

Church Harassment and Misconduct Policy for The First Presbyterian Church of Ottawa

Safe Sanctuaries for Adults

I. INTRODUCTION & PURPOSE

Effective ministry in Christ requires that certain ethical standards are maintained as a means through which all persons are respected and safe. Prioritizing ethical behavior through the church conveys the good news of the gospel and provides an understanding of God. Therefore, when there is a potential disruption in community the church will respond to allegations of misconduct with justice and compassion. To that end, this policy has been adopted.

It is The First Presbyterian Church of Ottawa's (hereinafter the Church) policy that all church members, church officers, ministers, teachers, employees and volunteers working in, with and for this Church, are to maintain the integrity of the ministerial, employment, and professional relationship at all times. The Church prohibits harassment or sexual misconduct of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

II. PERSONS COVERED

A. Persons covered by this Policy are Employees, persons seeking employment, Volunteers of the Church (while acting on its behalf), Pastors, Teachers, Ministers, and other representatives of the Church.

B. This policy also covers those who are accused of sexual misconduct under the following two circumstances:

1. Where access to the Complainant/alleged Victim by the Accused is related to the Accused performing some form of service to or appointment by a committee, group, council, or board of the Church.
2. When the behavior of the Accused, though not conducted in a Church-related setting, raises questions for the Church regarding the character and effectiveness of the Accused.

WORKPLACE HARASSMENT

Workplace harassment includes, but is not limited to, the following:

A. Offensive or unwelcome comments regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including 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 may include repeatedly telling members that the pastor or staff member is unfit to lead the congregation, a liar, or in any way un-Christian.

B. 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.

C. 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.

NOTE: Under the law, for a claim of hostile work environment, such conduct must be subjectively abusive but objectively severe and pervasive enough to create a work environment that a reasonable person would find hostile or abusive. There are several factors considered to determine whether it's severe or pervasive: frequency & severity of the conduct, whether the conduct was physically threatening or humiliating or merely an offensive utterance, whether it unreasonably interfered with work performance, whether it affected the employee's psychological well-being, & whether the harasser was a superior in the organization. None of these are necessarily dispositive alone but rather to be used as factors in making a determination.

D. The definition of workplace harassment does not apply to reasonable challenges to work performance or negative job-related feedback, nor does it apply to reasonable discussions or respectful expressions of opinion about various convictions or beliefs.

III. SEXUAL MISCONDUCT

Sexual Misconduct as used in this Policy includes:

A. Child Sexual Abuse, as defined in the Appendix.

B. Sexual Harassment, as defined in the Appendix and discussed in Section V.

C. Rape or sexual conduct by force, threat, intimidation, or misuse of power in a trust relationship.

D. Sexual conduct (including but not limited to, sexual advances, requests for sexual favors, and other kinds of verbal or physical conduct of a sexual nature, such as obscene or suggestive language or behavior, use of church property, computers and other equipment for sexual or pornographic purposes, unacceptable visual contact, touching or fondling), that is unwelcome and/or repeated when the person engaged in the conduct knows or has been informed that the conduct is unwelcome or offensive to the recipient.

E. Sexual conduct within a pastoral (e.g. clergy with member of the congregation) or professional relationship (e.g. counselor with a client), lay employee with a Church member, including sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition does not apply to relationships between spouses.

F. Sexual misconduct as used in the policy is intended to include any conduct falling under the meaning of "sexual abuse" as used in the Book of Order, The Constitution of the Presbyterian Church.

IV. 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 Presbyterian Church's Book of Order, The Constitution of the Presbyterian Church anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as follows:

A. Harassment on the basis of sex is a violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or (3) 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." 29 CFR 1604.11(a). For purposes of this policy, an individual's work performance or working environment includes one's actions in the worship environment.

B. Sexual harassment in the Church also can occur (1) by a person in leadership authority over a person with less power or (2) between two church members during worship or other church sponsored activities.

