



## *Safe Church Policies*

**Policies for the Prevention of Sexual Harassment**

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## **Introduction**

The policies contained herein establish standards for clergy, employees and lay people in order to keep all church members safe. Such standards are essential for establishing parameters of propriety to guide the Church in its work.

The focus is on helping the Church comply with applicable federal, state and local laws covering, among other things, sexual harassment, as well as with Church policies and requirements.

## **History of Model Policies for the Prevention of Sexual Harassment of Church Workers**

In 1991, General Convention passed Resolution B052 (see Appendix A) in which it declared that sexual abuse, exploitation, coercion, and harassment of adults and minors by clergy and church employees are abuses of trust, a violation of the Baptismal Covenant, contrary to Christian Character, and are therefore wrong.

The Committee on Sexual Exploitation (COSE) was also created by General Convention in 1991. In 1999, COSE concluded there was a need for current state-of-the-art policies consistent with current laws. In response to this need, the Church Pension Group, in partnership with The Nathan Network, introduced *Model Policies for the Protection of Children and Youth from Abuse* in 2004. The Nathan Network is a nonprofit organization dedicated to serving the Episcopal Church by providing support for those engaged in preventing and/or responding to sexual misconduct through training and empowerment, education, spiritual support, resources, and networking.

The 2006 General Convention, in response to proposals from its Task Force on Institutional Wellness and the Prevention of Sexual Misconduct (the successor to COSE), adopted Resolution A156 (see Appendix B) requiring every diocese to adopt policies to protect church workers, both paid and volunteer, from sexual harassment and adults from sexual exploitation. The Resolution also requires dioceses to assist congregations in developing such policies. The Church Pension Group and The Nathan Network developed *Model Policies* for that purpose.

The issue of which laws apply to which Church organizations is complex. Generally, Title VII of the Civil Rights Act of 1964 adopted by the United States Congress applies to employers with fifteen (15) or more employees. The rules about how employees are counted are complex and may result in employees of separately incorporated organizations being counted together, for example. Minnesota State laws governing sexual harassment are set forth primarily in Minnesota Statutes 308A. The State laws apply to all employers regardless of the number of employees. State based complaints are filed in accordance with the Statute before the Minnesota Human Rights commission.

## **Important Information About the Legal Difference Between “Employees” and “Volunteers” Church Workers Under This Policy**

**Volunteer church workers are not protected by sexual harassment laws.** However, General Convention Resolution A156 (2006) (see Appendix B) specifically states that all church workers, **both paid and volunteer**, must be protected by diocesan and congregational policies.

What this means is that both paid and volunteer workers will have the same rights to an environment free from sexual harassment under the organization's policies BUT volunteer workers **do not** have the same **legal** rights given to paid employees under federal, state and local sexual harassment laws.

A church employer must work to prevent the sexual harassment of volunteer workers, stop any harassment that is occurring and protect the volunteer worker from retaliation but the volunteer worker will not have a legal right to back pay, reinstatement, lost future wages, attorney's fees or any other remedy provided by law. Similarly, a volunteer church worker **does not** have the **legal** right to file a complaint with a government regulatory body; or to have a government regulatory body investigate the complaint and negotiate a remedy with the Church; or to have the government sue the Church on the volunteer's behalf; or have the right to sue the Church for damages under the sexual harassment laws.

### **Distribution and Copying**

Copies of *Model Policies for the Prevention of Sexual Harassment of Church Workers* can be obtained from the Church Pension Group on its website at [www.cpg.org](http://www.cpg.org). Commercial use of *Model Policies for the Prevention of Sexual Harassment of Church Workers* is strictly prohibited.

### **Sexual Harassment Policy**

[You may wish to post your Policy Statement in prominent locations in your church facilities. Applicable law may also require this Statement to be posted.]

The Episcopal Church in Minnesota prohibits sexual harassment of Church Personnel by anyone (including supervisors or decision-makers, co-workers, consultants, vendors and other non-employees). Such sexual harassment is prohibited. The behavior of individuals engaging in such conduct, or supervisors or decision-makers, who knowingly allow such behavior to continue, will not be tolerated.

All church personnel, whether supervisory or non-supervisory, and whether paid or volunteer, are prohibited from engaging in the conduct prohibited by this policy.

