

NORTH/WEST LOWER MICHIGAN SYNOD
Congregation Resource:
Anti-Harassment Policy
Recommendations and Resources

INTRODUCTION

As we strive to fulfill God's intention that the church provide a safe and welcoming environment for all persons, free from discrimination, harassment, bullying, or any other non-welcoming actions, words, or behaviors, we encourage congregations to establish a specific policy and procedures related to harassment of all types and specifically related to sexual harassment and sexual misconduct. We encourage congregations to develop such a policy because discrimination, harassment, bullying, intimidation, and other similar behaviors are inconsistent with the gospel and therefore are not to be tolerated within the life of the church.

Federal and state laws address many prohibited types of conduct such as discrimination and harassment of others based on protected classifications, assault, and criminal sexual conduct. Regardless of whether conduct, words, or behaviors arise to the level of unlawful, harassment and abuse of any kind is inappropriate for the church environment and congregations are responsible to respond to the mental, emotional, spiritual, and/or physical harm they cause another person.

Any allegations of misconduct or harassment involving a rostered minister - pastor or deacon - or synodically authorized minister must be reported promptly to the Bishop of the NWLMS (The Rev. Craig Alan Satterlee, Ph.D., North/West Lower Michigan Synod of the ELCA, 2900 N. Waverly Rd., Lansing, MI 48906 P: 517-321-5066 F: 517-321-2632 bishopcraigsatterlee@mittensynod.org).

SAMPLE POLICY

Sample language a congregation may consider using in communicating its anti-harassment and sexual harassment policy is provided below. A congregation council may decide to appoint a designated person (or two) as congregational officers responsible for handling harassment and discrimination concerns and complaints. Often it is helpful to have a male and a female designated person. The congregation council also needs to determine who is the appropriate decision-maker for implementing recommendations arising from a complaint and investigation.

Please modify the sample policy so that it is appropriate for your congregation and remember that it is always important for congregations to consult with their local attorney and/or insurance provider for additional input and guidance before approving and communicating new policies. Finally, this resource is focused on harassment and does not cover other types of misconduct, child protection policies, or other similar issues, which also are important to consider and address.

ANTI-HARASSMENT POLICY

CONGREGATION NAME intends to provide an environment that is free from intimidation, hostility or other offenses which might interfere with furtherance of our mission and ministry. Those who serve in ministry or support positions, whether they are being paid for their services or are a volunteer, are expected to carry out their life and ministry in a Christ-like manner. This policy applies to all individuals who are members, volunteers, visitors, and employees of our church.

CONGREGATION NAME prohibits conduct, words, or actions which intimidate, insult, coerce or harass another member, volunteer, visitor, or employee. Harassment of any sort – verbal, nonverbal, or physical – is not appropriate, particularly harassment based on legally protected categories (such as race, color, sex, age, national origin, disability, etc.).

SEXUAL HARASSMENT

Sexual harassment may include unwelcome or unsolicited sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when: (1) submission to the conduct is made an explicit or implicit term or condition of employment or participation; (2) submission to or rejection of the conduct is used as the basis for a decision affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, participation, or creating an intimidating, hostile, or offensive environment.

Examples of sexual harassment may include but are not limited to explicit sexual propositions, sexual innuendo, suggestive comments of a sexual nature, sexually-oriented kidding or teasing, practical jokes of a sexual nature, jokes about gender-specific traits, and obscene language or gestures; displays of obscene printed or visual material; and physical contact including unwelcome or unsolicited touching, including intentionally brushing against another's body.

HARASSMENT REPORTING & COMPLAINT PROCEDURE

All leaders and members can share the responsibility of keeping our church environment free of harassment. Any person who becomes aware of an incident of harassment, whether by being subjected to harassment, by witnessing an incident, or by being told of it, is encouraged to report it immediately to the Pastor and/or the President of the Congregation. When the Pastor or the President of the Congregation becomes aware of the existence of harassment, prompt and appropriate action will be taken.

We encourage you to communicate directly with the alleged harasser and to make it clear that the person's behavior is unacceptable, unwelcome, offensive, and/or inappropriate. It is nonetheless strongly recommended that you notify the Pastor or the President of the Congregation immediately of any incident of harassment, even if you are not sure the offending behavior is considered unlawful harassment.

When the Pastor or the President of the Congregation becomes aware of alleged harassment, the incident will be documented and investigated promptly and thoroughly by the designated church council anti-harassment officer. Reports and investigations are kept confidential to the extent possible consistent with resolving the matter and taking appropriate corrective action; absolute confidentiality cannot be guaranteed. The designated church council officer will recommend actions to resolve the situation for approval and implementation by the Pastor or the President of the Congregation.

