Creator God, You hate nothing you have made.  
Help us to see in one another your divine image,  
Help us to make justice where ignorance has blinded us.  
Help us to foster compassion where anger and hurt have silenced us.  
And may all our thoughts, words and deeds be guided by your Son, our Savior, Jesus Christ. Amen*  
–The Dignity at Work Task Force of the Diocese of Newark

4.1 Every complaint should be taken seriously. Subjects of bullying very rarely make a complaint lightly and for many it is an extremely difficult step to take.

4.2 Ensure that there are procedures in place for the support of the subject, their families and any other significantly affected person during the investigation and for a period following the investigation. Anti-Bullying Advocates, qualified counselors, and mediators are all good sources of support. In some cases it may be appropriate to report the matter to the police.

4.3 Encourage the subject of bullying to consider which of the following approaches they would like to pursue.

### **Informal approaches**

4.4 In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behavior may be unwelcome. An informal, confidential, discussion can lead to greater understanding and an agreement that the behavior will cease. It is rarely advisable for the subject of bullying to confront the person engaged in bullying without professional support. The use of professional mediators or suitably trained Anti-Bullying Advocates should be encouraged.

### **Formal action**

4.5 Where the alleged perpetrator is a clergy, warden, vestryperson or Diocesan employee and an informal resolution is not possible, the formal steps of the Diocesan Policy will apply (See Appendix B). When the alleged bully is a clergyperson, this would include consideration of whether the matter constitutes misconduct under Title IV.

4.6 There may be instances of unfounded allegations of bullying. The Diocesan Policy provides that all cases are investigated properly and treated fairly and objectively.

4.7 Diocesan and congregational policies should be periodically reviewed, especially whenever a case of bullying arises, to assess and ensure their effectiveness.

### **Mediation, conciliation and restorative justice**

4.8 Mediation is recognized as a way of handling disagreements or disputes. A neutral third person works with those in disagreement or dispute to help them reach an agreement that will address their problems. It is a voluntary process – people only take part if they desire, but to be successful, participants must be sincere and committed to resolution.

4.9 The mediator agrees that any information obtained in connection with the mediation process will only be disclosed to the extent that it is necessary to resolve the disagreement or as required by law or canon.

4.10 Each mediation is unique. Normally, a mediator may start by talking separately to the parties involved in the dispute to learn about the situation; how each party feels about it and the effects the dispute is having on each party. The mediator then determines whether and when to bring the parties together in a joint meeting. If such a joint meeting proceeds, each party will have an opportunity to express how he/she feels without interruption while the other party listens. The mediator may ask questions in an effort to help the parties look at the situation realistically and help them come up with ways to improve the relationship.

4.11 In some circumstances, upon the request of both parties, the mediator may recommend a way forward if the parties are unable or unwilling to agree on a solution.

4.12 The aim of mediation is to maintain the relationship between two people or groups. Mediation seeks to address future relations, not the past or who was right or wrong.

4.13 Because parties in a mediated dispute are generally assumed to be on an equal footing with responsibilities on both sides, mediations may not work in the bullying context. In these circumstances, restorative justice may work to resolve the situation and repair harm. Like mediation, it aims to maintain a relationship between the parties involved, but it encourages those who have caused the harm to acknowledge the impact of what they have done and gives them an opportunity to make amends. It offers those who have suffered the harm the opportunity to have their harm or loss acknowledged, with appropriate remedies offered.

4.14 Restorative justice can help to 'restore' the balance in a just and fair way. In attempting to acknowledge the harm done and offer resolution, the goal is to prevent future episodes. As is the case in mediation, the process of restorative justice works best when it has the voluntary support of all the parties and where it seeks a positive outcome for all parties.

4.15 Further information about mediation services and about training in mediation and restorative justice is available from the Diocese.

4.16 If mediation or restorative justice does not succeed, formal procedures, such as those outlined in the Model Policy, can be engaged. See Appendix B.

## The Legal and Ecclesiastical Position

*Direct us, O Lord, in all our doings with thy most gracious favor, and further us with thy continual help; that in all our works begun, continued, and ended in thee, we may glorify thy holy Name, and finally, by thy mercy, obtain everlasting life; through Jesus Christ our Lord. Amen.*  
—from the Book of Common Prayer, Collect for Guidance

5.1 There are multiple church policies in place that deal with various types of improper conduct within our church community, including discrimination and harassment. The Diocese has the following policies:

- Sexual Misconduct and Harassment
- Safe Church
- Anti-Racism

5.2 The Episcopal Church further prohibits discrimination:

No person shall be denied access to the discernment process for any ministry, lay or ordained, in this church because of race, color, ethnic origin, national origin, sex, marital status, sexual orientation, gender identity and expression, disabilities or age, except as otherwise provided in these Canons. No right to licensing, ordination or election is hereby established.

(TEC Canon II. 1.2.)

5.3 There is as yet no legal definition of bullying within the context of The Episcopal Church (“TEC”). Within the context of bullying in a school setting, however, New Jersey Statutes Annotated (N.J.S.A.) 18A:37-14; N.J.S.A. 18:37-15(b)(2) and N.J.S.A. 37:15.3, provide a definition of harassment, intimidation and bullying:

[A]ny gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic such as race, color, religion, ancestry, nationality, physical or sensory disability or any other distinguishing characteristic that takes place on school property, at any school sponsored function, or on a school bus or off school grounds as provided in Sec. 16 of P.L. 2010, c. 120 (C. 18A:37-15), school grounds as provided in Sec. 16 of (C. 18A:37-15.3), that substantially disrupts or interferes with school or the rights of other students and that:

- a.) a reasonable person should know under the circumstances, will have the effect of physically or emotionally harming a student or damaging the students property, or placing a student in reasonable fear of physical or emotional harm to his person or property;

- b.) has the effect of insulting or demeaning any students or group of students; or
- c.) creates a hostile educational environment for a student by interfering with a student's education by severely or persuasively causing physical or emotional harm to the student.