### **A. Prohibited Behavior**

As noted above, the Church prohibits all forms of sexual harassment in the Church. Specific definitions and examples of sexual harassment are set forth below:

#### **1. Sexual Harassment**

Sexual harassment is prohibited by this Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

##### Verbal:

repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);

propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;

**Visual/Non-Verbal:**

derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.); suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, Screensavers, or other electronic displays of a sexual nature); graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, “shooting the finger,” kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person’s sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the “forward” button instead of “reply,” or forgetting that a particular individual or worker is on one of your group lists.

**Physical:**

Unwanted physical contacts (including touching, interference with an individual’s normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault); and

**Other:**

Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the Church or its display, duplication, or transmission.

Such verbal and physical conduct may constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or other Church work;
- Submission to or rejection of such conduct by an individual is used as a basis for employment or other Church work decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

## **2. Retaliation**

The Church will not take any action in retaliation against any Church Personnel who, in good faith and with a genuine belief that he/she has been sexually harassed, brings or voices

a complaint pursuant to this Policy or otherwise opposes sexual harassment. In addition, the Church will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Church policy and applicable law. If you believe you have been subjected to retaliation in violation of this Policy, you should report your complaint immediately in the manner specified in Section B below. Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual because such individual (1) in good faith and with a genuine belief that he/she has been subjected to sexual harassment, made an honest complaint about such conduct, (2) participated honestly and in good faith in any investigation into a sexual harassment complaint, and/or (3) in good faith opposed acts of sexual harassment.

## **B. Procedure for Reporting Suspected Sexual Harassment and/or Retaliation**

### **1. General Procedures Applicable to All Church Personnel**

If you believe that the actions or words of a supervisor/manager, co-worker, customer, vendor, volunteer, or other individual in the Church constitutes prohibited sexual harassment, you have a responsibility to promptly report that behavior to the Church's management. Prompt reporting enables the Church to stop the sexual harassment, before it becomes severe or pervasive.

If you believe you have been the victim of any form of sexual harassment or retaliation, you must promptly give notice of your complaint to one or more of the following:

- Your supervisor;
- Anyone in your supervisory chain;
- The rector or clergy person in charge of the congregation;
- A warden of the congregation;
- The bishop

You are not required to complain to your supervisor or within your chain of command. In addition, to reporting the offending behavior to one of the people listed above, you are encouraged to speak directly to the individual whose conduct you find objectionable. You are not required to do this and it is suggested for you to consider doing only if you are comfortable doing so. If you decide to speak directly to the person involved, you may find that clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church.

You may formally or informally complain to any of the above personnel via any of the following:

- Telephone call
- Letter
- E-mail
- Fax
- In-person meeting
- Filing a "Notice of Concern"

All supervisors and decision-makers are required to report all formal and informal complaints, as well as any suspected or known policy violations, immediately to the rector or clergy person in charge of the congregation (for parishes), Safe Church Coordinator, or bishop (for dioceses), even if you ask the supervisor or decision-maker to keep the complaint confidential, or indicate that you do not wish to file a formal complaint. Church Personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent (1) sexual harassment in the Church, and (2) retaliation against those who make a good faith complaint of sexual harassment, or those who participate honestly and in good faith in either an investigation of a complaint or oppose illegal or prohibited sexual harassment in the Church.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially by the Church's management and/or its designee. Complaints may be made verbally or in writing. Once Church management receives notice of any complaint of sexual harassment it will swiftly determine whether or not a fact-finding investigation is necessary.

If it is determined that a fact-finding investigation is necessary, it will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the Church will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or Church Personnel with a need to know in order to carry out the purpose and intent of this Policy.

Corrective or disciplinary action will be taken against any Church Personnel found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination.

As the complaining party, you will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint

## **2. Additional Options for Church Employees, Not Volunteers**

This section provides additional options for Church **employees, not volunteers**, who believe they have been the victim of any form of sexual harassment, as prohibited by federal, state or local law.

If you are a Church **employee, not a volunteer**, as defined under this Policy and you believe you have been the victim of any form of illegal sexual harassment, in addition to the procedure set forth above, you also have the option of consulting with an attorney and/or filing a complaint with the Minnesota State Department of Human Rights, as well as pursuing any other remedies permitted by law.

Nothing in this posting or in the Church's sexual harassment policy creates any legal rights that did not otherwise exist nor does the Church admit that it is covered by or subject to any federal, state, or local laws.

