

## REVISED POLICY

### 21. ANTI-HARASSMENT:

The church is committed to maintaining a healthy and respectful work environment that fosters harmonious and productive working relationships among staff and volunteers in an environment that is free from harassment.

DCPC considers any form of harassment to be misconduct. Harassment includes hostile behaviors or retaliatory, illegal, unsafe, disruptive, or disrespectful activities which undermine the employment relationship or the spiritual and worship environment of the church. Harassment conflicts with the church's belief in the dignity, worth and equality of all persons as children of God. It includes, but is not limited to, harassment based on gender, sexual orientation, pregnancy, childbirth or related medical conditions, race, color, national origin, citizenship status, age, physical or mental disability, marital status, genetic information, or any other characteristic which is protected by law.

Harassing conduct includes any unwelcome verbal, physical or visual conduct toward an employee or volunteer that a reasonable person would consider intimidating, hostile, or abusive. Harassment becomes unlawful when it is based on a characteristic of the person protected by law and the offensive conduct becomes a condition of employment or the conduct is severe or pervasive.

This policy applies on church premises, as well as at church sponsored events that occur off church premises, including but not limited to, conferences, retreats, and mission trips.

Harassment can take many forms, and includes, but is not limited to, the following:

## **Sexual Harassment**

There are two types of sexual harassment: “hostile environment” and “quid pro quo”:

### **“Hostile Environment”**

As noted above, “hostile environment” harassment involves a pattern of pervasive and continuing behavior and/or practices that create an environment that unreasonably interferes with or impedes an employee's ability to perform his/her duties and responsibilities freely and completely. Any such behavior directed at another person because of the person's sex or gender is “sexual harassment” even when it has no apparent “sexual” content. Sexually harassing conduct also includes unwelcome physical, verbal, or nonverbal conduct of a sexual nature. Such conduct can be by a person of either the same or opposite sex and can involve one or more incidents and actions. Examples of the latter include the following:

- **Unwelcome physical contact** such as patting, stroking, kissing, hugging, fondling, pinching, stalking, blocking or other inappropriate touching or physical activity;
- **Unwelcome verbal conduct** such as sexual slurs, inappropriate jokes, statements or comments, insults based on the sex or sexual orientation of the employee;
- **Unwelcome non-verbal conduct** such as: leering, sexually suggestive gestures, display of sexually explicit or suggestive material;
- **Unwelcome visual conduct** such as pictures or drawings based upon a person's gender or sexual orientation; and
- **Failure to observe** the appropriate boundaries of a professional supervisor/subordinate relationship.

### **“Quid pro quo”**

Sexual harassment can be a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example, between manager/supervisor and a subordinate. Sexual harassment includes unwelcome sexual advances or requests for sexual favors. “Quid pro quo” harassment occurs when submission to or rejection of such inappropriate conduct by an individual is used as the basis for employment decisions affecting the individual. The following are examples of “quid pro quo” sexual harassment:

- **A supervisor tells an employee that he/she can earn a promotion by dating the supervisor or by providing sexual favors, or the supervisor threatens the employee with demotion or termination if he/she fails to do so.**
- **A supervisor downgrades an employee's performance rating because the employee turned down the supervisor's request for sexual favors or a date.**

### **Non-sexual Harassment**

Harassment can be motivated by other factors than the sex or gender of the target and still involve illegal, unsafe, disruptive, and disrespectful activities; and hostile behaviors which undermine the employment relationship and the spiritual and worship environment of the church. Examples of such harassment include, but are not limited to, the following:

- **inappropriate images, pictures, drawings, videos, emails, letters, or notes based upon a person's race, religion, disability, age, or other characteristics protected by law;**
- **racist slang, phrases, jokes, name calling or nicknames; and**
- **bullying, pushing, hitting, fighting or other forms of physical misconduct.**

### **Your Duty to Report Harassment**

The church has a duty to protect all employees from harassing conduct in the workplace; therefore, employees should report any incident of harassment immediately. This includes not only harassing conduct by fellow employees or supervisors but also conduct by persons with whom employees' duties require him/her to come into contact, such as, church members, outside contractors, and vendors. Similarly, volunteers or other persons on church property or at a church sponsored event should report any incident of misconduct and/or harassment immediately. Anyone who reports a violation must act in good faith and have reasonable grounds to believe that a violation has occurred. Prompt reporting of harassment enables the church to take the corrective action necessary to stop the behavior before it becomes severe or pervasive.

