

Harassment Policy
FINAL DRAFT

“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.”

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

Objective

The Presbytery of Northeast New Jersey (PNENJ) strives to create and maintain an environment in which people are treated with dignity, decency, and respect. When the Presbytery 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 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 in the case of employees, may be taken according to the Presbytery’s employment policies, or, in the case of ordained individuals such as teaching and ruling elders, under the Rules of Discipline of the PC(USA) in *The Book of Order*.

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.

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 unwelcome, intimidating 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 in two ways. Quid pro quo sexual harassment occurs when a supervisor attempts to make an employee's submission to sexual demands a condition of his or her employment. Hostile work environment sexual harassment occurs when an employer or fellow employees harass an employee because of his or her sex to the point at which the working environment becomes hostile.

Sexual harassment may consist of 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.

Prevention Practices

Minister members, commissioners, committee/commission members, and Presbytery employees are expected to complete anti-harassment training designated by the Presbytery. All persons covered by this policy shall receive 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.

- If the person who is accused of violating this policy is a teaching elder member, the report of allegations should be made to the stated clerk of the Presbytery. If the report of allegations is placed in writing, the presbytery will respond by using the procedures set forth in the Rules of Discipline of the Book of Order.
- If the person who is accused of committing sexual misconduct is a volunteer or non-ordained employee of the Presbytery, the report of allegations must be made to any of the staff or volunteers of the Presbytery. The Presbytery will respond by using procedures set forth below.

In either case, complaints should be submitted as soon as possible after an incident has occurred, preferably in writing.

Complaints Concerning Non-Ordained Volunteer or Employee

Complaints will be presented to the Administrative Operations Committee (the “Committee”) which may assist the complainant in completing a written statement or, in the event a person refuses to provide information in writing, the Committee will compose the complaint.

Upon receiving a complaint or being advised the violation of this policy, the Committee will promptly notify the Stated Clerk respond following the following steps in their discretion and when appropriate:

- a. Determine whether or not the allegation gives rise to a reasonable suspicion of a violation of this policy.
- b. If so, gather additional information necessary to make a decision about whether a violation has occurred. This will include interviewing the complainant and the alleged harasser and other persons in the Committee’s sole discretion.
- c. Determine whether a violation has occurred.
- d. Determine appropriate responsive action and remedies, including training, suspension, or termination. . When possible, an alternative form of resolution will be determined depending on the following factors:
 - A. the severity, frequency and pervasiveness of the conduct;
 - B. prior complaints made by the complainant;
 - C. prior complaints made against the respondent; and
 - D. the quality of the evidence (e.g., personal 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 Committee may recommend appropriate preventive or remedial action.

- e. Inform the victim and the accused of the results of the investigation of the complaint.
- f. In all cases, the Committee shall prepare a written report to the Stated Clerk for appropriate action.
- g. The Stated Clerk will meet with the complainant and the alleged harasser 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.