C. There are two types of sexual harassment:

1. "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.

2. Hostile work environment harassment consists of serious and unrelenting verbiage of a sexual nature, unwelcome sexual materials or even unwelcomed physical contact as a regular part of the work, worshipping, or church activity 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.

D. Sexual harassment and sexual misconduct may take different forms. The following examples 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.

E. 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.

V. CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS

A. The Presbyterian 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/volunteer is suspect and may be viewed by others or, at a later date, by the staff member/volunteer 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 Conference policies on clergy conduct which also prohibits harassment.)

VI. COMPLAINT PROCESS

A. Overview

The Church will courteously treat any person who invokes a complaint falling under this policy and/or within policies of The Book of Order, The Constitution of the Presbyterian Church shall follow the procedure set out in paragraph D. 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 workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy.

B. 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. The Complainant will be expected, however, to use their names at the time complaints are filed. The expressed wishes of the Complainant 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 Presbytery policies and Disciplinary procedures outlined in Chapter 7: Disciplinary Process in the Book of Order, The Constitution of the Presbyterian Church (2023).

C. Retaliation

No hardship, loss, benefit or penalty may be imposed on an Employee, Volunteer, Complainants, Member, or Victim in response to:

- A. Filing or responding to a bona fide complaint of discrimination, harassment, or sexual misconduct.
- B. Appearing as a witness in the investigation of a complaint.

C. 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 serving in specific roles, vacate leadership positions, and/or terminate their membership.

D. Complaint Procedure

1. The Church has herein established the following procedure for filing a complaint of harassment, sexual misconduct, discrimination or retaliation. The church will treat all aspects of the procedure confidentially to the extent reasonably possible.
2. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with the Church's Ruling Elders/ investigating Committee or the pastor or co-pastors in charge, or Presbytery Appointed Moderator when no Called Pastor or Stated Supply Pastor is available. 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 Accused 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.
3. Representatives from the Ruling Elders / Investigating Committee along with the Pastor or Presbytery Appointed Moderator, in absence of a Called Pastor or Stated Supply Pastor, may interview the Complainant, the Accused 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 Order, the Constitution of the Presbyterian Church will be followed from this point.. In addition to the steps outlined in the, Book of Order, the Constitution of the Presbyterian Church, the local church Pastor or Moderator as appointed by Presbytery, in consultation with the Elders / Investigating Committee and the district representative from Presbytery may have legal counsel review the complaint.
4. When a complaint is filed against a Minister, Active Member of the Congregation, or Volunteer the conference policy is applied. (2023 Book of Order, D-7.0102, The Constitution of the Presbyterian Church).
5. 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.

APPENDIX – Definitions

Accused is the person against whom a claim of sexual misconduct is made.

Complainant is the person claiming knowledge of sexual misconduct by a person covered by this policy. The Complainant may or may not be the Victim of alleged sexual misconduct. A person such as a family member, friend, or colleague of the Victim may be the Complainant whose information initiates an inquiry.

Employee is the comprehensive term used to cover individuals who are hired or called to work for this Church for salary or wages.

Member is a person who has joined The First Oresbyterian Church of Ottawa by letter or statement of faith and is on the membership roll of the Church.

Minister is a person who holds ordained ministerial standing or has been commissioned or licensed by the Presbyterian Church, USA or one of its Associations.

Pastor is a person who holds ordained ministerial standing or has been commissioned or licensed by the Presbyterian Church, USA or one of its Associations.

Sexual Harassment in this Policy means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or volunteer service, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working or worshiping environment.

Teacher is the term for a volunteer or paid employee who assumes authority for educating others in the church.

Victim is the term used to identify the person alleged to have been injured by sexual misconduct.

Volunteer is the term used for those who provide services for the Church and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees and other groups. For purposes of this policy, volunteers are treated the same as employees. Liabilities of the governing body or entity are the same for volunteers as for employees