

Anti-Harassment Policy

Template for congregations

Mission determines the forms and structures needed for the church to do its work. Administration is the process by which a council implements its decisions. Administration enables the church to give effective witness in the world to God's new creation in Jesus Christ and strengthens the church's witness to the mission of the triune God. ... All councils shall adopt and implement the following policies: a sexual misconduct policy, a harassment policy, a child and youth protection policy, and an antiracism policy. Each council's policy shall include requirements for boundary training which includes the topic of sexual misconduct, and child sexual abuse prevention training for its members at least every thirty-six months.

Excerpted from G-3.0106 - Administration of Mission (2023)

Introduction

[NAME OF CHURCH] strives to create and maintain an environment in which people are treated with dignity, decency, and respect. When the people of the church gathers for worship, study, mission, and other work of the church, it is committed to providing an environment that is characterized by mutual trust and is safe and free from harassment, bullying, and intimidation in any form. The [name of church] leaders and members will not and does not tolerate any type of harassment of its members, elders, deacons, volunteers, guest or staff. Through enforcement of this policy and by education The [Name of Church] seeks to prevent, correct and discipline behavior that violates this policy.

Members, Volunteers, Participants and Staff

All members, volunteers, participants and employees/staff of the [Name of church] regardless of their role or position, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

Appropriate disciplinary action, in accordance with the Book of Order and the [Name of church] Personnel Policy, will be taken against any member or employee of the church who does not follow this policy.

Prohibited Behavior

As used in this policy, the term “harassment” includes sexual as well as actions, words, jokes, or comments based on an individual’s sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic.

Any action may be considered harassing if it:

- creates a hostile, intimidating or offensive work environment,
- unreasonably interferes with an employee’s or volunteer’s work performance;
- or
- adversely impacts an individual’s employment or volunteer opportunities.

Examples of prohibited conduct include:

Microaggressions

A microaggression is a verbal or nonverbal slight that impacts an individual who might identify as being from a marginalized or non-mainstream community. Microaggressions are typically indirect, subtle, even unintentional, but nonetheless are considered discriminatory to the recipient.

Anti-Bullying

Bullying is a pattern of behavior in which the bully attempts to intimidate their victim. Examples of bullying behavior range from teasing, to extortion, to physical assault. In addition to physical interactions, bullying includes any form of interpersonal, including electronic, communication.

Workplace Violence

Workplace violence is acting or using words to make an individual feel endangered. This includes actions that create actual harm to another individual or words that result in another individual having a reasonable belief that they are in danger.

Conduct that threatens, intimidates, or coerces another employee, presbytery member, or a member of the public at any time will not be tolerated, this includes any form of electronic communication.

Sexual Harassment

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of

offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. This includes any form of electronic communication.

Prevention Practices

The session of [Name of church] provides for regular anti-harassment training to ensure an environment free of sexual and other unlawful harassment. All church staff, officers, session and deacon members, and teachers (*add others as needed*) are expected to complete an initial training event/program and participate regularly in anti-harassment education training opportunities.

Reporting Procedures

The Session has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The session will treat all aspects of the procedure confidentially to the extent reasonably possible.

- Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing to either the pastor, chair of personnel or clerk of session.
- The session shall appoint a team to review (or a predetermined team or committee) the complaint.
- The session leadership may call upon the Presbytery of the Highlands for assistance.

Responding Procedures

Matthew 18:15-17

"If your sibling sins against you, go and point out the fault when the two of you are alone. If you are listened to, 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 that person 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."

Remembering that Jesus continued to associate and eat with gentiles and tax collectors, the recommended means of response is to focus on grace rather than judgment, and education more than discipline, in all but the most intentional acts of harassment.

To err on the side of grace is

- not to dismiss or diminish the offense, but to name it , gently rather than in anger;
- to recognize that people come into this subject matter from a variety of backgrounds and history;
- to acknowledge that, consequently, the time, length, and intensity of new understanding will vary from person to person.

This requires mutual conversation, and formal or informal courses of study, designed to equip more than reprimand or punish.

As a final resort one can turn to appropriate measures within the Constitution's *Church Discipline*. It is incumbent to remember, however, that despite its title, "*The power that Jesus Christ has vested in his Church, a power manifested in the exercise of church discipline, is one for building up the body of Christ, not for destroying it, for redeeming, not for punishing. It should be exercised as a dispensation of mercy and not of wrath, so that the great ends of the Church may be achieved, that all children of God may be presented faultless in the day of Christ.*" (D-1.01 Power Vested in Christ's Church).

Responding Structure

[The session should add the structure on how they will respond]

Review of policy

This policy shall annually reviewed by the session and recorded in the minutes of that review and any changes made to the policy. (this is a requirement and needs to be included in the policy)

The Basics of Harassment, Including Sexual Harassment
Michael Kirk, General Counsel, Office of Legal & Risk Management Services
Presbyterian Church (U.S.A.), A Corporation

The unity of believers in Christ is reflected in the rich diversity of the Church's membership. In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. There is therefore no place in the life of the Church for discrimination against any person.
[*Book of Order* F-1.0403]

Despite such powerful words and clear admonishment, harassment and discrimination occur in PC(USA) congregations and councils. The *Book of Order* is clear, and congregations and councils should remember that they have not only an ecclesial duty to address and prevent discrimination and harassment, but many also have a legal duty imposed by state law and perhaps federal law.