5.4 The Advisory, Conciliation and Arbitration Service (ACAS)<sup>10</sup> describes workplace bullying as “behaving in a way that is offensive, intimidating, malicious or insulting, with the result that the targeted person feels undermined, humiliated or injured.”

5.5 In addition to the secular law and church policies described above, when the offending action is by a clergyperson, action may be taken under ecclesiastical procedures of The Episcopal Church as provided in Title IV, which establishes disciplinary structures and procedures to address accusations of clergy misconduct.

5.6 There are currently no policies within the Diocese or The Episcopal Church that dictate how a lay person may be disciplined for misconduct against a member of the clergy.

5.7 The circumstances by which a warden or vestryperson can be removed from office are not contained in Diocesan canons or the Constitution and Canons of The Episcopal Church. However, potentially, certain procedures may be outlined in church bylaws.

5.8 The Disciplinary Rubric of the Book of Common Prayer (BCP p. 409), in conjunction with procedure established in the canons (TEC Canon I.17.6) gives “the priest” authority to “repel” from Holy Communion a) “a person who is living a notoriously evil life”; or b) “those who have done wrong to their neighbors and are a scandal to the other members of the congregation . . .” or; c) when a priest observes “that there is hatred between members of the congregation.” The authority of the priest is subject to notice to and review by the Bishop or Ecclesiastical Authority in which the priest must set forth the reasons for refusing Communion within 14 days of taking the action against a parishioner. Should the Bishop or Ecclesiastical Authority determine that there is sufficient cause to justify refusing Communion, then the “Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will ensure an impartial investigation and judgment, which judgment shall be made in writing within sixty days of the appeal and which shall also specify the steps required for readmission to Holy Communion.”

5.9 Because the authority to repel a parishioner from Holy Communion is unique to the office of the priest and, in the language of the canons “the minister”—which usually refers to “the Rector”—it is highly unlikely that a priest or rector could resort to this extreme sanction when he or she may be the perceived subject of bullying. While the remedy to deny a parishioner Communion may be considered by a priest when applied between parishioners in a bullying situation, its use is rife with the potential for conflict of interest and abuse of discretion.

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<sup>10</sup> ACAS is the Advisory, Conciliation and Arbitration Service of a non-department body of the Government of the United Kingdom.

5.10 While individuals are free to pursue secular civil or criminal charges for bullying behavior, often members of the church community do not wish to pursue church matters in a secular court.

Let us remember that when we laugh at someone, they feel pain.  
Let us remember that when we pick on someone they are angry but also afraid.  
Let us remember that when we don't stick up for someone who is being bullied, they are alone.  
Let us remember that we bully because we want to feel strong, the boss.  
But are we? What have we done?  
We have forgotten our own fear by making others frightened.  
We have forgotten our own loneliness by leaving one of us alone.  
We have hidden our own nightmare in another's terror.  
It is no longer enough to be sorry.  
It is no longer enough to boast and swagger.  
These attitudes are hollow, skating on the thin ice of our own fears, our own hates.  
May we have the courage to confront ourselves in the 'not me', 'don't want to know',  
'it's their problem', 'I'm not involved'.  
For we are all hurt, all afraid, all alone, all different, all me, and the world is all ours.  
We all have only one life.

*Amen.*

*—from The Hibbert Assembly*

*<http://www.hibbert-assembly.org.uk/bullying>*



## APPENDIX A

### Scriptural Background for Addressing Conflict in Christian Community

2.1 The scriptures of the New Testament set high standards for how one conducts relationships in Christian community. For instance, James cautions believers to not favor the rich, to do good works, and to avoid judging others by the law. He also offers advice for the kind of Christian character that creates healthy community: “everyone must be quick to hear, slow to speak and slow to anger; for anger does not achieve the righteousness of God.” (James 1:19-20). Peter also encourages self-control, including controlling one’s tongue, and lists similar guidelines for Christian community: “all of you, have unity of spirit, sympathy, love for one another, a tender heart, and a humble mind. Do not repay evil for evil or abuse for abuse; but, on the contrary, repay with a blessing. It is for this that you were called—that you might inherit a blessing” (1 Peter 3:8-9). The Pauline Epistles are full of guidelines for creating Christian community, including an end to slander, malice, abusive words, division, judgment, envy, and boastfulness.

2.2 These rules of conduct apply to *all* believers who gather in community. It would be a misapplication of these guidelines to say that one member had to suffer in Christian love and charity while another member persistently broke these rules by treating others with malice, envy, slander, or abuse. Those who claim to be Christians in community who do not obey the relationship guidelines of that Christian community are confronted.

2.3 The greatest guideline Paul offers to the Corinthian church – a community notorious for its need for guidelines – is love. But we misinterpret this love if it is just about feeling good, avoiding conflict, or being passive in one’s behavior. Love is the means to Paul’s greatest end, which is the “building up of the body.” Everything is done for the community – the reception of spiritual gifts, their appropriate expression, the manner of ordering worship, meeting the needs of others, and the way we treat other members of Christ’s body. Our management of community reflects that “God is a God not of disorder but of peace” (I Cor. 14:33).

2.4 Intentions also matter to Paul, because what we do in community reflects our true Christian commitment. Paul faults the Corinthians for bad community practices, such as turning Communion into a feast for the rich while the poor go without. He says that these actions are signs of division, factions, and lack of love, and Paul refuses to condone such behavior, “because when you come together it is not for the better but for the worse” (I Cor. 11:17). He does not counsel the poor to become better Christians in loving their abusers. Instead he suggests that those divisive members are under a test, because through such actions “will it become clear who among you are genuine” (I Cor. 11:19).

