

# SUPPLEMENTAL MATERIALS FOR THE INTERIM BODY TO OVERSEE THE CONTINUING DEVELOPMENT OF ANTI- HARASSMENT BEST PRACTICES, MODEL POLICY EXAMPLES AND VARIED TRAINING MATERIALS

## **Appendix A: Examples of harassing behavior, possible remedies, and potential consequences**

### *Examples of harassing behavior*

This list of behaviors is not exhaustive; instead it gives a clear indication of the types of actions that constitute harassment:

- consistently attacking someone's professional or personal standing
- attempting to make someone appear incompetent
- deliberate sabotage of a person's work or actions
- public or private displays of offensive material
- use of emails or texts to harass or insult, sent either to the individual or to third parties
- spreading rumors to third parties
- public humiliation by constant innuendo, belittling and 'putting down'
- personal or aggressive insults
- aggressive gestures, verbal threats and intimidation
- unwanted physical contact, including invading someone's personal space
- talking/shouting directly into someone's face
- direct physical intimidation
- threats to a person's security or their property
- not accepting a person's "no"
- damage to a person's property

### *Examples of sexual harassment*

Any gender or gender identity may be the victim of sexual harassment and any gender or gender identity may be the perpetrator. The following describes some of the types of acts that may be sexual harassment:

- Touching, pinching, patting, grabbing, poking or brushing against another person's body

- The crimes of rape, sexual battery, molestation or attempts to commit these crimes
- Prolonged handshakes or hugs, including ritual greetings such as the passing of the Peace or holding hands during the Lord's Prayer
- Requests for sexual favors, including those accompanied by implied or overt threats. Such threats may include job performance evaluations, promotions or pay, access to volunteer roles, or personal safety;
- Subtle or obvious pressure for unwelcome sexual activities
- Unwanted expressions of sexual attraction, especially repeated expressions
- Sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience
- Sexually-oriented displays or publications, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such displays on church-owned or church-operated computers or cell phones, and sharing any such displays while in the church context.
- Overly generous gifts or gifts of a sexual, intimate nature.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as
  - requesting or demanding intimate information, such as information about someone's genitalia, medical procedures, or sexual activities.
- Unsolicited sexting and/or nonconsensual intimate communication.

*Examples of Remedial Measures for Clergy Who are Aggressors*

- The disciplinary canon of The Episcopal Church, Title IV;
- Written, documented warning;
- Documented corrective instruction or other relevant learning or service experience;
- Documented behavior assessment or evaluation;
- Documented behavioral management plan, with monitored benchmarks;
- Counseling with agreed-upon, approved licensed counselor or therapist;
- Required restitution and/or restoration of victim to prior position.

*Examples of Remedial Measures for Lay Staff Aggressor*

- Written, documented warning;
- Recommendations of appropriate behavior;
- Corrective instruction or other relevant learning or service experience;
- Recommend behavior assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Counseling;

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- Requiring restitution and/or restoration of Complainant to prior position.
- Termination.

*Examples of Remedial Measures for Wardens and Vestry Members who are the Aggressor*

- Oral or written warning;
- Recommendations of appropriate behavior;
- Corrective instruction or other relevant learning or service experience;
- Recommend behavior assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Counseling;
- Requiring restitution and/or restoration of Complainant to prior position.
- Recommendation for resignation.
- Removal from position

*Examples of Remedial Measures for Lay People who are the Aggressor and not office-holders*

- Oral or written warning;
- Recommendations of appropriate behavior;
- Corrective instruction or other relevant learning or service experience;
- Recommend behavior assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Counseling;
- Removal from the Community, short or long term.

*Examples of Consequences for Clergy*

- Referral of the matter to the Ecclesiastical Disciplinary System (Title IV);
- A letter to the personnel file;
- Legal action;
- A Pastoral Directive that could include requirements for training, counseling, etc

*Examples of Consequences for Lay Staff*

- Letter of reprimand;
- Probation;
- Salary freeze;
- Temporary removal from duties;
- Legal action;
- Suspension with or without pay; and
- Termination.

*Example of Consequences for Wardens or Vestry Members*

- Counseling or related services;
- A request for resignation;
- Removal of warden or vestry member, and
- Legal action.

