Sample United Methodist Church Anti-Harassment Policy

Creating Safe Sanctuaries for Adults

Draft Date: July 2018

Sample United Methodist Church prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, volunteer, church member or any person connected to Sample United Methodist Church. Prohibited under this policy is harassment by lay leaders, members, and volunteers. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, age, body appearance, and/or disability. This includes epithets, slurs and negative stereotyping. Verbal taunting that impairs an employee or volunteer’s ability to perform his or her job functions is included in the definition of harassment. Verbal harassment of clergy and staff by the membership is also prohibited.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.
- Hostile work environment harassment creates an offensive and unpleasant working or worshipping environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or congregants. A hostile work environment can also be created by repeated texts, e-mails or letters to congregants denigrating the pastor or a member of the staff.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Sample United Methodist Church’s anti-harassment policy. For the purposes of this policy for the local church sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or written conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working, volunteering, or worshipping environment.
There are two types of sexual harassment:

- **“Quid pro quo” harassment**, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

- **Hostile work environment harassment** consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcomed physical contact as a regular part of the work or worshipping environment which occurs anywhere on or off the property during church-sponsored activities. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with a person’s work performance or creates an intimidating, hostile or otherwise offensive environment for employees, volunteers, or members.
- Is used by a person in leadership authority over a person with less power.
- Can take place between two members during worship or other activities.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and internet/social media postings; or other form of communication that is sexual and/or offensive in nature. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.
Courteous, mutually respectful, pleasant, non-coercive interactions between employees and members, including men and women, that are appropriate in the congregation and acceptable to and welcomed by both parties are not considered to be harassment.

**Retaliation**

No hardship, loss, benefit or penalty may be imposed on clergy, paid staff, or volunteers in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment. Volunteers found to have violated any aspect of the policy may be asked to step down from service in specific roles, withdraw from leadership positions, and/or terminate their membership.

**Consensual Romantic or Sexual Relationships**

Sample United Methodist Church prohibits romantic or sexual relationships between a supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) or volunteers because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be asked to terminate their relationship with the congregation. (Clergy relationships fall under South Georgia Conference policies on clergy professional conduct which also prohibits harassment.)

NOTE: In situations where a clergy or member spouse is made an employee who reports to his/her spouse, the Staff Parish Relations Committee is tasked with reviewing the situation keeping in mind the potential problems noted above. Relationships that are deemed an “exception” to this policy require appropriate documentation that shall be kept on file in the employee’s personnel file and also forwarded to the district superintendent for the clergy person’s personnel file.

If a romantic or sexual relationship between paid staff and laity, or paid staff and co-workers is made known to Sample United Methodist Church, the Staff Parish Relations Committee will review the situation and determine whether one or both parties have committed a chargeable offense under this policy and report the situation immediately to the pastor and the district
superintendent. Lay staff and volunteers are hereby informed that any sexualized comments, invitations, or romantic overtures may be considered harassment by the recipients and/or other members of the congregation and are strongly discouraged.

Complaint Process

Sample United Methodist Church will courteously treat any person who initiates a complaint procedure that falls under this policy and/or within policies of the United Methodist Book of Discipline. The church will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the complainant. Because of the damaging nature of harassment to the victims and to the entire church community, aggrieved employees, volunteers, and members are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Confidentiality

During the complaint process, the privacy of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is possible. Complainants will be expected, however, to use their names at the time complaints are filed. The expressed wishes of the complaining person for confidentiality will be considered in the context of the egregiousness of the complaint, any legal obligation of the church to act on the charge, and the right of the charged party to obtain information. Utmost care will be given so that persons experiencing trauma be protected from further emotional harm. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law. Local church procedures for clergy misconduct will be followed in a way that is consistent with South Georgia Conference policies and Disciplinary procedures outlined in paragraph 2702 of the Book of Discipline (2016).

Complaint procedure

Sample United Methodist Church has herein established the following procedure for lodging a complaint of harassment, discrimination or retaliation against paid staff or a lay member of the congregation. The church will treat all aspects of the procedure confidentially to the extent reasonably possible.

An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with Sample United Methodist Church’s Staff Parish Relations Committee or the pastor or co-pastors in charge. No formal action will be taken against any person under this policy unless the committee or pastor(s) have received a written and signed complaint containing sufficient details to determine if the policy may have been violated. Within 30 working days of receiving the complaint, the pastor(s) will notify the person(s) charged [hereafter referred to as “respondent(s)”] of a complaint and initiate the investigation to
determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred which would be forwarded to the church disciplinary process as outlined above.

Representatives from the Staff Parish Relations Committee along with the pastor may interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred. The complainant may choose to withdraw from the process by termination of membership and participation at any time without further review. If the complaint is against a lay person and is deemed to fall under general church policies, the complaint process in the Book of Discipline (in italics below) will be followed from this point.

In addition to the steps outlined in the UMC Book of Discipline, the local church pastor, in consultation with the Staff Parish Relations Committee and the district superintendent may have legal counsel review the complaint.

When a complaint is filed against a layperson in a voluntary role, the policy outlined in the UMC Book of Discipline, ¶2704.3, 2016, shall be followed.

Alternative legal remedies

Nothing in this policy may prevent the congregation, the complainant or the respondent from pursuing formal legal remedies, mediation, or resolution through local, state or federal agencies or the courts.

NOTE: This sample policy has NOT been formally or officially adopted by the South Georgia Conference of the United Methodist Church nor reviewed by the conference chancellors. Upon review by the chancellors, this sample will remain updated at www.sgaumc.org/cpcpolicies