2.5 The Pauline Epistles set guidelines for community behavior, especially emphasizing love, forgiveness, and community order – these goals are the goals of the whole of the worshiping community. The Epistles, and especially Paul, offer little love or

tolerance for those who refuse to live in harmony with others. The Epistles are actually about Christian character in community. Those who cause problems in community are deemed not to be living by the standards of the whole community and are to be confronted.

2.6 How does Paul deal with the many community conflicts in his time? First, he believes *the religious leaders have the responsibility to demonstrate these standards for how Christians treat each other in community*. For Paul, that responsibility includes addressing the culture of how people are treating each other, such as “quarrelling, jealousy, anger, selfishness, slander, gossip, conceit, and disorder” (2 Cor. 12:20). He believes that he and the leaders of that community have authority in directing its character, as long as they are focused on the building up of the community: “Everything we do, beloved, is for the sake of building you up. For I fear that when I come, I may find you not as I wish” (2 Cor. 12:19-20). Paul appears sometimes so harsh to modern ears because he believes that confrontation is important to produce change. He does not confront simply to tell people off. He separates the Christian leader’s responsibility to evoke godly grief, which leads to challenge and change, from worldly grief that only leads to depression or “death” (2 Cor. 7:9-13). Even in separating people from the community, he encourages their return so that they do not completely lose heart. The hope is that the person will be reunited to the community.

2.7 He also suggests that there should be some kind of process of mediation at the community level to address conflict directly. He asks the Corinthians, “Can it be that there is no one among you wise enough to decide between one believer and another, but a believer goes to court against a believer—and before unbelievers at that?” (1 Cor. 6:5-6). In the case of notorious sin, Paul also encourages the community to expel an unrepentant person so that he/she does not harm the community. But this is seen as a last resort. After a time of separation, Paul encourages the person to be reunited to the church community.

2.8 The Epistle to the Galatians is clearer on how confrontation should unfold in community: “My friends, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness. Take care that you yourselves are not tempted. Bear one another’s burdens, and in this way you will fulfill the law of Christ. For if those who are nothing think they are something, they deceive themselves. All must test their own work; then that work, rather than their neighbor’s work, will become a cause for pride. For all must carry their own loads” (Gal. 6:1-6). This suggests that while confrontation is necessary in community, it must be done with gentleness, with a desire to bear another’s burdens, and with an awareness of one’s own shortcomings or sin.

2.9 Galatians offers this advice in the context of what it means for us to follow the commandment to love one another. We are to avoid controversies, divisions, or judgementalism, because we are called to both freedom and to responsibility for the other. “For the whole law is summed up in a single commandment, ‘You shall love your neighbor as yourself.’ If, however, you bite and devour one another, take care that you are not consumed by one another” (Gal. 5:14-15). We follow that great commandment, because we are now living by the Spirit. Rather than obeying the letter of the law, we form our actions through the gifts of the Spirit, which include love, joy, peace, patience,

kindness, generosity, faithfulness, gentleness, and self-control (Gal. 5:22-23). But this is not a standard to accept abusive people's behavior. It still is important how we treat one another and form the character of the community, because "if we live by the Spirit, let us also be guided by the Spirit. Let us not become conceited, competing against one another, envying one another" (Gal. 5:25-26).

2.10 In Matthew's gospel Jesus sets out a process for dealing with community conflict. In Matthew, the process of reconciliation takes three steps. First, to seek the offender out in private and confront them, pointing out the fault of their behavior against you. The second is to bring witnesses: others who have witnessed the behavior and can help the offender understand the behavior and its effects. The third is to bring it to the church—in other words, to the leaders of the church—to mediate the dispute. If the offender refuses to listen, they are to be ignored or placed out of the fellowship, suggested by the terms "Gentile and tax collector." One no longer has the responsibility to associate with them or seek reconciliation with them, and can avoid contact with them.

2.11 So Matthew offers us a process, Corinthians offers us the ideal of community in order and love, and Galatians offers us a gentle way of seeking confrontation and leading through change. Refusing to accept a person who refuses to stop abusive behavior is an option in Scripture. So is confrontation by the leader or leaders who seek to protect the good of the broader community. The guiding principle for conflict resolution is the preservation of the character of Christian community, exemplified in the commandment to love as God loves us. No process, whether a tiered process of mediation or the direction of leadership can occur without Galatians' corrective of gentle humility and the expression of the gifts of the Spirit.

### ***Prayers and Scripture Resources for Bullying***

*Creator God, You hate nothing you have made. Help us to see in one another your divine image. Help us to make justice where ignorance has blinded us. Help us to foster compassion where anger and hurt have silenced us. And may all our thoughts, words and deeds be guided by your Son, our Savior, Jesus Christ. Amen. —Dignity At Work Task Force of the Diocese of Newark*

## **FROM THE BOOK OF COMMON PRAYER**

### *Collect for Ash Wednesday*

Almighty and everlasting God, you hate nothing you have made and forgive the sins of all who are penitent: Create and make in us new and contrite hearts, that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of you, the God of all mercy, perfect remission and forgiveness; through Jesus Christ our Lord, who lives and reigns with you and the Holy Spirit, one God, for ever and ever. Amen.

### *For our Enemies*

O God, the Father of all, whose Son commanded us to love our enemies: Lead them and us from prejudice to truth: deliver them and us from hatred, cruelty, and revenge; and in your good time enable us all to stand reconciled before you, through Jesus Christ our Lord. Amen.

*For the Human Family*

O God, you made us in your own image and redeemed us through Jesus your Son: Look with compassion on the whole human family; take away the arrogance and hatred which infect our hearts; break down the walls that separate us; unite us in bonds of love; and work through our struggle and confusion to accomplish your purposes on earth; that, in your good time, all nations and races may serve you in harmony around your heavenly throne; through Jesus Christ our Lord. Amen.

*In Times of Conflict*

O God, you have bound us together in a common life. Help us, in the midst of our struggles for justice and truth, to confront one another without hatred or bitterness, and to work together with mutual forbearance and respect; through Jesus Christ our Lord. Amen.