*Example of Consequences for Lay People who aren't office-holders*

- Counseling or related services;
- Participation contingent on changed behavior
- Requirement to limit participation
- Removal of participation

*Examples of Support for Clergy Subjects of Harassment*

- Pastoral Support from an appropriate source
- Development of a recommended protection/ safety plan
  - Expectation that the needs and comfort of the target of the harassment take precedence
  - Congregational leadership involvement that includes lay and clergy
  - Possible changes could include physical environment; work schedules; ministry oversight responsibilities
  - Regular check-in
  - Open to modification
- Counseling
- Documentation of incident, response, and follow-up
- Furlough or other leave at full pay

*Examples of Support for Staff Subjects of Harassment*

- Pastoral Support from an appropriate source
- Development of a recommended protection/ safety plan
  - Expectation that the needs and comfort of the target of the harassment take precedence
  - Congregational leadership involvement that includes lay and clergy
  - Possible changes could include physical environment; work schedules; ministry oversight responsibilities
  - Regular check-in
  - Open to modification
- Counseling

- Documentation of incident, response, and follow-up
- Furlough or other leave at full pay

*Examples of Support for Wardens and Vestrypersons Subject of Bullying*

- Pastoral Support from an appropriate source
- Development of a recommended protection/ safety plan
  - Expectation that the needs and comfort of the target of the harassment take precedence
  - Congregational leadership involvement that includes lay and clergy
  - Possible changes could include physical environment; work schedules; ministry oversight responsibilities
  - Regular check-in
  - Open to modification
- Counseling
- Documentation of incident, response, and follow-up

## **Appendix B: Sample resources for persons directly involved**

*I think I have been the Subject of Harassment. What can I do?*

If you think you've been harassed, you might feel afraid that no one will believe you. You might wonder if what you are experiencing is harassment or if you are making too much out of the experience. You might even blame yourself. These are common responses, but you are not to blame for any harassment. You are not responsible for determining whether what you are experiencing is harassment or for addressing it. You deserve to be believed and you do not need to go through this alone. The Church is charged with keeping all members safe from such behavior and has chosen and equipped intake coordinators to receive your report and offer you the support you deserve.

1. Harassment often starts subtly and becomes more severe over time. Those who harass others are unlikely to stop unless they are confronted. If they are challenged early, though, it is often possible to stop the behavior using informal means. So, if you do not feel physically threatened, make a report to the intake coordinator identified by your organization as soon as you are able.
2. Your report should include a record of all experiences of harassment. Document as much of the following as possible:
  - Date, time, and place of incident
  - Nature of incident: with as much detail as possible, tell what happened and its effect on you
  - Name/ contact information of witnesses and any additional information they have, including other targets of the harasser
  - Any action you, the harasser, or others have taken, including spoken or written conversation(s) about the incident
  - Emails, text, voice messages, or any other communications that relate to the incident
  - Anything else that helps develop a fuller picture of the situation

If there are gaps in your memory, record as much as you know. This information may be needed as evidence.

Do not meet with or confront the harasser alone.

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It is never too late to ask for help. If you have been harassed, you deserve and will receive support.

If you do feel that your physical safety may be in danger, trust your judgment. Your intake coordinator will help you access the services you need to be safe. Besides the police, these might include support resources inside and outside your Episcopal community.

*I have been accused of Harassment. What can I do?*

As part of the Church's work to keep all members safe from harassment, all such complaints must be followed up and investigated. If you are accused of harassment, you will have a chance to respond to the accusation. However, simply denying there is a problem or insisting that the problem lies with the Complainant will not be a sufficient response. Your church, diocese, or organization has identified and equipped intake coordinators and others who will listen to your experience of the incident(s) and offer you the appropriate support and guidance.

If you have been accused of harassment, do not seek to meet with the complainant alone and do not agree to do so if asked.

Do contact the appropriate intake coordinator as soon as possible. They will meet with you privately to talk through the situation. They will listen to you fully and will take all relevant information into account. They may discuss constructive response options with you.

Sometimes, the problem can be resolved informally through discussion with the intake coordinator. It is possible that you did not realize the impact your behavior or words have had on others, in which case becoming aware of this and acting or speaking differently may redress the problem. In other instances, further work and a more formal process may be needed. You might be offered professional help to recognize, understand, and change your behavior. In some situations, a refusal to accept this help could result in corrective action, loss of ministry leadership or participation, or even legal action taken against you.

If you are a clergyperson accused of harassment, a formal complaint might be lodged against you and there may be consideration of whether the matter constitutes misconduct under Title IV of the canons.

