

CENTRAL PRESBYTERIAN CHURCH ANTI-HARASSMENT POLICY (approved August 15, 2019)

INTRODUCTION

Central Presbyterian Church (CPC) is committed to maintaining a safe environment in which all persons can join together for worship, fellowship, service and education in the name of Jesus Christ. Because of that belief and our promise, with God's help, and to build and nurture relationships within our congregation and community and across religions and culture, we must maintain a safe environment within our church community where people of all ages can be accepted and loved.

CPC has established a Sexual Ethics Policy and a Child Protection Policy to safeguard our congregants, staff, the members of the church, and the people we serve, especially children and those who are vulnerable, against any form of sexual misconduct, particularly the disciplinary offense of sexual abuse, within the church. Similarly, this Anti-Harassment Policy is established to cover any and all forms of harassment, including sexual misconduct, directed toward persons age 18 and over who are outside the coverage of these other existing policies. As such, it complements both the Sexual Ethics Policy and the Child Protection Policy.

Anti-Harassment Policy

CPC prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce another person. This policy includes any hostile actions taken against an individual because of, but not limited, to that individual's sex, sexual orientation, or gender identity.

CPC, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines.

- A. Verbal Harassment: Verbal harassment includes, without limitation, comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs, negative stereotyping and bullying.
- B. Nonverbal Harassment: Nonverbal harassment includes, without limitation, distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

- B. Sexual Harassment: Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under CPC's anti-harassment policy. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment." ("Facts About Sexual Harassment", June 27, 2002. Retrieved from <https://www.eeoc.gov/facts/fs-sex.html>)

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature are directed to another person. There are two types of sexual harassment:

1. "Quid pro quo" harassment, in which submission to harassment is used as the basis for employment or volunteer placement decisions or employee benefits such as raises, promotions or in which better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment.

Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her; or, a similar situation involving a staff member and a volunteer, or between volunteers.

2. "Hostile work environment," in which the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be a supervisor, another employee, volunteer, vendor or independent contractor. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibited form of harassment, including that which is sexual in nature and unwelcome.
2. Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
3. Physical sexual harassment includes unwelcome, unwanted physical contact including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation Prohibition

Retaliation can be any action that would keep a worker from coming forward to make or support a harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- filed a complaint of harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
- opposed harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. CPC has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected harassment. Any employee of CPC who retaliates against anyone involved in a harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, the Pastor, or Clerk of Session. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

Education and Training About What Constitutes Harassment, Including Sexual Harassment

CPC believes that all individuals in a position of leadership or who represent CPC in any capacity are responsible for creating an atmosphere of trust and safety that reflects our love of God and supports our relationships with each other and the larger community. Therefore the education and training of those covered by this policy will include but not be limited to the following:

- A. Giving a copy of this policy to all staff and independent contractors and volunteers whose services are relevant to our core values and mission.
- B. Training CPC's pastor and staff about this policy.
- C. Training all newly elected/ordained Elders and Deacons about this policy
- D. Giving all returning Elders and Deacons a copy of this policy with a reminder that the policy is in force and that they are obliged to abide by it. Training will be required if they were in office before this policy was approved.
- E. Providing information to the congregation about this policy and its procedures for identifying and reporting all types of harassment.

Complaint and Investigation of Harassment, Including Sexual Harassment

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be confidential to the extent possible. All persons

involved, including complainants, witnesses and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected harassment. Employees who participate in any investigation will not be retaliated against.

Upon receipt of complaint, the Pastor or Clerk of Session will take preliminary measures reasonably designed to ensure that no harassment occurs while the investigation is in progress and will appoint an investigative committee composed of members of Session and the Personnel Committee.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Reporting Harassment

Preventing harassment is everyone's responsibility. CPC cannot prevent or remedy harassment unless we know about it. Any employee, paid or unpaid intern, or volunteer who has been subjected to behavior that may constitute harassment is encouraged to report such behavior to their supervisor, the Pastor or Clerk of Session. Anyone who

witnesses or becomes aware of potential instances of harassment should report such behavior to a supervisor, the Pastor or Clerk of Session.

Employees, paid or unpaid interns or volunteers who believe they have been a victim of harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Legal Protections and External Remedies

Harassment, including sexual harassment is not only prohibited by CPC but is also prohibited by state, federal, and (where applicable) local law.

Aside from the internal process at CPC, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to CPC does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Phone (718) 741-8400. Website www.dhr.ny.gov

More information may be obtained by calling DHR at (888) 392-3644 or visiting dhr.ny.gov/complaint. The website has a complaint form that can be downloaded, filled

out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If there is reasonable cause, the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. The EEOC can be contacted by calling 1-800-669-4000 (TTY 1-800-669-6820), by visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. In such alleged cases the local police department should be contacted.

Harassment will not be tolerated. Any employee or individual covered by this policy who engages in harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

Review and Revisions

The Personnel Committee will review this policy from time to time and make such revisions as it deems necessary and appropriate, particularly those that may be required for continued compliance with all applicable laws.