*For Guidance*

Direct us, O Lord, in all our doings with thy most gracious favor, and further us with thy continual help; that in all our works begun, continued, and ended in thee, we may glorify thy holy Name, and finally, by thy mercy, obtain everlasting life; through Jesus Christ our Lord. Amen.

**LITANIES AND PRAYERS FROM THE HIBBERT ASSEMBLY**

<http://www.hibbert-assembly.org.uk/bullying>

Dear Lord, we know that you have given us the freedom to choose.  
We can choose whether to treat others with kindness and respect  
or to scorn, bully and abuse them.  
Help us to choose rightly.

Help us to recognize the divine image in each one of us,  
however different we may be as individuals.

Help us to resist the pressures of others who want us to join them  
in making someone a victim of their cruelty.

Help us to know that in hurting others  
we are harming our better selves and hurting you. Amen.

Let us remember that when we laugh at someone, they feel pain.

Let us remember that when we pick on someone they are angry but also afraid.

Let us remember that when we don't stick up for someone who is being bullied, they are  
alone.

Let us remember that we bully because we want to feel strong, the boss.

But are we? What have we done?

We have forgotten our own fear by making others frightened.

We have forgotten our own loneliness by leaving one of us alone.

We have hidden our own nightmare in another's terror.

It is no longer enough to be sorry.

It is no longer enough to boast and swagger.

These attitudes are hollow, skating on the thin ice of our own fears, our own hates.

May we have the courage to confront ourselves in the 'not me', 'don't want to know',  
'it's their problem', 'I'm not involved'.

For we are all hurt, all afraid, all alone, all different, all me, and the world is all ours.  
We all have only one life. Amen.

Dear Lord,

We come before you to raise up those who are being bullied; for those who are being hurt with cruel words, who are being tormented, and suffering from physical abuse.

For all who are suffering right now, we ask for your protection to surround them.

For those who are being bullied at home, school, work, online, or within their community, please encircle them with Your arms of love.

Where there is such pain hidden away in darkness, we look to Your everlasting light.

Where lies are spoken, we look to Your wonderful truth.

For where words of harm have done great damage, please replace them with honeycomb words of kindness.

Where bodies show scars and bruises of pain,  
we ask for Your balm of healing to cover them.

For where they feel that they have no worth, please encourage their hearts, and come to know how special they are in Your sight.

Please open their eyes Lord, to see Your unending gifts of grace, and mercy.

May they feel you carry them, where they are heavy laden under the weight of their burdens and anxiety.

Please provide faithful companions to all those who are lost and alone.

Please strengthen all those who are at their weakest point.

Where spirits have been crushed by cruelty, we call on Your Holy name to move within their life in power.

We kneel before Your throne for all those who want to end their life, as they can't take any more.

Please ride across the skies to their rescue.

Please bring Your workers to surround those who are in need of help now.

May those whose eyes can only see the bottom of their pit of pain, have their heads lifted by Eternal love.

Please enable those who are suffering in silence find their voice, to share what is happening in their life.

May they find someone who will listen, who will take it seriously, and walk with them in their sorrow.

We pray that positive changes will be put in place as soon as possible to prevent further bullying and harassment.

May Your kindness, tender mercies, and righteousness be seen in abundance.

Please envelop them with Your unfailing love and peace.

May they find joy and know safety once again, within Your refuge.

We ask for your healing to be poured on those who are hurting today.

We look to You for help and justice for all those who are being treated unfairly.

Please bend down from the heavens and draw them close to You.

Where they feel overwhelmed by troubles, please may they see the hope we have in You.

Where memories haunt, we ask that they will be replaced with Your goodness.

May they meet with You at their deepest need, and feel lifted in security within the palm of Your hands.

Thank You Lord that as we pray to You, You release us from our fears.

We praise You that in our desperation, You hear our cries.

We hold tenderly the promise that You are close to the broken-hearted.

We receive comfort that You will never leave us, or forsake us.

We thank You for Your faithfulness, and for hearing our prayer.

In Jesus' name. Amen.

## **SCRIPTURE**

### *Psalm 56:1-4*

Be gracious to me, O God, for people trample on me; all day long foes oppress me; my enemies trample on me all day long, for many fight against me. O Most High, when I am afraid, I put my trust in you. In God, whose word I praise, in God I trust; I am not afraid;

### *Leviticus 19:18*

You shall not take vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself: I am the LORD.

### *1 John 2:9-10*

Whoever says, "I am in the light," while hating a brother or sister, is still in the darkness. Whoever loves a brother or sister lives in the light, and in such a person there is no cause for stumbling.

### *Proverbs 6:16-19*

There are six things that the LORD hates, seven that are an abomination to him: haughty eyes, a lying tongue, and hands that shed innocent blood, a heart that devises wicked plans, feet that hurry to run to evil, a lying witness who testifies falsely, and one who sows discord in a family.

### *Matthew 5:11*

Blessed are you when people revile you and persecute you and utter all kinds of evil against you falsely on my account.

### *Ephesians 4:29*

Let no evil talk come out of your mouths, but only what is useful for building up, as there is need, so that your words may give grace to those who hear.

### *Romans 12:18-19*

If it is possible, so far as it depends on you, live peaceably with all.

### *1 Peter 3:8-9*

Finally, all of you, have unity of spirit, sympathy, love for one another, a tender heart, and a humble mind. Do not repay evil for evil or abuse for abuse; but, on the contrary, repay with a blessing. It is for this that you were called—that you might inherit a blessing.

### *1 Corinthians 16:14*

Let all that you do be done in love.

### *John 15:12*

This is my commandment, that you love one another as I have loved you.

## **APPENDIX B**

### **Proposed Diocesan Model Policy Preventing Bullying in the Diocese of Newark**

#### **APPLICATION**

This Model Policy is applicable to clergy within the Diocese of Newark, Diocesan employees, wardens and vestrypersons of congregations within the Diocese of Newark.

