

## Adopted by Congregational Council

### I. Introduction

The church is called to be a place of sanctuary for all people in the deepest sense, a place of safety and refuge. The church is also a place where meaningful relationships, intimacy and mutual care are practiced and encouraged. Within this context the health of the community depends on maintenance of healthy boundaries between church participants. However, at times boundaries between church participants may be inadvertently or maliciously tested or broken. Harassment and abuse constitute broken boundaries and breaches of safety within the community of faith. CMCL takes such breaches seriously and will maintain the following policy in order to do all within our power to create a safe sanctuary for children, women and men to participate in the congregation and to experience caring relationships with each other.

### II. Definition of Harassment

The following understandings shape this policy's definition of harassment and procedures for handling complaints. Perception is key to recognizing harassment. Even if the intent is not to harass and offend, it is the person who is affected/offended that decides or determines if it is harassment. The harm of harassment is most accurately measured by the impact it has on the person harassed, rather than by the intent of the one who harassed or by the type of harassment committed.

Anyone can experience harassment. While sexual harassment may be the most widely recognized form of harassment, a variety of behaviors may be deemed harassing or offensive and are therefore covered by this policy. Threats of violence, stalking or other behavior that is perceived to threaten personal safety are inappropriate in church relationships and may be considered harassment. Persistent verbal or written contact may also be considered harassment, especially between individuals that have previously experienced a breach of appropriate boundaries.<sup>[1]</sup>

#### Sexual Harassment

Like any type of harassment, sexual harassment is an abuse of power in order to control another. A man may experience sexual harassment, but the vast majority of victims are women. Sexual harassment can take place in offices, schools, stores, work places, on the bus, at social gatherings, in churches, in community settings.

Repeated or coercive sexual advances toward another person contrary to his or her wishes constitute sexual harassment. This includes behavior directed at another person with the intent of intimidating, humiliating, or embarrassing the other person, or subjecting the person to public discrimination. Unwelcome advances or propositions, 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 or circumstance of instruction, employment, or participation in any church activity.
2. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or church-related decisions affecting an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in church activities or creating an intimidating, hostile, or offensive church or work environment.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones, particularly:

1. Written contact, such as sexually suggestive or obscene letters, notes, e-mails, or invitations;
2. Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions, degrading comments about another person's appearance;
3. Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
4. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

Sexual harassment also includes continuing to express sexual interest after being informed directly that the interest is unwelcome and using sexual behavior to control, influence, or affect the career, salary, work, learning, or worship environment of another. It is impermissible to suggest, threaten, or imply that failure to accept a request for a date or sexual intimacy will affect a person's comfortable participation in the life of the church, church leadership or job prospects. It is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, to suggest that a poor performance report will be given because a person has declined a personal proposition; or to hint that benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications, will be forthcoming in exchange for sexual favors.

### **III. Harassment by a Pastor or Other Church Staff**

All ministers, whether serving within the congregation or a ministry outside the congregation, need to be clear about appropriate relationships. Because ministers are accorded authority and power in the church, inappropriate relationships result in great pain and grief for the victim. It is imperative that Pastors resist temptations to develop such inappropriate relationships.

Because of the power and authority implicit in the ministerial office, inappropriate relationships of a sexual nature constitute harassment and abuse. In addition to the above definitions of harassment, unusual attention from a Pastor such as gifts, frequent social telephone calls (or emails or other electronic messages), letters or private visits are considered harassment.

Because they have greater power, the leader always bears primary responsibility to protect the boundaries of the relationship. This holds true even when the person with less power makes sexualized advances. A leader is the keeper of a trust and, as such, is responsible to ensure that no sexualized behavior occurs.

In the event a Pastor is alleged to have committed sexual harassment, the complainant should report it to a member of the Staff Relations Committee (SRC). The SRC shall inform the Executive Conference Minister of Atlantic Coast Conference of Mennonite Church USA (ACC holds the ministerial credentials for all pastoral staff at CMCL). The Ministerial Leadership Committee of ACC will initiate an investigation of the complaint according to the *Ministerial Sexual Misconduct Policy and Procedure* of Mennonite Church USA. Available online at: <http://www.mennoniteusa.org/wp-content/uploads/2012/01/PolicyandProcedurePartI.pdf>.

Allegations against another member of the church Staff should be handled by Staff Relations Committee, using procedures like those outlined below. SRC should take into consideration the differences in authority, power and public influence of various staff positions in such a proceeding.

