

Faith Presbyterian Church
And
Presbytery of New Covenant
Anti-Harassment and Racism
Policy



There is neither Jew nor Gentile, neither slave nor free,
nor is there male and female, for you are all one in Christ Jesus.

Galatians 3:28

*We will walk with each other, we will walk side by side,
We will walk with each other, we will walk side by side,
And we'll guard each one's dignity and save each one's pride.
For they'll know we are Christians by our love, by our love,
Yes, they will know we are Christians by our love.
(Peter Scholte)*

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ANTI-HARASSMENT AND RACISM POLICY
OF THE PRESBYTERY OF NEW COVENANT

FOREWORD

Leadership in the church demands the highest standards of moral integrity and personal responsibility. It is a gift of the Spirit that can only be effectively exercised in an environment of trust. As the Gospel witness makes abundantly clear, “From everyone to whom much has been given, much will be required; and from the one to whom much has been entrusted, even more will be demanded” (Luke 12:48).

Since trust is so fundamental to the well-being of the Christian community, Christian people have the right to expect that those they choose as leaders (both lay and ordained) understand and are committed to standards of behavior that are trustworthy. In receiving the Sacrament of Baptism, we enter into a sacred covenant with God and are adopted into the covenant family of the church (*Book of Order*, W-2.300; Genesis 17:7; 2 Corinthians 1:21-22). Trust is a key component that exists in this covenant. As the church and the body of Christ, we are united with all the people of God in every place and every time (*Book of Order*, W-2.3005; 1 Corinthians 12:12-13; Ephesians 4:4-6). We are bound to serve and to respect the dignity of every human being (*Book of Order*, F-1.03 and W- 2.3004; Micah 6:8). When this solemn trust is broken through some form of harassment, including sexual misconduct, not only is someone’s dignity diminished and her or his wellbeing seriously harmed, but also harm is done to the community of faith. Where there is no trust, there can be no community.

The Presbytery of New Covenant is committed to maintaining a safe environment in which all persons can join together for worship, fellowship, service and education in the name of Jesus Christ. Because of that belief and our baptismal promise, we must maintain a safe environment within our church community where people of all ages can be accepted and loved.

The Presbytery of New Covenant has established a Child and Youth Protection Policy (C&YPP) to ensure, to the extent reasonably possible, that our children, youth and endangered adults will be free to participate in church-sponsored programs, services and activities without intimidation, coercion or abuse of any type. Similarly, this Anti-Harassment Policy (Policy) is established to cover any and all forms of harassment, including sexual misconduct, directed toward persons age 18 and over who are outside the coverage of the C&YPP. As such, it complements the C&YPP.

The General Council of the Presbytery of New Covenant is responsible for oversight and implementation of this Policy.

I. INTRODUCTION

God has created us in God's own image and thus has made us equal in Christ. The Church, through the power of the Holy Spirit, was created and is meant to be a reflection of our relationship to one another and to God. God intends all men, women and children to have worth and dignity in all relationships. Through the sacrament of Baptism, the Church promises to love, protect, encourage and support, and to teach all to know and follow Christ.

We believe that the Presbytery of New Covenant provides places where all persons can join together for worship, fellowship, service and education in the name of Jesus Christ. Because of that belief and our baptismal promise, we must maintain a safe environment within our community, where people of all ages can be accepted and loved.

We believe that the increase in incidents of misconduct in the larger church and in our society threatens the community. We recognize that we have a responsibility to our faith, our society and our community to send a clear message:

Harassment, including any form of sexual misconduct, is not acceptable in the eyes of God. Accordingly, it is the policy of the Presbytery of New Covenant that it is never permissible or acceptable for anyone to engage in any form of harassment, including any form of sexual misconduct.

The Presbytery of New Covenant strives to create and maintain an environment in which people are treated with dignity, decency and respect. Our environment should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Everyone should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to our mission. For that reason, we will not tolerate unlawful harassment of any kind.

This Policy applies to all members of the constituent congregations, as well as the presbytery staff and to all volunteers and independent contractors. Through enforcement and education, we will seek to prevent, correct and discipline behavior that violates this Policy.

This Policy is intended to cover prohibited conduct directed to legally capable persons age 18 and over, and complements our Child and Youth Protection Policy, which pertains to any misconduct relating to children and youth under the age of 18 and endangered adults.

II. PROHIBITED CONDUCT UNDER THIS POLICY

The Presbytery of New Covenant prohibits harassment of any kind, including sexual harassment, 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 another person.

The Presbytery of New Covenant, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this Policy in accordance with the following definitions and guidelines.

Discrimination is defined unfair treatment of an individual because of their race, color, religion, sex, national origin, age, disability, or genetic information. There are federal laws in place which also include pregnancy as well as equal pay. Following are definitions for forms of harassment.