#### **ADOPTION**

Before formal adoption, Diocesan Council will review this policy in at least one open meeting of the Council. At least every four (4) years Diocesan Council will review this policy. Individual congregations may freely adopt this policy, amended as necessary, so that it may apply to their own parishioners, employees and other lay leaders.

#### **STATEMENT OF COMMITMENT**

1. The Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness. Bullying will not be tolerated in the Diocese of Newark. All complaints of bullying will be taken seriously and thoroughly investigated.

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The Right Rev. Mark Beckwith  
Bishop of Newark

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NAME  
Vice President, Diocesan Council

#### **WHAT IS BULLYING?**

2. Any behavior that could potentially undermine a person's dignity and respect should be regarded as unacceptable. If it is not challenged it is likely to escalate and lead to significant difficulties for all concerned.

3. In establishing the links between 'unacceptable behavior' and 'bullying', as well as drawing together common themes and issues, the following broader definition may be helpful:

Any behavior that an individual or group knows, or ought reasonably to know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group should be regarded as unacceptable in the workplace.

"Unacceptable behavior" changes its label to "bullying" when it causes actual harm or distress to the subject(s) of bullying, normally but not exclusively, after a series of incidents over a prolonged period of time.

Lack of intent does not diminish, excuse or negate the impact on the subject of bullying or the distress caused. The degree of intent is only relevant in terms of how the behavior should be challenged and the issues subsequently resolved.

4. Bullying is most easily identified when it is continuous, frequent, repetitive and part of an overall pattern. However, some abuse is serious enough to be recognized even if the behavior occurred only once and is therefore not recognized as bullying.

## **HOW CAN BULLYING BE RECOGNIZED?**

5. Bullying may take many forms. It is usually persistent, and often unpredictable, and can amount to severe psychological intimidation. It is insidious, and undermines the ability and confidence of the person suffering from it. It can lead to fear, isolation, demotivation and reduced output, poor concentration, symptoms of stress, a noticeable level of sickness, absences or spotty attendance and psychological, emotional and physical harm.

### **Examples of bullying behavior**

6. This list of behaviors is not exhaustive, but gives a clear indication of the types of actions that constitute bullying:

- removing areas of responsibility without discussion or notice
- isolating someone or deliberately ignoring or excluding them from activities
- consistently attacking someone's professional or personal standing
- attempting to make someone appear incompetent
- persistently finding fault in someone in front of others
- deliberate sabotage of a person's work or actions
- deliberately withholding information or providing incorrect information
- overloading with work/reducing deadlines without paying attention to any protest
- public displays of offensive material
- use of e-mails or texts to harass, reprimand, insult or otherwise inform someone of their apparent failing, either to the individual or to third parties
- repeatedly shouting or swearing in public or in private
- spreading malicious rumors to third parties
- public humiliation by constant innuendo, belittling and 'putting down'
- personal insults and name-calling
- aggressive insults and name-calling
- aggressive gestures, verbal threats and intimidation
- aggressive bodily posture or physical contact
- talking/shouting directly into someone's face
- direct physical intimidation, violence or assault
- persistent threats to a person's security



- direct physical intimidation, violence or assault

The most serious incident might result in:

- creating an unsafe working environment or church experience
- ignoring a person's signs of overwork and extreme stress
- putting someone's health, emotional or physical, at risk by making them upset, frightened and/or ridiculed

7. On the other hand it is important to distinguish between bullying and behavior that is reasonable in a particular context. For example, there may be occasions when shortcomings in performance are being addressed where the individual receiving this information may interpret it as bullying simply because the recipient is unused to being challenged or asked to account for his/her actions.

## **ANTI-BULLYING ADVOCATE**

8. The Diocese is committed to the encouragement of and assistance to congregations in the training of Anti-Bullying Advocates. Anti-Bullying Advocates are concerned members of the clergy and laity who have volunteered and been accepted to undertake their duties. They have received special training for this role and have the full support of the Diocesan Bishop and the Diocesan Council. They are available to any member of the clergy or laity to offer advice and information as required. They are also able to channel complaints and, if suitably trained, to negotiate or mediate between the parties concerned.

9. Anti-Bullying Advocates, in an informal setting, will listen to the person who believes him/herself to be the subject of bullying (hereafter "the Complainant")<sup>11</sup> and, to the extent permissible under this policy, church canons and applicable law, will allow the Complainant to decide what action the Complainant may want to take. The Advocate, if requested, may assist the Complainant in obtaining the level of support the Complainant may think is needed. If called upon by a person accused of bullying, a separate Advocate may provide the same services to the accused.

10. Once compiled, a list of Anti-Bullying Advocates will be maintained in the office of the Canon to the Ordinary.

## **COMMUNICATION & TRAINING**

11. The Diocese shall undertake the implementation and monitoring of this policy on the Diocesan level.

12. The Canon to the Ordinary will arrange for communication and consultation on this policy in preparation for its initial adoption and to support future review and development.

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<sup>11</sup> A subject of bullying becomes a "Complainant" once a complaint is formally filed.

13. Diocesan Council, with the assistance of the Canon to the Ordinary, may provide and facilitate suitable anti-bullying training for clergy and congregational leaders and may establish processes to recruit and train Anti-Bullying Advocates.

## **COUNSELING AND DISPUTE RESOLUTION**

14. Professional counselors are another useful source of support for individuals who are the subject of bullying or who have been accused of bullying. The Bishop's Office may provide a list of qualified counselors or mediators who can conduct a mediation session in an effort to resolve complaints informally.

## **CONFIDENTIALITY**

15. Confidentiality cannot be assured in complaints of bullying. To the extent possible, no action will be taken without the consent of the person who feels he or she has been the subject of bullying.

