

## Safe Church Policy for Prevention of Harassment, Abuse and Exploitation



### The Policy Statement

Baptist Grove Church (hereinafter "BGC") is committed to providing a safe environment for all its administrators, staff, members and volunteers free from harassment, physical or verbal abuse of any kind, including sexual harassment, and exploitation. BGC opposes any form of sexual misconduct by clergy, church leadership, members, staff and volunteers. This Policy applies equally to clergy, church leadership, members, staff, and volunteers. All individuals affiliated with BGC in any capacity are required to conduct themselves in a manner that discourages any form of sexual harassment, physical abuse or verbal abuse in any aspect of BGC's operations.

This Policy is one component of BGC's commitment to a safe church environment for worship, fellowship and programs. This policy prohibits any form of abuse, exploitation or harassment. BGC will operate a zero-tolerance policy for any form of sexual harassment, other harassment, physical or verbal abuse, or exploitation. BGC will treat all reported incidents seriously and will promptly investigate all such allegations.

Any person found to have engaged in prohibited conduct will face disciplinary action, up to and including dismissal from affiliation with BGC. All complaints shall be treated with respect and in confidence. No complainant will be victimized or face retaliation for reporting any potential violations of this policy in good faith.

### Definitions-sexual harassment or misconduct

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's participation in church-related activities, as well as situations which create an environment that is hostile, intimidating or humiliating for the recipient.

Sexual misconduct involves the misuse of authority, power, or influence in a trust relationship to gain advantage over another in an abusive, exploitative, and unjust manner for any purpose, including for personal pleasure. Sexual misconduct takes advantage of the vulnerability of persons who lack power to act on behalf of their own welfare, including children.

Sexual harassment and misconduct can involve one or more incidents and actions, and may be physical, verbal or non-verbal in nature. Examples include, but are not limited to:

#### **Physical conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or other inappropriate touching
- Physical violence, including sexual assault
- The use of threats or rewards to solicit sexual favors

#### **Verbal conduct**

- Remarks on an individual's appearance, age, private life, etc.
- Sexual comments, stories and/or jokes
- Sexual advances
- Repeated and/or unwanted invitations for dates, social interaction or physical intimacy
- Insults based on the sex of the individual
- Condescending or paternalistic/maternalistic remarks
- Sending sexually explicit messages verbally, in writing, or by electronic means

#### **Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering, glaring or staring

**Notes:** Anyone can be a victim of sexual harassment or misconduct, regardless of his or her sex or the sex of the offender. BGC recognizes that sexual harassment may also occur between people of the same sex. The primary factor is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

BGC recognizes that sexual harassment and misconduct often, but not always, results as a result of an imbalance of power within unequal relationships in the church hierarchy. Anyone, including leadership, administrators, employees, members or volunteers of Baptist Grove Church who sexually harasses another or commits sexual misconduct will be reprimanded in accordance with this internal policy.

All sexual harassment or misconduct is prohibited whether it takes place on the premises of BGC or away from the church, including, for example, during social events, community events, trips, worship services away from the church premises, training sessions or conferences. Calls, texts, emails, and social media usage can constitute unlawful harassment, even if they occur away from the BGC premises, on personal devices or during non-work hours.

Nothing in this Policy should be read to prohibit an individual who is not the alleged offender or victim from reporting sexual harassment, sexual misconduct, verbal, or physical abuse if such violations are observed or made known to that individual.

#### **Definitions - physical or verbal abuse**

For the purposes of this Policy, physical or verbal abuse refers to any behavior, action, statement or demeanor that a reasonable person would perceive as a threat, whether expressed or implied, to harm or in any way endanger the safety of another individual or his/her family; it would be perceived as menacing or as having the

potential for physical harm to another individual; and it includes the carrying, displaying or making reference to weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening to another. Examples of prohibited conduct include:

**Verbal:** Threats or Intimidation including unwelcome name-calling, obscene language or other abusive language, to include directing such language to another in writing; bullying.

**Physical:** Physically touching, threatening to touch, or intimidating a person in a malicious manner; throwing objects regardless of whether a person is the target of a thrown object; destroying property; stalking; unwanted horseplay.

## Retaliation

Unlawful retaliation can be any action that could discourage someone from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the church to constitute unlawful retaliation (e.g., threats of physical violence outside of church or work hours).

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

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment;
- opposed sexual harassment by making a verbal or informal complaint, or by simply informing a supervisor, manager or church leader of harassment;
- reported that another employee or volunteer has been sexually harassed; or
- encouraged a fellow employee or volunteer 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, this retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## Supervisory Responsibilities

All supervisors and church leaders who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are mandated** to report such suspected sexual harassment to the Deacons’ Ministry or the Compliance Committee, as outlined below. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and church leaders will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and church leaders shall also be subject to discipline for engaging in any retaliation.

## Complaint procedures and investigative authority

Reports of allegations of sexual harassment or misconduct should never be taken lightly or disregarded. Preventing sexual harassment is everyone’s responsibility. BGC cannot prevent or remedy sexual harassment unless it has knowledge of such improper actions. Reports of allegations shall be handled confidentially, both before and after they have been submitted to appropriate person(s), as outlined below.

The Deacons’ Ministry shall authorize and appoint a Compliance Committee that will be vested with authority to receive, investigate, make findings and report on complaints arising under this Policy. The Compliance Committee will consist of 7 members – 4 females and 3 males.. The Deacons’ Ministry shall authorize funds to educate and train the Compliance Committee members to fulfill their function.