Retaliation for reporting harassment or participating in an investigation will not be permitted.

ADDITIONAL INFORMATION & RESOURCES

SEXUAL HARASSMENT REFERENCE INFORMATION

Sexual harassment can involve one or more incidents. More specific wording and examples of sexual harassment may include, but are not limited to, the following:

VERBAL: explicit sexual advances or propositions; repeated and/or unwanted social invitations or requests for physical intimacy; threats; sexual innuendo, suggestive comments of a sexual nature, or sexually oriented kidding or teasing; stories or jokes of a sexual nature or about gender-specific traits; obscene language; comments on another person's appearance, age, private life, etc.; insults based on a person's gender, including nicknames; condescending or paternalistic remarks of a sexual nature; sexually explicit messages (by phone, app, or email).

NON-VERBAL: sexually explicit or suggestive materials or sounds; suggestive or inappropriate whistling or leering; sexually suggestive, obscene, or crude gestures, photos, pictures, or other visual materials (may include calendars, post cards, magazines, etc.).

PHYSICAL: unwelcome or unsolicited touching, patting, pinching, stroking, kissing, hugging, fondling, or other inappropriate touching; intentionally brushing against another person's body; coerced sexual intercourse; sexual assault or other physical violence.

ELCA SEXUAL HARASSMENT SOCIAL POLICY RESOLUTION

In our 1989 social policy resolution on sexual harassment, the Evangelical Lutheran Church in America declared that "all persons were created by God in the divine image, and human sexuality is a gracious gift of God." We recognized that "our baptism into the family of God calls us to stand firmly and pastorally against all forms of abuse and to respect and empower our brothers and sisters in Christ." We decried that "sexual harassment and sexual abuse betray God's creation, inflict grievous suffering on the victims, and rend the fabric of the whole community of the people of God."

As a church, we resolved “that the Evangelical Lutheran Church in America commit itself to work to make our church a safe place for all persons by working to eliminate these abuses.” As the ELCA, we committed to not tolerate any forms of sexual abuse or harassment by any of its personnel. Congregations were charged to commit themselves to several initiatives, including the creation of “policies and procedures that assist and support the members of the congregation and its leadership to cope in healing and redemptive ways with these abuses.” Synods were charged with several responsibilities, including “assist congregations in creating their policies and procedures, and urge congregations to inform personnel of these policies and procedures.” Sexual Harassment: Social Policy Resolution Adopted by the 1989 Churchwide Assembly.

http://download.elca.org/ELCA%20Resource%20Repository/Sexual_HarassmentSPR89.pdf

ADDITIONAL NWLMS & ELCA RESOURCES

The North/West Lower Michigan Synod and the ELCA have additional resources and guides available to you on their websites, including some of the items referenced below.

ELCA RESOURCES (<http://www.elca.org/>)

Resources tab: Legal / Sexual Misconduct tab (<http://www.elca.org/Resources/Legal#Sexual>)

Responding to a Sex Offender in a Congregation

http://download.elca.org/ELCA%20Resource%20Repository/Responding_to_Sex_Offender_in_a_congregation.pdf?_ga=2.156060601.342204650.1512837609-996500870.1510796228

Sexual Misconduct Prevention

<http://www.elca.org/About/Churchwide/Office-of-the-Secretary/Legal-Issues/Sexual-Misconduct-Prevention>

See also

Social Messages and Social Statements (<http://www.elca.org/Faith/Faith-and-Society>)

Draft of the Social Statement on Women and Justice (comments due by Sept 30, 2018)

http://download.elca.org/ELCA%20Resource%20Repository/Social_Statement_DRAFT_on_Women_and_Justice.pdf?_ga=2.135261747.342204650.1512837609-996500870.1510796228

NWLMS RESOURCES (<http://www.mittensynod.org/>)

Leaders tab: Resources for Leaders (<http://mittensynod.server303.com/leaders/resources-for-leaders/>)

Boundaries

Pastoral Expectations

Vision & Expectations

Safe Connections

Mandated Reporting

10 Things You Should Know About Child Protection

ELCA Strategy for Sexual Abuse in Church

The Prevalence of Clergy Sexual Misconduct: An Executive Summary

Resources tab: Synod Resources (<http://mittensynod.server303.com/resources/synod-resources/>)

Synod Documents

Synod Misconduct Policy

NWLM Synod Employee Handbook (pages 22-23)

Legal Disclaimer

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