

POLICY and PROCEDURE
St. Luke Lutheran Church of Sacramento, California

Number: P&P-2005-3
Title: PREVENTION OF SEXUAL HARASSMENT
Board/Committee: Executive Committee
Effective Date: August 16, 2005; Revised July 17, 2012; Revised April 17, 2018; Revised October 1, 2020
Voided Date:

References: Constitution/Bylaws –C4.03(f), C4.04, C5.03(j), C12.05(a), C12.08, C13.17.02, C14.01, C15(all); Policy and Procedure – P&P-2005-2, P&P-2005-4.

POLICY: It is the policy of St. Luke Lutheran Church of Sacramento, California (Church) that sexual harassment is unacceptable and will not be tolerated.

The Church is committed to creating and maintaining an environment where all persons can worship, serve, and work in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the Church family should be aware that the Church will **not** tolerate any form of sexual harassment, and that such behavior is prohibited by law and by the Church policy. The Church will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to prevent, correct, and if necessary, discipline behavior that violates this policy.

Definitions: Sexual harassment is generally defined as unsolicited and unwelcomed sexual advances of a severe and/or pervasive nature, be they written, verbal, physical, and/or visual, that usually occur when:

- a. Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment;
- b. Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee; or
- c. Such conduct or communication has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment.

Examples: Sexual harassment manifests itself in many forms. It may include incidents between any members of the Church family, including pastors, employees, volunteers, vendors, contractors, and visitors. The following are a few examples of sexual harassment:

- a. Written: Sexually suggestive or obscene letters, notes or invitations.
- b. Verbal: Sexually derogatory comments, slurs, jokes, remarks, or epithets
- c. Visual: Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.
- d. Physical: Assault, attempted rape, impeding or blocking movement, or touching.
- e. Other:
 - i. Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
 - ii. Employment benefits affected in exchange for sexual favors (may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).

- iii. Implying or actually withholding support for appointment, promotion, salary increases, or change of assignment; or initiating a rejection for permanent appointment or suggesting that a poor work performance report will be prepared if requests for sexual favors are not met.
- iv. Reprisals or threats after a negative response to sexual advances.

Leadership: The Church pastors and leaders shall take proactive steps to vigorously and visibly demonstrate their support for a harassment-free work place and their strong disapproval of sexually harassing conduct/behavior by members, employees, and others. In the interest of preventing sexual harassment, the Church will respond promptly and effectively to reports of any such conduct.

Federal/State Laws: It is legally mandated by state and federal laws that employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940.

All policies, procedures, actions, and definitions regarding sexual harassment shall conform to the applicable federal and state laws and regulations. If any policy, procedure, or definition in this Resolution conflicts with a federal or state law/regulation, the policy, procedure, or definition is voided.

Administration: The Executive Committee shall be responsible for administering the Church sexual harassment policy, including developing appropriate policies and procedures, ensuring adopted policies and procedures are observed, and investigating, documenting, and taking appropriate action for reported sexual harassment incidents.

The pastor, who is a member of the Executive Committee, shall be the primary person responsible for investigating, documenting, and taking appropriate action for reported sexual harassment incidents, if available and appropriate. If the pastor is not available, is the accused, or his/her involvement is inappropriate for any other reason, the Chairperson of the Executive Committee shall be the primary person for investigating, documenting, and taking appropriate action for reported incidents.

Revisions: This P&P shall be reviewed and revised as necessary by the Congregation Council.

Applicability: These policies and procedures shall apply to all current and future members, employees, and volunteers, including pastors.

Distribution: This P&P shall be distributed to all employees and to all members of the Congregation Council.

Employee Training: Existing and new paid employees, including pastors, shall be provided a copy of this P&P. Each existing and new paid employee shall read, understand, and observe these policies and procedures. In addition, each existing and new paid employee shall view a training video, selected by the Executive Committee and as available, on the prevention of sexual harassment.

Existing employees shall complete such training within 90 days of adoption of this P&P. New employees shall complete the required training within 30 days after beginning work.