Anyone who experiences and/or witnesses what reasonably appears to be an incident of harassment is encouraged to file a report following procedures outlined below and use the appropriate complaint form, which is available on the church's website or from the Church Administrator:

- **Employees** should report any incident of harassment to the employee's immediate supervisor unless the supervisor is the person engaged in the harassing conduct. In that case, or if there is any other reason why the employee would feel uncomfortable reporting the harassment to his or her direct supervisor, the report should be made to the Head of Staff, Church Administrator or the Chair of the A&P (Administration and Personnel) Committee.
- **A supervisor** receiving a complaint or who observes harassing conduct must immediately inform the Head of Staff or Church Administrator so that an investigation may be initiated, even if the alleged victim has expressed a desire not to pursue the matter.
- **Persons other than employees** who observe or experience harassing conduct on the church premises or at a church sponsored event should report the conduct to the Head of Staff or the Church Administrator.

Every complaint of harassment will be investigated thoroughly and promptly. An investigation of harassment should begin within 24 hours of receipt of a complaint unless the complaint must be reported to Presbytery of Charlotte, in which case the Presbytery will handle the investigation. A complete investigation and proposed remedy should occur, if possible, within 7-10 days of receipt of a complaint unless circumstances require a more extensive investigative process, legal counsel, report to Presbytery and/or the collection of information that is not available or cannot be easily accessed within this time frame.

### **Retaliation**

Retaliation is any act to threaten or take action against an individual and/or employee who reports or complains about harassing conduct or participates in an investigation of such conduct. Examples of retaliation include but are not limited to the following:

- **A retaliatory discharge** of a victim who tells the harasser or his/her employer he/she will no longer submit to the harassment, and, is then fired in retaliation for this protest;
- **An act of retaliation, threats, or action** taken against an individual and/or employee who files or responds to a bona fide complaint of discrimination or harassment; a hardship, loss, benefit or penalty that is imposed on an employee in response to appearing as a witness in the investigation of a complaint or serving as an investigator of a complaint.

The church provides protection from retaliation and will not tolerate retaliation against any person for making a good faith complaint of harassment or for cooperating in an investigation of such conduct. If an employee feels that he or she has been subjected to any form of retaliation, the employee should report that conduct to his or her immediate supervisor, Head of Staff, Church Administrator or the Chair of the A&P Committee. Similarly, volunteers or other persons on church property or at a church sponsored event that is off church property, should report any form of retaliation to the Church Administrator.

Any employee, supervisor, co-worker, or volunteer (including church members and visitors) shall be deemed to have violated this policy and to have engaged in retaliation if: they retaliate against a person who has complained about or reported alleged harassment; they retaliate against a person who has cooperated with any investigation of alleged harassment, regardless of the outcome; or they file a false complaint of harassment to retaliate or punish another employee and/or supervisor.

### **Disciplinary Consequences**

If harassment, or retaliation is confirmed, the church will take corrective action, which may include training, referral to counseling, or disciplinary action up to and including termination of employment. Such corrective action shall be implemented immediately following the conclusion of the investigation.

### **Bona Fide Complaints**

Anyone who reports a violation must act in good faith and have reasonable grounds to believe that a violation has occurred. Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status.

### **False Complaints**

Filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

### **Confidentiality**

Because of the need to conduct a thorough investigation, the church cannot guarantee absolute confidentiality for a complaint. It is the church's policy, however, that information concerning the harassment complaint and information obtained during an investigation will be kept confidential and not disclosed to others, to the extent reasonably possible, except on a "need to know" basis or as

required by law. It is a violation of this policy for any employee to willfully disclose confidential information acquired in the course and scope of an investigation.

### **Responsibility**

The Church Administrator shall have the authority and responsibility for communicating, implementing, and coordinating the provisions of this policy, as well as, ensuring the substance, methods and frequency of training requirements for staff and volunteers.

Nothing in this policy is intended to preempt or interfere with the exercise of jurisdiction by (1) secular authorities (for example, where the alleged misconduct would constitute a crime under state or federal law or involves suspected child abuse subject to mandatory reporting under state law); or (2) the Session of Davidson College Presbyterian Church or the Presbytery of Charlotte in disciplinary cases brought under the Rules of Discipline against a person under their jurisdiction. Examples of (2) could include, but are not limited to:

- A complaint of Sexual Abuse, as defined in the Rules of Discipline, against a minister of word and sacrament (which, under the Rules of Discipline, is subject to the jurisdiction of Presbytery) – initiated, for example, by a member of the congregation or by a member of Session with information about the matter; or
- A complaint about other conduct that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.) -- initiated, for example, by a member against another DCPC member or deacon or elder (under the Rules of Discipline, subject to the jurisdiction of Session).