Throughout all formal or informal responses to harassment accusations, the primary objective is to identify the underlying issues and fully eliminate the cause(s) of offense in a timely manner and without retribution.

## **Appendix C: Model Anti-Harassment Policy for posting or distribution**

This document provides a model for a short summary policy that can easily be posted in plain view and/or handed out. It should not be used as a substitute for creating a robust policy specific to your context with detailed information on how to prevent and respond to harassment.

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### **Model Anti-Harassment Policy**

It is the policy of The Episcopal Church to provide and maintain our environments free from harassment of any kind as part of our Baptismal commitment to respect the dignity of every human being. Additionally, it is important that we fully comply with all applicable laws in creating healthy working environments. Harassment undermines the integrity of our relationships and negatively impacts the morale and productivity of all who participate in the life of The Episcopal Church.

It is prohibited for any employee, supervisor, volunteer, member, visitor, or program participant (whether clergy or lay) to harass another employee, supervisor, volunteer, member, visitor, or program participant (whether clergy or lay) during working or non-working hours, on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, weight, height, disability, military status, family status, or marital status.

### **Harassing Conduct**

*Harassment* is unwelcome conduct toward an individual on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, weight, height, disability, military status, family status, marital status, or any legally protected status, any time the conduct creates an intimidating, hostile, or offensive environment. Examples of harassment that may violate this policy include, but are not limited to:<sup>11</sup>

- Oral, written, or electronic communications that contain slurs, negative stereotyping, offensive jokes, insults, or threats. This includes comments or jokes that are dismissive of human dignity or targeted at individuals or groups based on attributes listed above.
- Nonverbal conduct, such as leering and giving inappropriate gifts.



- Physical conduct, such as assault or unwanted touching.
- Visual images, such as derogatory or offensive pictures, cartoons, drawings or gestures. Such prohibited images include those in hard copy or electronic form.
- Expressed or implied demands for favors in exchange for some benefit (e.g., a promotion, a leadership role) or to avoid some detriment (e.g., termination, removed financial support for a pet project)

## **Sexual harassment**

*Sexual harassment* means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature.

Sexual harassment includes conduct directed by a person at another person of the same or another gender. Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially within a ministry context and/or an employee's work performance or to create an intimidating, hostile or offensive environment.

## **Inappropriate Behavior that respects dignity and difference**

Our goal is to have an environment where we all treat each other respectfully. Any behavior that does not respect a person's dignity, even if it does not rise to the level of "harassment," interferes with that goal. Episcopal Church leaders at all levels and in all contexts are encouraged, as part of setting and maintaining an appropriate tone, to respond to behavior that falls short of this goal, even where no one has complained or indicated they have been offended.

## **How to report a violation**

Do not assume that your supervisor, clergyperson, or ministry leader is aware of the problem. We need you to bring your complaints and concerns to our attention so that we can help

resolve them. When concerns and complaints arise, document them. If you wish to report your concerns, bring them to the designated response person, if your ministry context has one, or else to your immediate supervisor or ministry leader. (If your immediate supervisor or ministry leader is the harasser, you should bring your concerns to their supervisor if they have one, or to another leader in the community.)

## **Investigation and response**

When you report a complaint of harassment or inappropriate behavior, your complaint will be investigated. Where there has been a violation of policy, appropriate action will be taken to resolve problems and avoid future violations. In appropriate cases, disciplinary action (including potential termination of employment or leadership responsibilities) may be taken against those violating the Anti-Harassment Policy. You can expect to be informed periodically about the status of your complaint.

## **Leadership responsibility**

While building a culture of respect and appropriate behavior is work that belongs to the whole community, it is the responsibility of senior lay and clergy leadership to ensure an environment free of harassment and inappropriate behavior and that complaints are handled promptly and effectively. Leadership with personnel responsibilities must: inform their employees, clergy, supervisors, volunteers, and members about this policy (including posting this policy in an easily visible location); specify a person to hear complaints; promptly investigate allegations of harassment; take appropriate action (including disciplinary action); and take steps to prevent retaliation.

## **Retaliation is prohibited**

This policy strictly prohibits any retaliation against any person who reports a concern about harassment or other inappropriate behavior or participates in an investigation of a violation of this policy. To help avoid retaliation, senior leadership shall make an earnest effort to facilitate repentance and repair within the affected community.