In addition to the aforementioned initial training, all employees shall receive refresher training biennially (every two years) during January or February consisting of reviewing this P&P or viewing a training video, or both.

When the required initial training and biennial training are completed, each employee shall sign and date the form entitled, "St. Luke Lutheran Church Sexual Harassment Training Record." See Attachment 1. The completed form shall be maintained in the employee's personnel file.

Sexual Harassment Reporting Procedure: Any person having cause to believe that a sexual harassment incident has occurred shall immediately report the person's belief to the pastor or, if unavailable or inappropriate, to the Chairperson of the Executive Committee as specified under "Administration," above.

Upon receiving a suspected sexual harassment report, the pastor and/or other representative(s) of the Executive Committee shall follow the procedures below:

- a. Thoroughly investigate all incidents; no incident shall be considered as frivolous.
- b. In instances where the suspected incident involves a Church pastor, contact and advise the Bishop of the Sierra Pacific Synod.
- c. Commence the investigation immediately, and conclude it as soon as possible.
 - i. If appropriate, report the incident to the local law enforcement agency and the local California Department of Fair Employment and Housing authorities. Follow the instructions received.
 - ii. Confirm and document the facts initially reported and subsequently determined.
 - iii. Based on the investigation facts, develop and recommend a response.
- d. Maintain confidentiality of the investigation as much as possible. Emphasize confidentiality of the victim and any accused.
- e. Be sensitive to the needs of all involved and provide any support necessary, including counseling, during the investigation and response.
- f. Cooperate fully with law enforcement officials.
- g. If an incident of sexual harassment is confirmed, contact the Church's insurance company and report the occurrence if appropriate. Also, if appropriate, obtain legal counsel.
- h. Keep the Congregation informed of the investigation with respect to matters which are not confidential, so that the Congregation will hear about the investigation from within the Church rather than from rumors and other sources.

Response to Sexual Harassment: The Executive Committee shall provide a prompt and effective response to each reported sexual harassment incident. Such response shall be based on the facts of the incident. A prompt and effective response may include early resolution, formal investigation, targeted training program, and disciplinary action up to and including dismissal. As appropriate, the Executive Committee shall obtain legal counsel.

The Executive Committee may offer remedies to the individual or individuals harmed by the harassment that are consistent with the applicable complaint resolution. Such remedies may include counseling, changes in work assignments, or other appropriate interventions.

If appropriate, as determined by the Executive Committee, the Committee shall obtain approval of the resolution terms from the Congregation Council.

The Executive Committee, upon reaching a conclusion, shall meet separately with the complainant and the accused to advise each of the resolution terms.

Upon resolution and conclusion of each sexual harassment complaint, the Executive Committee shall review these sexual harassment policies and procedures and recommend those revisions to this Policy and Procedure that will improve the prevention of sexual harassment efforts within the Church.

Retaliation: This sexual harassment policy prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidations, reprisals, and/or adverse actions related to employment.

Insurance: The Church shall maintain a sufficient level of liability insurance coverage that would cover sexual misconduct claims.

Additional Sexual Harassment Information: The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment in employment. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC or DFEH.

APPROVED:

Signature of Church Secretary (officer) Date Approved

VOIDED:

Signature of Church Secretary (officer) Date Voided

**P&P-2005-3
ATTACHMENT 1**

St. Luke Lutheran Church of Sacramento, California
SEXUAL HARASSMENT INITIAL/BIENNIAL TRAINING RECORD

I have read and I understand and agree to abide by the policies and procedures of St. Luke Lutheran Church on sexual harassment as stated in P&P-2005-3.

I also confirm that I have completed the mandatory training (initial or biennial) on sexual harassment as required by P&P-2005-3.

Furthermore, I understand that failure to comply with St. Luke's sexual harassment policies and procedures may result in disciplinary action up to and including dismissal (termination from St. Luke employment).

Signed: _____

Date: _____