(Minn. Statute 363A.03 Subd. 43) Equal Employment Opportunity Commission (EEOC)  
Federal: U.S. Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, D.C. 20507 (202) 663-4900, TTY: (202)663-4494, 1-800-669-4000, <http://www.eeoc.gov>

Chicago District Office (The Chicago District Office has jurisdiction over the States of Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. The office also has jurisdiction over the State of Illinois, Counties of Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Christian, Clark, Clay Coles, Cook, Crawford, Cumberland, Dekalb, DeWitt, Douglas, Dupage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, La Salle, Lake, Lawrence, Lee, Livingston, Logan, Macon, Marion, Marshall, Mason, Massac, McDonough, McHenry, McLean, Menard, Mercer, Montgomery, Morgan, Moultrie, Ogle, Peoria, Piatt, Pike, Pope, Putnam, Richland, Richland, Rock Island, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Vermilion, Wabash, Warren, Wayne, White Whiteside, Will Williamson, Winnebago, and Woodford.)

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#### **D. Education and Training Requirements**

*See Grid in Appendix A for training and education requirements based on role.*



## Appendix

### A. Resolution Number: 1991-B052

**Title:** Establish a Committee on Sexual Exploitation

**Legislative Action Taken:** Concurred As Amended

**Final Text:** *Resolved*, the House of Deputies concurring, **That the 70th General Convention of the Episcopal Church declares that sexual abuse, exploitation, coercion, and harassment of adults and minors by clergy and church employees are abuses of trust, a violation of the Baptismal Covenant, contrary to Christian Character, and are therefore wrong; and be it further**

*Resolved*, **That the 70th General Convention of the Episcopal Church establish a Committee on Sexual Exploitation to be appointed by the Presiding Bishop and the President of the House of Deputies to work with the Office of Pastoral Development. It shall be the duty of the Committee on Sexual Exploitation to study, educate, develop curriculum, and propose policy and standards of conduct on sexual abuse, exploitation, coercion, and harassment, and to advise the Office of Pastoral Development as resource persons. The membership of the committee is to be representative as to sex, race and ethnic diversity. The Committee will report to the 71st General Convention.**

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Phoenix, 1991* (New York: General Convention, 1992), p. 783.

## **B. General Convention Resolution A156 (2006)**

### **Final Version – Concurred**

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#### **Resolution A156**

**Title:** Sexual Exploitation

**Topic:** Sexual Misconduct

**Committee:** Social and Urban Affairs

**House of Initial Action:** Bishops

**Proposer:** Institutional Wellness and Prevention of Sexual Misconduct Sub Committee

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*Resolved*, That the 75<sup>th</sup> General Convention of The Episcopal Church affirm the work already occurring in many dioceses and at the same time recommit itself to the positions taken by previous General Conventions that sexual misconduct (encompassing both sexual harassment and sexual exploitation) of adults by clergy, church employees, and volunteer workers has been and continues to be of deep concern to this Church, is an abuse of trust, a violation of the Baptismal Covenant, contrary to Christian character and is, therefore, wrong; and be it further

*Resolved*, That each diocese adopt policies for the protection from sexual misconduct of those served by diocesan programs, those who volunteer in the work of the diocese or are employed by the diocese, and that dioceses assist congregations in the development of such procedures and policies, including using the many resources that already exist, that address the following:

1. the articulation of behavioral standards for all clergy, lay employees and volunteers who work with adults or who provide pastoral counseling, pastoral care, spiritual direction, or the sacraments;
2. a screening process for all clergy, lay employees and volunteers who provide pastoral counseling and care, spiritual direction or the sacraments and who supervise clergy or lay volunteers;
3. education and training for all clergy, lay employees, and volunteers as listed above, with particular attention paid to what legally constitutes sexual harassment and to appropriate behavior and inappropriate sexual or sexualized behaviors towards adults, and with periodic refresher training encouraged;
4. guidelines for responding to concerns of sexual misconduct; and be it further

*Resolved*, That each diocese shall report to the House of Bishops Committee on Pastoral Development prior to the Spring 2009 House of Bishops meeting with a copy of its adopted and implemented policy and an evaluation of the history of its use. A summary report shall be made to the House of Bishops Spring 2009 meeting and a full report made to the 76<sup>th</sup> General Convention.