The Deacons' Ministry will review the composition of the Compliance Committee at least annually to ensure competence and effectiveness.

Anyone who is subject to sexual harassment or misconduct, exploitation, physical or verbal abuse should, if possible, inform the alleged offender that the conduct is unwanted and unwelcome. BGC recognizes that sexual harassment or misconduct, exploitation, physical or verbal abuse may occur in the context of an imbalance of power as a result of a superior and a subordinate relationship, and that it may not be possible for the victim to inform the alleged offender.

If a victim cannot directly approach an alleged offender, he or she may approach any member of the Compliance Committee to register a complaint. In the alternative a victim may also approach any member within the church leadership, who will then promptly relay the complaint to the Compliance Committee.

When the Compliance Committee receives a complaint under this Policy, whether one of sexual harassment or misconduct, exploitation, physical or verbal abuse, the Compliance Committee will:

- immediately disclose any conflict of interest presented by the particular matter to the Deacons' Ministry, who will promptly replace the conflicted member(s) in the particular inquiry. The conflicted members shall remain on the Compliance Committee for all other matters)
- immediately record the date(s), time(s) and facts of the incident(s)
- ascertain the views of the complainant as to what outcome he/she wants
- ensure that the complainant understands BGC's procedures for dealing with the complaint
- discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the complainant from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the complainant
- bear in mind that the accused is entitled to due process

The Compliance Committee, in its discretion, may seek legal counsel whenever such is deemed prudent to fulfill its duties.

Throughout the complaint procedure, a victim/survivor is entitled to assistance from a counselor within the BGC community. The Compliance Committee, as part of its duties, will identify and engage a sufficient number of counselors with special training to enable them to assist victims/survivors of sexual harassment or misconduct, exploitation, physical or verbal abuse. BGC recognizes that because sexual harassment or misconduct, exploitation, physical and verbal abuse often occurs in unequal relationships, victims often feel that they cannot come forward. Baptist Grove Church understands the need to support victims in making complaints.

### **Informal complaint process**

If the complainant chooses to address the matter informally, the Compliance Committee shall:

- give an opportunity to the alleged offender to respond to the complaint
- ensure that the alleged offender understands the complaint process
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, unless the supervisory relationship or severity of the allegations indicate that this would be unsafe or unreasonable
- ensure that a confidential record is kept of what happens
- remind all parties that retaliation is prohibited

- follow up after the outcome of the complaint process to ensure that the behavior has stopped
- ensure that the above is done speedily once the complaint is made
- bear in mind that the accused is entitled to due process

## **Formal complaint process**

If the complainant wants to make a formal complaint or if the informal complaint process has not led to a satisfactory outcome for the complainant, the formal complaint process should be utilized to resolve the matter.

When a formal complaint is made, the Compliance Committee shall institute a formal investigation. The Compliance Committee, in its discretion, may deal with the matter internally, or refer the matter to an internal or external investigator.

In carrying out the investigation, the Compliance Committee or the investigator at its direction shall:

- interview the complainant and the alleged offender separately
- interview other relevant third parties separately
- decide whether the complaint is credible
- produce a report detailing the steps in the investigation, findings and any recommendations
- obtain and preserve any tangible evidence bearing on the investigation, such as emails, text messages, voicemail messages, photos, etc.
- if the complaint is found to be credible and that the harassment, misconduct, exploitation or physical/verbal abuse took place, decide what the appropriate remedy for the complainant is in the particular circumstance, in consultation with the complainant (e.g. - an apology, a change to working arrangements, training for the offender, discipline, suspension, dismissal, etc.)
- follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment, misconduct, exploitation, physical or verbal abuse took place, he/she may still make recommendations to ensure proper operations of the church
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is pursued thoroughly, but as quickly as possible
- remind all parties that retaliation is prohibited
- report violations of this Policy to the appropriate law enforcement authorities, where warranted
- bear in mind that the accused is entitled to due process

## **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by BGC, but it is also prohibited by federal law. Aside from the internal process at BGC, employees may also choose to pursue legal remedies with the appropriate governmental entities. The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination 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 180 days from the harassment. There is no cost to file a complaint with the EEOC.

The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

## **Child abuse**

In any instance where the Compliance Committee has reasonable cause to believe that a minor is being subjected to abuse, neglect or exploitation, either within the scope of BGC operations or otherwise, the Compliance Committee shall immediately contact the appropriate child welfare authorities, state or local agencies, and refer the matter for their investigation, in addition to taking necessary steps to secure the safety and well-being of the minor(s) in question.

## **Sanctions and disciplinary measures**

Anyone who has been found to have violated this Policy is subject to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation (if a church employee)
- reduction in wages (if a church employee)
- removal from current position or re-assignment
- demotion from current position
- suspension from position
- suspension from affiliation with Baptist Grove Church
- dismissal from affiliation with Baptist Grove Church
- personal civil liability
- criminal culpability

The nature of the sanctions will depend on the gravity and extent of the violation(s). Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment or misconduct, exploitation, physical or verbal abuse are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the offender.

## **Implementation of this policy**

BGC will ensure that this policy is widely disseminated to all relevant persons. It will be included in the church policies and procedures. All church leadership, administrators, and staff must be trained on the content of this Policy as part of their induction or continued affiliation with BGC and must undergo refresher training at least yearly. All church members and volunteers must be made aware of this Policy at reasonable intervals, but at least yearly.