## **FAIR PROCEDURES**

16.1 All reported instances of bullying behavior will be investigated.

16.2 Clergy, wardens, vestrypersons and Diocesan employees who believe themselves to be the subject of bullying by fellow clergy, wardens, vestrypersons or Diocesan employees, shall report such incidents to the Diocesan Intake Officer.

16.3 Diocesan Intake Officer

The Diocesan Intake Officer will:

- A. Serve as the Diocese's primary contact for allegations of bullying;
- B. Provide support and assistance to Anti-Bullying Advocates, counselors, and mediators in resolving complaints;
- C. Receive copies of all complaints and outcomes of any bullying investigation;
- D. Ensure implementation of this policy and procedure by overseeing the investigative processes;
- E. Assess the training needs of staff, clergy and Diocesan leadership in implementing this policy;
- F. Ensure periodic review and updates of this policy.

16.4 Witnessing and Reporting Prohibited Conduct

Any instance of known or suspected bullying of or by a clergyperson, warden, vestryperson or Diocesan employee should be reported to the Diocesan Intake Officer.

16.5 Who May File an Incident Report Form

Any person who believes a clergyperson, warden, vestryperson or Diocesan employee has been the subject of unresolved, severe, or persistent bullying by another clergyperson, warden, vestryperson or Diocesan employee may report incidents verbally or in writing to the Diocesan Intake Officer. Incidents that are able to be

resolved immediately, or incidents that do not meet the definition of bullying, shall require no further action under this procedure.

## 16.6 Addressing Bullying – Reports

### Step 1: Filing an Incident Report Form

To initiate a complaint an oral or written report must be made to the Diocesan Intake Officer. An Incident Report Form will then be completed by the Complainant or by the Diocesan Intake Officer. No disciplinary action will be taken based solely on an anonymous report.

### Step 2: Receiving an Incident Report Form

The Diocesan Intake Officer is responsible for receiving oral and written reports of bullying. If the report is oral, the Diocesan Intake Officer shall complete the Incident Report Form, noting the facts as alleged by the Complainant in such form. The Diocesan Intake Officer, in conjunction with trained personnel, shall determine whether the alleged incident meets the definition of bullying, presuming the facts as alleged are true. If it does not, the Diocesan Intake Officer shall prepare a response to the complaint and shall notify the Complainant of the response. No further action will be taken.

If the Diocesan Intake Officer is the alleged perpetrator, then the complaint shall be filed with a person designated by the Bishop.

### Step 3: Investigations of Unresolved, Severe, or Persistent Bullying

All reports that survive Step 2 will be investigated with reasonable promptness. Any Complainant may have a trusted individual present throughout the report and investigation process.

- a. Upon receipt of the Incident Report Form that alleges unresolved, severe, or persistent bullying, the Diocesan Intake Officer will begin the investigation.
- b. During the course of the investigation involving a clergyperson or Diocesan employee, the Diocese may choose to take reasonable measures within its authority to ensure that no further incidents of bullying occur between the parties. The Diocese may implement a safety plan for the individuals involved. The plan may include advising the aggressor of physical arrangements to avoid close proximity between the alleged aggressor and Complainant; identifying a staff member who will act as a safe person for the Complainant; altering the alleged aggressor's schedule and access to the Complainant and other measures that put the burden on the aggressor, not the subject/Complainant.
- c. If the investigation involves a warden or vestryperson as the bullying aggressor, the Diocese may recommend a safety plan be implemented by the leadership of the congregation. However, the Diocese cannot implement such a plan at the congregational level as it lacks canonical and legal authority to enforce consequences against elected lay leadership.

- d. The Diocesan Intake Officer will promptly notify the alleged aggressor that a complaint was received and inform the alleged aggressor of the Diocese's policy and procedure on bullying.
- e. The investigation may include:
  - An interview with the Complainant;
  - An interview with the alleged aggressor;
  - A review of any previous complaints or related/relevant information involving either the Complainant or the alleged aggressor;
  - Interviews with the individuals who may have knowledge of the alleged incident.
- f. The Diocesan Intake Officer may determine that other steps must be taken before the investigation is complete.
- g. The investigation will be completed as soon as practicable. The Diocese will strive to keep the Complainant informed through periodic updates.
- h. After the investigation has been completed the Diocesan Intake Officer shall respond in writing to the Complainant and the alleged aggressor stating:
  - The results of the investigation;
  - Whether the allegations were found to have occurred;
  - Whether there was a violation of policy;
  - The process for filing an appeal if either party disagrees with the results.

#### Step 4: Corrective Measures for the Aggressor:

After completion of the investigation, if the aggressor is a clergyperson or a Diocesan employee, the Diocesan Intake Officer shall institute any necessary corrective measures.

If the aggressor is a warden or vestryperson, the Diocesan Intake Officer may make recommendations for corrective action to the appropriate congregation's leadership.

Implementation or recommendations of corrective measures will be made as quickly as possible. If the accused aggressor is appealing the imposition of discipline, the Diocese may choose to refrain from imposing or recommending the imposition of discipline until the appeal process is concluded.

If in an investigation by the Diocesan Intake Officer finds that a Complainant knowingly made a false allegation of bullying, that Complainant may be subject to corrective measures, or a recommendation of corrective action, as is applicable for each category of individual included under this policy.

#### Step 5: Parties' Right to Appeal

1. If either party is dissatisfied with the results of the investigation, they may appeal to the Bishop by filing a written notice of appeal within 30 days of receiving the written decision.

2. The Bishop will review the investigative report and issue a written decision on the merits of the appeal. Efforts will be made to complete the appeal within 90 days of receiving the notice of appeal.

