Anti Harassment Policy

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*Mission determines the forms and structures needed for the church to do its work. Administration is the process by which a council implements its decisions. Administration enables the church to give effective witness in the world to God’s new creation in Jesus Christ and strengthens the church’s witness to the mission of the triune God. … All councils shall adopt and implement the following policies: a sexual misconduct policy, a harassment policy, a child and youth protection policy, and an antiracism policy. Each council’s policy shall include requirements for boundary training which includes the topic of sexual misconduct, and child sexual abuse prevention training for its members at least every thirty-six months.*

Excerpted from *G-3.0106 - Administration of Mission* (2023)

**Objective**

The Presbytery of Geneva strives to create and maintain an environment in which people are treated with dignity, decency and respect. When the Presbytery of Geneva gathers to do its work as a council, committees, commissions, or staff, it is committed to providing an environment that is characterized by mutual trust and is safe and free from harassment, bullying, and intimidation in any form. The Presbytery will not tolerate any type of harassment of its employees, minister members, ruling elders, volunteers, or ministry partners. Through enforcement of this policy and by education of its members and employees, the Presbytery will seek to prevent, correct and discipline behavior that violates this policy.

All members and employees (details for employees need to be spelled out separately in the presbytery’s employee handbook) of the Presbytery, regardless of their role or position, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any member or employee of the presbytery who violates this policy. Based on the seriousness of the offense, disciplinary action may include removal from a role or position.

**Prohibited Behavior**

As used in this policy, the term “harassment” includes sexual as well as actions, words, jokes, or comments based on an individual’s sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic.

Any action may be considered harassing if it:

1. creates a hostile, intimidating or offensive work environment;

2. unreasonably interferes with an employee’s or Presbytery member’s work performance; or

3. adversely impacts an individual’s employment or volunteer opportunities.

Examples of prohibited conduct include:

**Microaggressions**

A microaggression is a verbal or nonverbal slight that impacts an individual who might identify as being from a marginalized or non mainstream community. Microaggressions are typically indirect, subtle, even unintentional, but nonetheless are considered discriminatory to the recipient.

**Anti-Bullying**

Bullying is a pattern of behavior in which the bully attempts to intimidate their victim. Examples of bullying behavior range from teasing, to extortion, to physical assault. In addition to physical interactions, bullying includes any form of interpersonal, including electronic, communication.

**Workplace Violence**

Workplace violence is acting or using words to make an individual feel endangered. This includes actions that create actual harm to another individual or words that result in another individual having a reasonable belief that they are in danger.

Conduct that threatens, intimidates, or coerces another employee, presbytery member, or a member of the public at any time will not be tolerated, this includes any form of electronic communication.

**Sexual Harassment**

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. This includes any form of electronic communication.

**Prevention Practices**

The Presbytery of Geneva provides regular anti-harassment training to ensure an environment free of sexual and other unlawful harassment. Minister members, commissioners, committee/commission members, Presbytery employees (and other categories of presbytery leaders) are expected to complete initial training and participate regularly in anti-harassment education training opportunities. All persons covered by this policy shall provide the presbytery office with documentation of training at least every 36 months.

**Reporting Procedures**

The Presbytery has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The Presbytery will treat all aspects of the procedure confidentially to the extent reasonably possible.

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The Stated Clerk and or the Presbytery Leader may assist the complainant in completing a written statement or, in the event a person refuses to provide information in writing, the Stated Clerk will dictate the verbal complaint.

**Responding Procedures**

Upon receiving a complaint or being advised the violation of this policy may be occurring, the Stated Clerk and or the Presbytery Leader will notify the General Council and review the complaint with the presbytery's legal counsel.

The Permanent Judicial Committee will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

If necessary, the complainant and the respondent will be separated during the course of the investigation.

During the investigation, the Permanent Judicial Committee, together with legal counsel, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.

Upon conclusion of an investigation, the Permanent Judicial Committee will submit a written report of their findings to the General Council. If it is determined that a violation of this policy has occurred, the Permanent Judicial Committee will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

1. the severity, frequency and pervasiveness of the conduct;
2. prior complaints made by the complainant;
3. prior complaints made against the respondent; and
4. the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Permanent Judicial Committee may recommend appropriate preventive action.

The Stated Clerk will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the General Council as appropriate, and decide what action, if any, will be taken.

Once a final decision is made by Permanent Judicial Committee, Stated Clerk and or the Presbytery Leader will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies, the court, or the Rules of Discipline of the PC(USA).

**Definitions and Examples of Harassment**

**Microaggressions**

A microaggression is a verbal or nonverbal slight that impacts an individual who might identify as being from a marginalized or non mainstream community. Microaggressions are typically indirect, subtle, even unintentional, but nonetheless are considered discriminatory to the recipient.

Examples of microaggressions include, but are not limited to:

* Asking a new acquaintance, “Where were you born?” Implication: “You don’t belong here. You are not one of us.”
* Saying, “I guess you like Korean/Mexican/soul/American food.” Implication: “I have identified you in terms of a racial/ethnic stereotype.”
* Asking the youngest member of the worship team to provide contemporary music. Implication: “We assume you won’t participate in worship unless we have something non-traditional, and we’re not interested enough to work with you to make worship relevant.”

**Anti-Bullying**

Bullying is a pattern of behavior in which the bully attempts to intimidate their victim. Examples of bullying behavior range from teasing, to extortion, to physical assault. In addition to physical interactions, bullying includes any form of interpersonal, including electronic, communication.

Examples of bullying include, but are not limited to:

* Yelling, shouting, gesturing, “getting in someone’s face.”
* Directing, demanding, or ordering a council, committee, or commission to do what the leader or a small group of individuals wants.
* Standing in the doorway to the room or office while talking to staff, physically blocking their exit.
* Arbitrarily changing work hours or meeting times

**Workplace Violence**

Workplace violence is acting or using words to make an individual feel endangered. This includes actions that create actual harm to another individual or words that result in another individual having a reasonable belief that they are in danger.

Examples of workplace violence amounting to behavioral misconduct include but are not limited to

* verbal or physical threats
* assaults or other violence
* any behavior that causes others to feel unsafe such as bullying, shouting, or name calling
* belligerent, threatening or offensive comments
* hitting, pushing, or other similar physical contact, including touching or threats to take such action
* gestures or the display of offensive signs or pictures
* other aggressive behavior

Conduct that threatens, intimidates, or coerces another employee, presbytery member, or a member of the public at any time will not be tolerated, this includes any form of electronic communication.

**Sexual Harassment**

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. This includes any form of electronic communication. The following is a partial list of sexual harassment examples:

* Unwanted sexual advances.
* Offering anything in exchange for sexual favors.
* Making or threatening reprisals after a negative response to sexual advances.
* Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
* Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
* Verbal sexual advances or propositions.
* Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
* Physical conduct that includes touching, assaulting, or impeding or blocking movements.
* Unwelcome sexual advances (either verbal or physical), 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 employment;
  + (2) submission or rejection of the conduct is used as a basis for making employment or volunteering decisions; or,
  + (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.