

Sample Sexual Harassment Policy

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964. Many churches are not subject to Title VII because they are not engaged in an industry affecting commerce or because they do not have at least fifteen employees. However, Mt. Morris Holden Lutheran Church opts to establish a sexual harassment policy to protect their employees from such discrimination.

The Equal Employment Opportunities Commission (EEOC) guidelines define sexual harassment as

- a. Unwelcome sexual advances or requests for sexual favors as sexual harassment. The definition also includes other verbal or physical conduct of a sexual nature. Jokes, sexually oriented comments, innuendo, gestures, drawings, and notes may constitute sexual harassment.
- b. Sexual harassment occurs when sexually oriented conduct is made explicitly or implicitly a term of employment.
- c. Sexual harassment occurs when submission or rejection of sexually oriented conduct is used as basis for employment decisions. These decisions could involve raises, promotions, or job assignments.
- d. Sexual harassment includes conduct which has “the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Victims of sexual harassment may be female or male. It may also occur between employees of the same sex. The sex of the harasser and the victim are not important; the key is whether one person, regardless of that person’s sex, is the target of unwelcome sexually oriented conduct.

Mt. Morris Holden Lutheran Church will not tolerate any harassment of its employees. A valid complaint of sexual harassment may lead to appropriate and strict disciplinary action, including termination. Sexual harassment includes involvement in any of the above actions as stated in a-d. Sexual harassment from supervisors, co-workers, members, or others who visit the church should be reported to the Pastor or the council President who are permanent members of the Personnel Committee.

Procedure for Responding to Sexual Harassment Complaints:

1. Employee files a complaint with the following information:
 - a. What happened?
 - b. When did it happen?
 - c. Where did it happen?
 - d. Were there any witnesses to the incident?
 - e. How did you respond?
 - f. Has the person ever done this to you before or done something else to you which you considered sexual harassment?

- g. Did you tell anyone else about this incident?
- h. Do you know of anyone else this person may have treated similarly?

2. Each employee who files a complaint should be informed that an investigation will be made promptly and every effort will be made to treat the situation confidentially.
3. People who are accused of sexual harassment have rights too, which should not be violated. Therefore, it is important to verify the complaint with another person if at all possible. If there are witnesses, they will also need to be interviewed.
4. Every step of the investigation should be documented in writing, including meetings with the accuser, the accused, and other employees. Employees may be interviewed without telling them specifics of the case, and must be cautioned to treat the investigation as confidential.
5. After interviewing other employees, those conducting the interview should meet with the alleged harasser with any other witnesses to get the other side of the story.
6. Depending on the nature of the conduct, most employees should not be terminated for a first offense of sexual harassment. Instead, they should be counseled about the serious nature of the complaint and reminded that similar conduct will not be tolerated. The Personnel Committee as a whole should deliver this warning. The meeting should be documented in writing. In most cases, the accused should sign a statement indicating that he or she understands that future incidents could lead to termination.
7. If an accused person denies sexually harassing the person who complained and if there is no further evidence to support the complaint, the Personnel Committee, under the direction of the Church Council, may need to seek legal advice.
8. The accused person will be warned against any retaliation against the accuser. Retaliation will be treated as seriously as accusations of harassment.
9. The Personnel Committee should periodically conduct a follow-up of the case. Like other employers, churches may not be able to avoid occasional incidents of sexual harassment. By educating employees and by being prepared to deal with complaints of sexual harassment, however, we expect to be better able to avert costly litigation and defend our employees and ourselves more successfully against harassment and litigation.

[This statement is based on information in The Church Guide to Employment Law, published by Church Law & Tax Report.(<http://www.iclonline.com>)]