## SECTION 14

### Attachment A

#### DAVIDSON COLLEGE PRESBYTERIAN CHURCH ANTI-HARASSMENT POLICY FILE A COMPLAINT

If you believe that you have been subjected to harassment and/or misconduct, or have knowledge that such an act has occurred, you are encouraged to complete and submit this form to the appropriate contact designee or office.

#### 1. FILE A REPORT:

Before completing the report, please read the following instructions:

- a. **Write everything down** – Try to remember important details. It is extremely important to document an incident as soon as possible after the incident occurs.
- b. **Describe everything** – In your own words, describe the chain of events to recount everything that happened from the very start of the encounter or incident to the end. To the best of your recollection, provide information such as dates, locations, circumstances and names of employees present when the incident occurred. Describe how you reacted and responded to the incident.
- c. **Be specific** – Be specific about the location, time of day, etc. Replay events slowly in your head to help remember details.

For example:

"Room 201 – At approximately 6 p.m., my supervisor, Mr. Doe, stood directly behind me and put his hand on my right shoulder when he asked if I would stay late to catch up on work from the previous day. I refused. No other employees were present."

**d. Include facts** - When quoting yourself or another, try to use exact words.

Include witness names, contact information, and physical descriptions, if available. Include only facts you are sure about. Be careful to avoid inaccuracies.

**3. Complainant information:**

o Print name of individual filing report: \_\_\_\_\_

o Indicate your role in the Church:

\_\_\_ Employee

\_\_\_ Volunteer

\_\_\_ Church member

\_\_\_ Non-church member

\_\_\_ Vendor

\_\_\_ Contractor

\_\_\_ Other (Explain) \_\_\_\_\_

Home Address: \_\_\_\_\_

Phone:(Home) \_\_\_\_\_ (Cell) \_\_\_\_\_

Email: \_\_\_\_\_

If you are a staff member and/or Church volunteer, complete the following:

Supervisor's name: \_\_\_\_\_

Supervisor's work phone: \_\_\_\_\_

Supervisor's email: \_\_\_\_\_

**4. COMPLAINT INFORMATION:**

a. Your complaint of harassment is made against:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

If no known title, indicate role in Church: \_\_\_\_\_

b. Relationship of accused harasser to you in Church (select one):

Supervisor

Subordinate

Co-worker

Other (please explain): \_\_\_\_\_

c. Describe the conduct or incident(s) that is(are) the basis of this complaint and your reasons for concluding the conduct is harassment and/or misconduct. Use additional sheets of paper if necessary and attach relevant documents or evidence.

---

---

---

---

---

---

d. Date(s) incident(s) occurred: \_\_\_\_\_

e. Time of day incident(s) occurred: \_\_\_\_\_

f. Please list the name and contact information of any witnesses or Individuals who may have information related to your complaint.

---

---

---

---

g. Have you previously complained or provided information (verbal or written) about sexual harassment or misconduct at Davidson College Presbyterian Church? If yes, when and to whom did you complain or provide information?

No\_\_\_

Yes\_\_\_

---

---

---

h. Include additional information that may be relevant to this complaint.

---

---

---

## 5. COMPLAINT SUBMISSION:

**Staff** should submit complaints to their immediate supervisor unless the supervisor is the person engaged in the harassing conduct. In that case, or if there is any other reason why the employee would feel uncomfortable reporting the conduct to his or her direct supervisor, the report should be made to the Head of Staff, Church Administrator or the Chair of Administration and Personnel.

**Non-staff** should submit complaints to the Head of staff. If there is any reason why he/she would feel uncomfortable reporting the conduct to this designee, the report should be made to the Church Administrator or the Chair of the A&P Committee.

**Select from the list below to submit complaint:**

- Church Administrator – Harriett Rosebrough - [hrosebrough@dcpc.org](mailto:hrosebrough@dcpc.org)
- Head of staff - Peter Henry – [pherry@dcpc.org](mailto:pherry@dcpc.org)
- Supervisors - Robert Alexander - [ralexander@dcpc.org](mailto:ralexander@dcpc.org)  
John Ryan - [jryan@dcpc.org](mailto:jryan@dcpc.org)
- Chair A&P - Cecil Clifton – [cecil.clifton@gmail.com](mailto:cecil.clifton@gmail.com)

**SECTION 15**

Attachment B

DAVIDSON COLLEGE PRESBYTERIAN CHURCH  
ANTI-HARASSMENT POLICY  
CERTIFICATION OF AUTHENTICITY

I hereby certify that the information provided in this complaint is true, correct and complete to the best of my knowledge. I agree to report any future harassment or retaliation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_