- A. Verbal Harassment:** Verbal harassment includes, without limitation, comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- B. Nonverbal Harassment:** Nonverbal harassment includes, without limitation, 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.
- C. Nationality/Racism Harassment:** This includes discrimination against someone because of where someone was born, the person's nationality, race, ethnic background, or the color of their skin. In the Presbytery of New Covenant, we welcome all people, and we work to recognize attitudes or stereotypes that may result in habits of ingrained prejudice.
- D. 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 the Presbytery of New Covenant's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical 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 environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature are directed to another person. There are two types of sexual harassment:

1. “Quid pro quo” harassment, where submission to harassment is used as the basis for employment or volunteer placement 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. Or, a similar situation involving a staff member and a volunteer, or between volunteers.
2. “Hostile work environment,” where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, volunteers, or vendors and independent contractors. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. 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 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:

1. 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.
2. 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 postings; or other form of communication that is sexual in nature and offensive.
3. 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, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

- E. Retaliation:** Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is forbidden and is a violation of this Policy.

Retaliation is any hardship, loss, benefit or penalty imposed on any person in response to:

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

III. EDUCATION AND TRAINING ABOUT WHAT CONSTITUTES HARASSMENT, INCLUDING SEXUAL MISCONDUCT

The education and training of those covered by this Policy will include but not be limited to the following:

- A.** Giving a copy of this Policy to all staff, independent contractors and volunteers.
- B.** Training all staff of the Presbytery of New Covenant, as well as those who serve in pastoral positions, about this Policy. Additionally, all staff and those in pastoral positions must recertify in Boundaries training including the topic of sexual misconduct, and child sexual abuse prevention at least every thirty six months (G-2.0603)
- C.** Providing training on the policy for representatives from each congregation at regular Presbytery meeting times once annually, while ensuring that each congregation has an Anti-Racism and Anti-Harassment Policy of its own, as required by the Book of Order (G-3.0106).
- D.** Providing information to the constituent congregations about this Policy and its procedures for identifying and reporting all types of harassment.

IV. REPORTING AN ALLEGED VIOLATION OF THIS POLICY

Any person who feels that he or she has been subject to any type of harassment, including sexual misconduct, is encouraged (but not required) to firmly and promptly notify the offender that the behavior is inappropriate and violates this Policy. Moreover, an individual staff member of the Presbytery of New Covenant who believes s/he has been the victim of or who has witnessed

harassment, including sexual misconduct, should promptly bring such conduct to the attention of his or her immediate supervisor, as well as the General Presbyter and the chairperson of the Administration Committee. If a supervisor becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual coming forward, the supervisor should immediately report it to the General Presbyter and the chairperson of the Administration Committee, as appropriate. Failure to promptly report incidents of harassment will hinder the presbytery's ability to initiate investigation of a complaint of harassment and may limit the presbytery's ability to stop and prevent further harassment. Cooperation in reporting acts of harassment is essential to the anti-harassment policy.

The Presbytery of New Covenant will treat courteously any person who makes a complaint regarding an alleged violation of this Policy and all such complaints will be handled as swiftly as reasonably possible in light of the need for appropriate corrective action. Individuals who report alleged violations of this Policy are encouraged to provide as much information as possible so that a fair and effective investigation may follow. Any person who reports an alleged violation of this Policy and who believes that the report has not been satisfactorily resolved should promptly report the matter to the General Presbyter and the chairperson of the Administration Committee.

Lodging a complaint will in no way be used against the complainant, nor shall it have an adverse effect on such individual's status. Retaliation is a serious violation of this Policy and should be reported immediately.

V. ADDRESSING COMPLAINTS OF HARASSMENT, INCLUDING SEXUAL MISCONDUCT

The following general procedures and potential consequences are applicable when addressing a complaint of harassment, including sexual misconduct.

A. General Procedures

The Presbytery of New Covenant will promptly initiate an appropriate investigation of all allegations of harassment. Investigations will be conducted by either the General Presbyter who can work in conjunction with the Presbytery's Administration Committee, or through the process outlined in the Rules of Discipline section of the Book of Order (Part II of the Constitution of the Presbyterian Church U.S.A.).

Such investigation shall be carried out with due regard for the personal dignity and privacy of

all parties involved. Regardless of who conducts the investigation, the Presbytery of New Covenant will take preliminary measures reasonably designed to ensure that no harassment occurs while such investigation is in progress.

Following the conclusion of the investigation, appropriate corrective action will be taken as follows:

- if it is determined that a person has violated this Policy, such person will be subject to appropriate corrective measures commensurate with the seriousness of the particular offense or other relevant circumstances;
- if it is determined that the complaining party falsely accused another of harassment, knowingly or in a malicious manner, the complaining party will be subject to appropriate corrective measures.

In all cases, the person who made the complaint and the alleged harasser will be advised of the outcome of the investigation.

B. Potential Consequences for Violation of this Policy

1. Allegations Against a Person Subject to the *Book of Order*

Based on the seriousness of the offense, disciplinary action involving a person subject to the *Book of Order* may include any of the forms of censure specified in the *Book of Order* (see Section D-9.01). In the event a person subject to the *Book of Order* is serving the Presbytery of New Covenant as an employee, volunteer or independent contractor, a violation of this Policy could also result in one or more of the consequences listed in Section V.B.2 below.

2. Allegations Against a Person not Subject to the *Book of Order*

Depending upon the status of the person being disciplined, consequences for violation of this Policy could include verbal or written reprimand, suspension or termination of employment, removal from a position of leadership or other responsibility and/or contract termination.

VI. POLICY REVIEW AND REVISION

The General Council will review this Policy from time to time and make such revisions as it deems necessary and appropriate, particularly those that may be required for continued compliance with all applicable laws.