#### Step 6: Discipline/Corrective Action

The Diocese will make efforts to either recommend or take prompt and equitable corrective measures within its authority upon a finding of bullying. Depending on the severity of the conduct and the category of the aggressor, corrective measures may include requirements or recommendations for counseling and education. When the aggressor is a clergyperson or a Diocesan employee, corrective measures may include discipline. A clergyperson may also be subject to actions pursuant to Title IV. When the aggressor is a warden or vestryperson, the corrective measures by the Diocese may only include recommendations to the individual for counseling or education or a recommendation that the individual resign from his/her position of leadership. This policy does not seek to limit or prescribe actions that an individual congregation may choose to take in response to a finding of bullying when the aggressor is a warden or vestryperson.

Corrective measures imposed or recommended for an aggressor who commits an act of bullying will be varied and dependent upon the nature of the behavior.

Congregations may wish to consider amending their bylaws to include a provision for removal of a warden or vestry member found to have engaged in bullying. If a diocesan staff member has been found to be in violation of this policy, the Diocese may impose employment disciplinary action, up to and including termination.

#### Step 7: Support for the Complainant

Appropriate Diocesan support services may be made available to clergy, wardens, vestrypersons and/or Diocesan employees found to have been subjected to bullying.

1. Immunity/Retaliation

No Diocesan employee, clergyperson, warden, or vestryperson may engage in reprisal or retaliation against a targeted individual, witness, or other person who brings forward information about an alleged act of bullying. Retaliation is prohibited and will result in appropriate disciplinary consequences within the authority of the Diocese.

2. Other resources

It is recommended, but not required, that Complainants should use the Diocese's complaint and appeal procedure as the first response to perceived bullying. However, nothing in this procedure prevents a Complainant from taking action deemed appropriate to remediate acts of bullying.

## 16.7 Other Diocesan Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of bullying as defined herein, but which are, or may be, prohibited by other Diocesan rules.

## 16.8 Remedial Measures

Remedial measures for an aggressor who commits an act of bullying will be designed to correct the problem behavior and prevent future occurrences of the problem. The remedial measures may include, but are not limited to, the examples listed below:

### Examples of Remedial Measures for Clergy Who are Aggressors

- Title IV;
- Recommend peer support group;
- Recommendations of appropriate behavior;
- Corrective instruction or other relevant learning or service experience;
- Recommend behavior assessment or evaluation;
- Counseling;
- Requiring restitution and/or restoration of Complainant to prior position.

### Examples of Remedial Measures for Diocesan Staff Aggressor

- Mediation;
- Corrective instruction or other relevant learning or service experience;
- Behavioral management plan, with benchmarks that are closely monitored;
- Counseling;
- Oral or written warning;
- Termination.

### Examples of Remedial Measures for Wardens and Vestrypersons

- Recommendation for mediation;
- Recommendation of appropriate behavior;
- Recommendation for corrective instruction or other relevant learning or service experience;
- Recommendations for a behavioral management plan with recommendations for monitoring by congregational leaders ;
- Recommendation for counseling;
- Recommendation for resignation.

## 16.9 Consequences

Final consequences for a clergyperson, Diocesan employee, warden or vestryperson who commits an act of bullying will be varied and dependent upon the status of the aggressor.

### Examples of Consequences for Clergy

- Referral of the matter to the Ecclesiastical Disciplinary System (Title IV);
- A letter to the personnel file;
- A Pastoral Directive that could include requirements for training, counseling, etc.

### Examples of Consequences for Diocesan Staff

- Letter of reprimand;
- Probation;
- Salary freeze;
- Temporary removal from duties;
- Legal action;
- Suspension with or without pay; and
- Termination.

### Example of Consequences for Wardens or Vestrypersons

- A recommendation to the Vestry/Rector for removal of warden or vestryperson;
- A request for resignation;
- A recommendation for counseling or related services; and
- A recommendation for legal action.

### 16.10 Support for the Complainant

It is not sufficient to only impose consequences and to implement strategies for remediating the behavior of individuals who commit acts of bullying. *Support* will be offered or recommended for the subjects of bullying. The Diocese will identify a range of strategies and resources that may be available to individual subjects of bullying. The type, diversity, location and degree of support are based in part on the subject's perception of safety. Safety measures will be considered to help support the subject's physical and social/emotional well-being. Some examples are provided below:

### Examples of Support for Clergy Subjects of Bullying

- Counseling;
- Recommended monitoring;
- Recommended changes in physical environments of the Complainant and aggressor;
- Development of a recommended protection/safety plan for implementation by congregational leadership; and
- Pastoral support.

### Examples of Support for Staff Subjects of Bullying

- Counseling;
- Furlough or other leave at full pay;

- Schedule or assignment changes;
- Treatment or therapy; and
- Pastoral support.

#### Examples of Support for Wardens and Vestrypersons Subject of Bullying

- Counseling;
- Monitoring;
- Changes in physical environments of the Complainant and aggressor;
- Pastoral support; and
- Development of a safety/protection plan.

### **FALSE ACCUSATION**

17. False accusations are a serious matter. An allegation that is later revealed as deliberately unfounded will be regarded with the utmost seriousness and, where possible, formal action will be taken. A clergy person's making of an unfounded complaint may constitute grounds for the institution of an action under the Title IV Disciplinary Canons. Any person making false accusations may be subject to a civil action for defamation or other legal actions.



## **APPENDIX C**

### **I think I have been the Subject of Bullying: What can I do?**

1. If you believe you are experiencing bullying, you should not suffer in silence or feel that you are to blame in some way for inviting bullying behavior.
2. In any situation in which you believe your physical safety is in danger you should contact the police immediately.
3. If you are a clergy person, warden, vestry person or Diocesan employee who is a subject of bullying by another clergy person, warden vestry person or Diocesan employee, you should contact the Diocesan Intake Officer.
4. If you are a parishioner and are the target of bullying by another parishioner or other person within your church community, you should contact your rector, warden, a vestry person or the intake person identified by your congregation to receive such complaints.