#### **IV. Procedures for Handling Complaints of Harassment**

- A. Any complaint of harassment should be directed to a Pastor, who will present the complaint to Pastoral Team. If the complaint is against a Staff person, it should be made to the Staff Relations Committee.
- B. Pastoral Team has responsibility for and authority to act on behalf of the congregation in response to complaints of harassment. Pastoral Team may choose to serve as the Response Team as outlined below, or appoint others to serve on its behalf. The Response Team shall have no less than two members, one male and one female, and may include a trained professional from outside the congregation.
- C. Several approaches may be taken in addressing incidents of alleged harassment by a member or participant in the church (if the allegation is against a member of the Staff, see section III above):
  1. The complainant can attempt to resolve the matter directly with the respondent, the individual accused of harassment. If the complainant has brought the matter to the attention of the Pastors, Staff or other church leaders, those informed should take steps to ensure the personal safety of the complainant if recommending the complainant address the respondent directly. A complainant should not be encouraged to confront the respondent alone.
  2. If a personal confrontation by the complainant does not seem wise, appropriate, possible, or does not succeed, the complainant may request that the Pastoral Team institute formal proceedings (if the complaint is against a member of Pastoral Team, that person shall not participate in any related proceedings including the Response Team). If the complainant brings the matter to the attention of a Pastor, the Pastor shall not work to resolve the matter personally. The Pastor shall listen and reassure the complainant, but ask to take the matter to Pastoral Team. Pastors shall be attentive to the spiritual and emotional needs of both complainant and respondent. Formal proceedings by Pastoral Team should include the following:

- a) Form a Response Team. Appoint care teams for the complainant and/or respondent as appropriate.
- b) The Response Team shall advise the Lead Pastor and Congregational Council Chair of the receipt of all complaints and shall keep them apprised of ongoing steps and actions taken. If either the Lead Pastor or Congregational Council Chair is the subject of the complaint, this notice requirement shall not apply as to that person.
- c) The Response Team shall gather statements or other information from the individuals involved in the alleged harassment and from others who may have pertinent information, such as qualified professional consultants, and present such information to the Pastoral Team.
- d) The Response Team shall make determinations and recommend actions appropriate to resolve the matter to Pastoral Team. These may include:

- Finding that harassment has occurred, and that the appropriate body of the church is called upon to take action accordingly; such action may include one or more of the following:
  1. a formal reprimand, with defined expectations for changed behavior;
  2. recommending or requiring psychological or psychiatric assessment, counseling and/or treatment;
  3. probationary standing, with the terms of the probation clearly defined;
  4. dismissal from employment or authorized volunteer position in, participation in the activities of, or membership in, the church.
- Finding that harassment did not occur.

- D. Pastoral Team may seek the advice of legal counsel or others to advise it in performing these functions.
  - E. A written summary of the Response Team proceedings in such cases will be maintained. The Chair of Pastoral Team will maintain confidential written records and will pass records to incoming Chair according to the outgoing Chair's discretion.
  - F. The person(s) toward whom the inappropriate behavior is directed need not be the complainant. Moreover, neither consent nor acquiescence will excuse or exonerate inappropriate behavior. At any time the church may initiate or proceed with the formal complaint process.
  - G. In determining whether alleged conduct constitutes harassment, consideration shall be given to the record of the alleged incident(s) as a whole and to the totality of the circumstances, including the context in which the alleged incident(s) occurred.
  - H. Any person bringing a harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment or church membership or affiliation, or otherwise discriminated against or discharged.
- V. If the complainant or respondent is not satisfied with the disposition of the matter by the Pastoral Team, he or she has the right to appeal to the Congregational Council Chair, or to any

member of Congregational Council if the Chair is the subject of the complaint, who shall refer the matter to the Council. In such a situation, Council will seek assistance from those with expertise in dealing with situations of conflict, harassment and power abuse in order to determine what next steps are appropriate, if any.

## VI. Resources

- A. Mennonite Central Committee: Abuse Response and Prevention Program.  
<http://abuse.mcc.org/sexual-abuse/sexual-harrasment>.
- B. *Understanding sexual abuse by a church leader or caregiver*, 2<sup>nd</sup> Edition (Mennonite Central Committee, 2011).
- C. *Ministerial Sexual Misconduct Policy and Procedure* (Mennonite Church, 2000).  
Online at: <http://www.mennoniteusa.org/wp-content/uploads/2012/01/PolicyandProcedurePartI.pdf>.
- D. *A Mennonite Polity for Ministerial Leadership*, Sponsored by Mennonite Board of Congregational Ministries and Ministerial Leadership Services and the General Board of the General Conference Mennonite Church, Ed. Everett J. Thomas (Newton, KS: Faith and Life Press, 1996).
- E. Pennsylvania Human Relations Commission: Overview and definitions of sexual harassment as illegal discrimination. Available for download at:  
[http://www.portal.state.pa.us/portal/server.pt/community/publications\\_faq/18983/other\\_publications/709208](http://www.portal.state.pa.us/portal/server.pt/community/publications_faq/18983/other_publications/709208).