Congregations and councils and their members, ordained officers, employees, and volunteers must also comply with General Assembly policy beyond the *Book of Order*. In the Standards of Ethical Conduct (1998) it states, regarding members of the PC(USA):

I will conduct my life in a manner that is faithful to the gospel and consistent with my membership in the Presbyterian Church (U.S.A.). Therefore I will: ...

3. Be faithful, keeping the covenants I make and honoring marriage vows;
4. Treat all persons with equal respect and concern as beloved children of God;
5. Maintain a healthy balance among the responsibilities of my life's work and church membership, my commitments to family and other primary relationships, and my need for spiritual, physical, emotional, and intellectual renewal;
6. **Refrain from abusive, addictive, or exploitative behavior and seek help to overcome such behavior if it occurs.**

I will conduct myself within the Presbyterian Church (U.S.A.) so that nothing need be hidden from sisters and brothers in Christ. Therefore I will:

1. Bear witness to the gospel of Jesus Christ with courage, speaking the truth in love;
2. **Honor the sacred trust of relationships within the covenant community and observe appropriate boundaries;**
3. Be judicious in the exercise of the power and privileges of positions of responsibility I hold;
4. Avoid conflicts of interest that might compromise my witness and relationships within the community of faith;
5. **Refrain from exploiting relationships within the community of faith for personal gain or gratification, including sexual harassment and misconduct as defined by Presbyterian Church (U.S.A.) policy.** (emphasis added)

Similar language can be found in the section pertaining to employees and volunteers and the section on ordained officers. Engaging in harassing behaviors violates these Standards.

Who is an employer?

Under federal law:

Title VII applies to employers of 15 or more employees. In general Title VII makes it unlawful for an employer to:

- a. fail or refuse to hire; or
- b. to fire any individual, or
- c. otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment

because of that individual's race, color, religion, sex, or national origin.

States also have similar anti-discrimination laws, but congregations and councils should note that those laws often apply to employers of fewer than 15 people. For example, Kentucky (where the national PC(USA) offices are located) has a civil rights statute which makes it illegal to discriminate on the basis of an individual's race, color, religion, sex, national origin, and other protected categories. That law applies to employers of eight (8) or more employees.

Does our congregation need a policy?

Yes, especially if you are an employer obligated to comply with federal or state law. But it is also wise to have one in order to help your employees and ordained officers comply with General Assembly policy. Having a policy informs your employees that as an employer you do not tolerate harassment, and it informs employees how to report harassment and tells them the type of employer they work for. Such a policy also encourages respect among co-workers who work in a community of faith.

What constitutes harassment?

Harassment is a type of discrimination. Harassment is unwelcome conduct toward a victim that is based upon the person being harassed being in a protected category (in other words, the harasser is engaged in harassment based upon the victim's race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, or other protected category. Harassment becomes unlawful when:

1. the offensive conduct becomes a term or condition of continued employment, or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. The conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a charge of discrimination or making a report at work, participating in an investigation of a complaint of harassment, or for filing a lawsuit based upon allegations of harassment due to someone being in a protected category, or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Sexual Harassment

Sexual harassment is one type of harassment, and it is based upon power and gender. There are several types of sexual harassment:

1. quid pro quo – this is when one person is in a position of power over another person and demands sexual favors from the person who reports to them, often in exchange for promises of more pay or a promotion or other benefits;
2. hostile environment – this is harassment that “pollutes” the victim’s work environment to the point that it makes it difficult for them to perform their job duties. It includes behaviors such as sexual comments, inappropriate jokes, and physical contact (ex. brushing against someone in an inappropriate manner). Typically, just one incident (unless it is outrageous) is not enough, legally, to make a claim, but if one incident is reported the employer should act upon it and prevent any other future harassment. This conduct becomes a violation of law when there are repeated incidents.
3. third party harassment – this is harassment by someone who is not employed by the employer (ex. a vendor, a session member, a member of the congregation). If the harassment occurs while the employee is performing work duties, it is the employer’s obligation to stop this type of harassment.

Employer’s duties regarding harassment

As an employer you have multiple duties concerning harassment:

1. To have a policy in your employee handbook or manual to make known to your employees that you have an anti-harassment policy, against all types of harassment.
2. To train managers to recognize and put a stop to harassment.
3. To train employees on your policy and how to make reports.
4. To identify someone/some position in your organization who will receive and act on reports of harassment. There should be several paths of reporting so that if one person who is an option to report to is accused of harassment, an employee can feel as though they are not facing an obstacle in reporting. For example: you might identify the senior pastor as someone to report to, but if allegations involve the senior pastor, an employee can report to the Chair of the Personnel Committee or other employee, such as an Associate Pastor.
5. Ultimately, the employer’s duty is to prevent harassment and to immediately put a stop to it once it is reported or discovered.

At this link you will find the Presbyterian Church (U.S.A.), A Corporation's policy against harassment and reporting of harassment. You are welcome to use it as a sample to create your own policy. But keep in mind it may not be appropriate for your organization and may need to be adapted. Seek advice from your legal advisor in creating and implementing such a policy.

You can find more information on harassment at these links:

- <https://www.eeoc.gov/harassment>
- <https://www.eeoc.gov/sexual-harassment>
- <https://www.eeoc.gov/fact-sheet/facts-about-sexual-harassment>
- <https://www.shrm.org/resourcesandtools/pages/workplace-harassment.aspx>

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