### **ACTIONS YOU CAN TAKE YOURSELF**

5. Keep a factual log of all incidents of bullying – dates, times, nature of incident, details of accusations, criticism, emails and other correspondence. This log may be needed as evidence.
6. Identify witnesses to bullying incidents and avoid situations where you are alone with the bully. Talk to colleagues and see if they will support you.
7. Confer with the Diocesan Intake Officer or a church-appointed Anti-Bullying Advocate who can assist you in the bullying situation you are experiencing. Anti-Bullying Advocates are volunteers who are fully trained, pledged to maintain appropriate confidentiality when possible, and will meet with you to talk through your complaint. They will advise you on procedures for dealing with claims of bullying, and help you to clarify the impact of the behavior you are experiencing so that you can decide what you want to do about it.

### **INFORMAL ACTION**

8. It is not advisable to confront a bully alone. With the assistance of a clergy person or parishioner you may be able to convince the bully to stop the bullying behavior. You may also wish to consult an Anti-Bullying Advocate or professional mediator and discuss with them whether to confront the bully alone or with their support, or whether you would like them to talk to the alleged bully on your behalf, or consider another course of action.
9. Assuming you do not feel physically threatened, every effort should be made to use informal means, including considering alternative dispute resolution such as mediation, conciliation or restorative justice, to stop the offensive behavior before formal procedures are invoked. An informal approach may be enough to resolve matters,

particularly if the person(s) involved was/were unaware that their behavior was causing offense. If the behavior continues and rises to the level of fear for personal safety you should contact the police.

10. If you are a clergyperson, warden, vestryperson or Diocesan employee, any complaint of bullying should be reported to the Diocesan Intake Officer. If you are a parishioner, a complaint should be reported to someone in leadership in your congregation, preferably a member of the clergy, unless the bully is a clergyperson. Once an outcome has been agreed between the parties, someone within your congregation may monitor the situation as appropriate.

11. If the incident involves a clergyperson, warden, vestryperson or Diocesan employee, the Diocesan Intake Officer will decide if the matter is sufficiently serious to warrant an investigation and will consider action to be taken.

**The earlier action is taken the better.**

## **APPENDIX D**

### **I have been Accused of Bullying: What can I do?**

1. Bullying behavior must be taken seriously. An accusation does not signify a judgment that you are guilty, and there will need to be a discussion with you in order to establish the true nature of the situation. It is possible that there might be a problem that has arisen because you have not realized the effect of your actions.
2. The perception of the person complaining of bullying is, however, an important factor in determining whether or not bullying has taken place – simply to deny there is a problem, or that the problem lies within the Complainant, will normally not be sufficient.
3. If you are a clergyperson accused of bullying, you are encouraged to contact the Diocesan Intake Officer. The aim will be to facilitate discussion with a view to resolving the problem as soon as possible.
4. Your diocese, and in some instances, your congregation, has appointed Anti-Bullying Advocates specifically trained to support those involved in cases of bullying. You may be eligible to use this support. Anti-Bullying Advocates are fully trained volunteers pledged to maintain appropriate confidentiality when possible and who will meet with you in private to talk through your situation. They will advise you on procedures for dealing with claims of bullying, and may help you to clarify the impact your behavior may be having so that you can decide what you want to do about it.
5. The problem may be resolved informally through discussion. You may be asked to reflect on your behavior and the possibility that either you might be at fault, whether consciously or not, or that the incidents described are not considered bullying.
6. The Diocese will make good-faith efforts to ensure that its formal procedures are fairly and properly followed. Details relating to the circumstances that gave rise to the complaint, the evidence of witnesses and the nature of the professional relationship between the person complaining and yourself will all be taken into account.
7. If you are a clergyperson accused of bullying, a complaint may be lodged against you under the Diocesan policy and there may be consideration of whether the matter constitutes misconduct under Title IV of the canons.
8. If you are a lay person accused of bullying a clergyperson or another member of the laity, the Diocese or your congregation may begin an investigation after a complaint has been lodged.
9. Throughout any informal or formal procedures the principal objective is that of identifying the underlying issues and eliminating the cause of offense as quickly as possible and with minimal recrimination.
10. If your behavior has been deemed bullying as a result of informal or formal action, you may be offered help to recognize, understand and modify your behavior. Under certain circumstances a refusal to accept help could result in further corrective action or even legal action taken against you.

## **APPENDIX E**

### **The Role of Anti-Bullying Advocates**

In order to support our anti-bullying policy, the Diocese of Newark will appoint Anti-Bullying Advocates who can be approached in confidence if you feel you have been bullied by clergy or church members. If you are interested in applying for consideration as an Anti-Bullying Advocate, contact the Diocesan Intake Officer.

#### **DUTIES OF ANTI-BULLYING ADVOCATES:**

- Acting as a sounding board: actively listening to the individual who believes he or she has been targeted or accused;
- Finding out all relevant information, including asking the Complainant to record examples of unacceptable behavior and discussing behavior with the accused;
- Being impartial: Not giving an opinion as to whether the Complainant is being bullied, but informing the Complainant of options in confronting the accused;
- Putting parties in touch with others, such as counselors, who may be able to advise them;
- Providing the parties with appropriate resources;
- Speaking to the accused in the first instance only if the Complainant has asked you to do so, or accompanying the Complainant when they speak to the accused;
- Providing support to the parties if the matter is taken further, such as attending meetings that may be held as part of an investigation.

#### **QUALIFICATIONS:**

Anti-Bullying Advocates will have the following essential qualifications:

- An interest in and commitment to matters of fairness, justice and equality;
- The ability to listen at all levels to individuals who may approach them with a concern or question;
- The ability to maintain confidentiality;
- The ability to remain calm and impartial;
- The ability to deal with difficult situations.

Anti-Bullying Advocates should be available, accessible and able to devote time to advise people at relatively short notice.

In addition, any of the following will be helpful but are not essential, as training can be provided:

- Knowledge of applicable laws, including employment, harassment and/or procedure;
- Counseling experience;
- Record keeping ability;
- Report writing ability.