

## HARASSMENT POLICY

It is St. Mark Presbyterian Church policy to fully support enforcement of state and federal laws prohibiting harassment. All ordained clergy, paid staff, session members, deacons, trustees and volunteers are prohibited from engaging in the harassment of any person in the course of or in connection with employment or volunteer service at St. Mark. The desired standard of behavior is one of cooperation and respect for each other, despite any differences. St. Mark will not tolerate any infractions of this policy by its staff members, volunteers, members of the congregation, or any outside parties, including visitors, vendors, and suppliers.

It is the responsibility of all church leaders to be adequately informed about St. Mark's Harassment Policy and to ensure that all persons engaged in service to St. Mark are able to work in an environment that is harassment free. Church leaders who see inappropriate conduct shall take immediate steps to correct such conduct.

Sexual harassment of a child or youth under 18 years of age is covered under the St. Mark Youth & Child Protection Policy. Other issues of church discipline may be handled as outlined in Section D, Rules of Discipline, in the Book of Order.

### Definitions

- For the purposes of this policy, '**staff member**' shall be defined as ordained clergy, paid staff, session member, deacon, trustee or other volunteer engaged in employment or volunteer service with St. Mark.
  
- The term **harassment** is broadly defined as 'inappropriate behavior' and includes, but is not limited to: slurs, jokes and other verbal or physical conduct relating to a person's race, color, sex, religion, national origin, citizenship, age, disability, sexual orientation, and other protected categories. Other categories of harassment are:
  - **Sexual harassment** is defined by the Equal Opportunity Employment Commission (EEOC) as any unwelcome sexual advances, unwelcome requests for sexual advances, requests for sexual favors, unwelcome or offensive touching, and other unwelcome verbal or physical conduct of a sexual nature.
  - Persons who engage in **sexual misconduct** are in violation of the principles set forth in Scripture and also of the ministerial, pastoral, employment, and professional relationship. Sexual misconduct is offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another. It is never permissible or acceptable for a staff member to engage in sexual misconduct.
  - **Misuse of technology** that results in harassing another person, including texting or emailing suggestive messages, is prohibited. It is also never appropriate to view pornography on church property. There is never an expectation of personal privacy when using technological equipment owned by the church.
  - Inappropriate conduct or behavior **contributing to a hostile environment** is prohibited by this policy. These include unwelcome comments and advances, crude or offensive language, unwelcome physical conduct, sexually explicit jokes or statements (verbal or electronic), and demeaning comments or actions.
  - Every 'staff member' has a right not to fear **retaliation**. Retaliation of any kind against a 'staff member' who makes a complaint or who participates in an investigation concerning a complaint is considered harassment and is strictly prohibited.

- Harassment also includes actions taken by church members, visitors, guests, consultants, and vendors against any St. Mark 'staff member'.
- For the purposes of this policy, harassment does **NOT** include respectful verbal or written criticism of a 'staff member's' job performance, respectful oversight and/or management of a 'staff member's' work by a supervisor, or the use of offensive language in any manner not directed at another 'staff member', and/or that does not otherwise constitute language of a nature that creates an intimidating, hostile or offensive working environment, as prohibited by this policy.
- The EEOC has additional information on their website: [eoc.gov/laws/types/index.cfm](http://eoc.gov/laws/types/index.cfm). Various types of discrimination prohibited by the laws and enforced by EEOC are described. Also links to the relevant laws, regulations and policy guidance are provided, as are fact sheets, Q&As, best practices, and other information.

### **Confidentiality**

All information concerning a harassment complaint will be treated as confidential. Existence of and content of a harassment complaint, whether verbal or written, will not be disclosed except as a part of an investigative. To the extent permitted by law, complaints will remain confidential and information about them will be provided only to those persons who need to know in order to achieve a timely resolution of the complaint.

### **Complainant Responsibility**

A 'staff member' who believes that they have been the subject of, or who has witnessed, an act constituting harassment prohibited by this policy, should take the following steps:

- If circumstances warrant, confront the person accused of doing the harassing. A third person should accompany the 'staff member' if desired. The 'staff member' should state how they feel about the harasser's actions and request that the person cease the harassment immediately.
- The 'staff member' should report the behavior to the Pastor or the Personnel Committee Chair if the harassment is considered serious or the harassment continues after confronting the harasser. If the Pastor or Personnel Committee Chair is the harasser, they should report the behavior to the other position.
- If the 'staff member' believes the behavior of the harasser to be in violation of the law, the 'staff member' should notify the police and inform the Pastor and/or Personnel Committee Chair.
- If a 'staff member' is unsure whether behavior constitutes harassment, they should confer with the Pastor and Personnel Committee Chair. It is not necessary, however, for the 'staff member' to take all of the steps listed above.
- If a 'staff member' feels that any of the steps would not be desirable or effective because of the circumstances surrounding the harassment, the 'staff member' may make a report directly to the Pastor and Personnel Committee Chair.
- For serious infractions of this policy, the 'staff member' must file a complaint alleging harassment with the Pastor and Personnel Committee Chair for investigation. To initiate an investigation, the 'staff member' making the complaint must submit in writing specifically setting forth the details of the behavior that is the subject of the complaint and include the name(s) of any witnesses to the incident.

### **Process and Resolution**

- When a complaint of harassment is received, it shall be given prompt attention. The complainant and the alleged harasser shall be separated or other measures put in place to

ensure no further incidents.

- The Pastor and the Personnel Committee Chair shall take steps to ensure that complaints of harassment and the investigation into allegations remain confidential. No one shall release any information concerning such complaints to a third party or to anyone within St. Mark not authorized to know of the investigation. When a complaint is against ordained clergy or the complaint is particularly egregious, the Pastor or the Personnel Committee Chair shall notify the Mission Presbytery Committee on Ministry Liaison for St. Mark to inform them of the situation.
- Upon the receipt of a complaint, an investigation of the facts and circumstances of the claim of harassment will be conducted by a team chosen by the Pastor and the Personnel Committee Chair. The investigation of a complaint shall proceed with due diligence and be concluded within 60 days.
  - All involved in the investigation should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records shall be kept confidential as far as possible.
  - Where the investigation reveals that the complaint is valid, prompt disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken. At a minimum, violations of the St. Mark Harassment Policy will result in a counseling session for anyone who violates this policy. The Pastor and/or the Personnel Committee Chair may also take additional disciplinary action, up to and including immediate termination from employment or, in the case of a volunteer, from volunteer service. If the investigation reveals that laws have been violated, then the police should be notified.
  - The Pastor or Personnel Committee Chair shall provide a written response to the complainant at the conclusion of the investigation.
  - If the 'staff member' is not satisfied with the decision, they may appeal the decision to the Personnel Committee Chair in writing within five (5) working days after receipt of the decision. The Personnel Committee Chair, or designee, will review the harassment complaint and the investigations conducted thus far, and/or conduct a further investigation and consult with the Pastor to arrive at a final decision. The appeal decision of the Personnel Committee Chair completes the internal process for harassment complaints.
- A 'staff member' who knowingly makes a false complaint or statement under this policy is subject to discipline, up to and including termination from employment or, if applicable, volunteer service. There shall be no discipline for sincere or good faith reports, regardless of whether the information provided proves to be true, untrue or unfounded.