



EPISCOPAL DIOCESE OF WEST VIRGINIA
SEXUAL HARASSMENT POLICY

The Episcopal Diocese of West Virginia (the "Church") prohibits sexual harassment of Church Personnel¹ by anyone (including supervisors or decision-makers, co-workers, consultants, vendors and other individuals). Such sexual harassment is prohibited. The behavior of individuals engaging in such conduct, or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated.

All church personnel, whether supervisory or non-supervisory, and whether paid or volunteer, are prohibited from engaging in the conduct prohibited by this policy.

A. Prohibited Behavior

As noted above, the Church prohibits all forms of sexual harassment in the Church. Specific definitions and examples of sexual harassment are set forth below.

1. Sexual Harassment

Sexual harassment is prohibited by this Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

Verbal:

- repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
- propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;
- inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person's sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the "forward" button instead of "reply," or forgetting that a particular individual or worker is on one of your group lists.

Visual/Non-Verbal:

- derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.);
- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, Screensavers, or other electronic displays of a sexual nature);
- graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, "shooting the finger," kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

¹ The definitions of terms used in this Policy are set forth in Section B of this Policy.

Physical:

- Unwanted physical contacts (including touching, interference with an individual's normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault); and

Other:

- Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the Church or its display, duplication, or transmission.

Such verbal and physical conduct may constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Church work;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or other Church work decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

2. Retaliation

The Church will not take any action in retaliation against any Church Personnel who, in good faith and with a genuine belief that he/she has been sexually harassed, brings or voices a complaint pursuant to this Policy or otherwise opposes sexual harassment. In addition, the Church will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Church policy and applicable law. If you believe you have been subjected to retaliation in violation of this Policy, you should report your complaint immediately in the manner specified in Section B below. Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual because such individual (1) in good faith and with a genuine belief that he/she has been subjected to sexual harassment, made an honest complaint about such conduct, (2) participated honestly and in good faith in any investigation into a sexual harassment complaint, and/or (3) in good faith opposed acts of sexual harassment.

B. Procedure for Reporting Sexual Harassment in Retaliation**1. General Procedures Applicable to All Church Personnel**

If you believe that the actions or words of a supervisor/manager, co-worker, customer, vendor, volunteer, or other individual in the Church constitutes illegal or prohibited sexual harassment, you have a responsibility to promptly report that behavior to the Church's management. Prompt reporting enables the Church to stop the sexual harassment, before it becomes severe or pervasive.

If you believe you have been the victim of any form of sexual harassment or retaliation, you must promptly give notice of your complaint to one or more of the following:

1. Your supervisor;
2. Anyone in your supervisory chain;
3. The rector or clergy person in charge of the congregation, or other priest canonically resident in West Virginia;
4. A warden of the congregation;
5. The bishop; and/or
6. The Canon(s)

You are not required to complain to your supervisor or within your chain of command. In addition, to reporting the offending behavior to one of the people listed above, you are encouraged to speak directly to the individual whose conduct you find objectionable. You are not required to do this, and it is suggested for you to consider doing so only if you are comfortable doing it. If you decide to speak directly to the person involved, you may find that clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church.

You may formally or informally complain to any of the above personnel via any of the following:

1. Telephone call;
2. Letter;
3. E-mail;
4. Fax;
5. In-person meeting; and/or
6. Filing a "Notice of Concern."

All supervisors and decision-makers are required to report all formal and informal complaints, as well as any suspected or known policy violations, immediately to the rector or clergy person in charge of the congregation (for parishes) or Canon to the Ordinary, Safe Church Coordinator, or bishop (for dioceses), even if the complainant asks the supervisor or decision-maker to keep the complaint confidential, or indicate that the complainant does not wish to file a formal complaint. Church Personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent (1) sexual harassment in the Church, and (2) retaliation against those who make a good faith complaint of sexual harassment, or those who participate honestly and in good faith in either an investigation of a complaint or oppose illegal or prohibited sexual harassment in the Church.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially by the Church's management and/or its designee. Complaints may be made orally or in writing. Once Church management receives notice of any complaint of sexual harassment it will swiftly determine whether or not a fact-finding investigation is necessary. If it is determined that a fact-finding investigation is necessary, it will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the Church will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or Church Personnel with a need to know in order to carry out the purpose and intent of this Policy.

Corrective or disciplinary action will be taken against any Church Personnel found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination.

As the complaining party, you will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

2. Procedures Applicable to Cases involving Clergy

Title IV as adopted by the 76th General Convention of the Episcopal Church in 2009 and in effect as of July 1, 2011 established clear procedures for how clergy misconduct would be handled. If you believe that you or someone else has been subjected to sexual harassment and the perpetrator is a member of the clergy (deacon or priest) reporting shall be done in accordance with diocesan canons and policies and the canons and policies of the Episcopal Church. All accusations and complaints should be addressed to the diocesan intake officer. The intake officer is defined by Title IV as “one or more persons designated by the Bishop Diocesan after consultation with the Disciplinary Board, unless otherwise selected pursuant to the diocesan canons, to whom information regarding Offenses is reported.” Contact the diocesan office to learn who the current intake officer(s) for the diocese is.

If the perpetrator of sexual harassment is a bishop, reporting shall be done in accordance with the canons and policies of the Episcopal Church. All accusations and complaints regarding bishops should be addressed to the Episcopal Church’s intake officer. The intake officer is defined by Canon IV.17.2.b as “a person appointed by the Presiding Bishop.” Contact the Office of the Presiding Bishop to learn who the current intake officer is.

3. Additional Options for Church Employees, Not Volunteers

This section provides additional options for Church employees, not volunteers, who believe they have been the victim of any form of sexual harassment, as prohibited by federal, state or local law.

If you are a Church employee, not a volunteer, as defined under this Policy and you believe you have been the victim of any form of illegal sexual harassment, in addition to the procedure set forth above, you also have the option of consulting with an attorney and/or filing a complaint with the West Virginia Human Rights Commission (“WVHRC”), as well as pursuing any other remedies permitted by law.

As a general matter, the time frame for filing a complaint with the WVHRC 365 days from the date of the alleged act of unlawful sexual harassment.

The Church employee must note that these time limits typically do not run from the date that the complaint made to the Church is resolved but from the date the act of sexual harassment is alleged to have occurred. Please note that this is not legal advice. Individual employees are responsible for confirming the time frames for filing a complaint with these administrative agencies by contacting the agencies themselves and/or counsel.

Nothing in this posting or in the Church's sexual harassment policy creates any legal rights that did not otherwise exist nor does the Church admit that it is covered by or subject to any federal, state, or local laws.

C. General Definitions

1. Church Personnel

For purposes of this Policy, the term "Church Personnel" shall mean:

- a. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the Church;
- b. All paid personnel (including Church employees) whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies.
- c. Those who contract their services to the diocese, its congregations, schools, or other agencies;
- d. Volunteers, including any person who enters into or offers him or herself for a Church related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, vestries, bishop's committees, boards of directors and advisory boards.
- e. All interns, persons in the ordination process, persons serving in field education assignments.

2. Church Employees

For purposes of this Policy, the term "Church employees" shall mean all individuals hired by the Church who are employees of the Church for purposes of federal, state and/or local discrimination and harassment laws.

3. Supervisors and Decision-Makers

For purposes of this Policy, the term "supervisors and decision-makers" shall mean:

- a. All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment;
- b. All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
- c. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or personnel policies.
- d. Standing Committees, Diocesan Councils/Executive Boards, Vestries, and Bishop's Committees who appoint or approve Persons Who Have Pastoral Relationships as defined in this Policy including all Standing Committees, Commissions on Ministry, Vestries, Boards of Directors for Schools, Bishops Committees and the like.

D. Education and Training Requirements

1. Church Personnel

Church Personnel are required to take training on sexual harassment and the organization's sexual harassment policy. Existing Church Personnel must be trained within three (3) months of the effective date of this Policy. New Church Personnel must be trained before they start work in their Church position. If that is not possible, the Policy must be reviewed and discussed with them before they start work and the training must be completed within three (3) months of starting.

2. Supervisors and Decision-Makers

Supervisors and decision-makers must complete training on sexual harassment, including preventing and responding to sexual harassment, within three (3) months of the effective date of this Policy, or of becoming a supervisor or decision-maker.

E. Confidential Notice of Concern – Sexual Harassment

Individual(s) of Concern: _____

Date of occurrence: _____

Time of occurrence: _____

Type of Concern:

- Sexual Harassment - Verbal
- Sexual Harassment – Visual/Non-Verbal
- Sexual Harassment - Physical
- Sexual Harassment - Retaliation
- Other concern: _____

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to the State, what was their recommendation about investigating? *Attach additional sheets if needed.*

Has this situation ever occurred previously? *Attach additional sheets if needed.*

What action was taken? How was the situation handled, who was involved, who was questioned, were police called? *Attach additional sheets if needed.*

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation? *Attach additional sheets if needed.*

Submitted by: (Please print) _____

Telephone number: _____

Location and address: _____

Signature: _____ Date: _____

Reviewed by: _____