

# Church of God in Christ Office of the General Counsel



## Sexual Harassment Presentation

### *Contact Information:*

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# Agenda



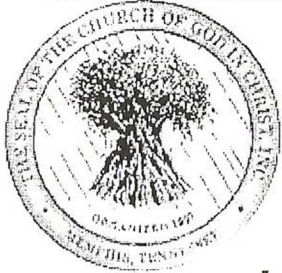
## *Office of the General Counsel*

### Reducing the Risk of Sexual Harassment

- Definitions
- Understanding Sexual Harassment
- The Church's Vulnerability
- Establishment of Rules, Policies and Procedures
- Implementation and Training
- Question and Answers



# Definitions



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### Sexual Harassment - Definition

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - Submission to such conduct is made explicitly either a term or condition of an individual's employment
  - Submission to or rejection of such conduct by an individual is used as basis for employment.
  - 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.

## Definitions



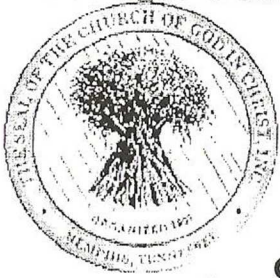
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- Misconduct of a sexual nature includes sexual abuse and sexual harassment .

Sexual abuse within the ministerial relationship involves a betrayal of sacred trust, a violation of the ministerial role and exploitation of those who are vulnerable .

Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue.

# Understanding Sexual Harassment



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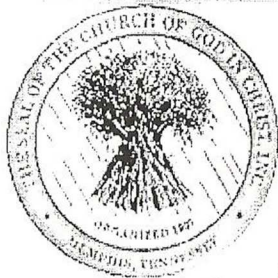
- Sexual harassment creates confusion because the *boundary is blurred between professional roles and personal relationships.*

Sexual harassment differs from ordinary flirting because it is unwelcome.

Sexual harassment usually occurs in a relationship in which one part is subordinate to the other



# Understanding Sexual Harassment



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*Sexual harassment can take many forms, including but not limited to:*

- *Demeaning references to one's gender*
- *Comments about one's body or clothing.*
- *Staring, comments, or propositions of a sexual nature.*
- *Jokes about sex, Questions about one's sexual behavior.*
- *Sexually suggestive innuendoes and double meanings.*
- *Emails of pornographic materials or harassing messages.*
- *Sexually suggestive posters, objects or messages.*
- *Nonreciprocated demands for dates or sex, physical assault.*
- *Request for sex in exchange for, grades, recommendation or employment.*

# Understanding Sexual Harassment



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*Sexual harassment can occur in the life of anyone regardless of social, cultural, or economic background.*

*Amorous or sexual relationship are inappropriate between  
Pastor and parishioner;*

*Bishop and State Supervisor;*

*Evangelist and Missionary;*

*Deacon and Office Staff.*

*Sexual harassment within the church occurs when a person within a ministerial role engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, co-worker or volunteer.*



# The Church's Vulnerability



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- The major source of church legal liability is negligence.
  - Negligence (carelessness), is any conduct that results in an unreasonable risk of harm to another's person or property, and that in fact results in foreseeable harm.

Two types of potential liability from negligence:

Negligent Selection

Negligent Supervision



# The Church's Vulnerability

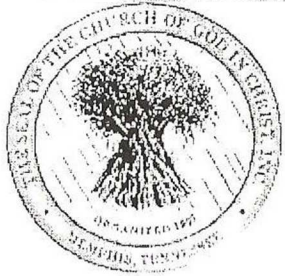


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- A church can be sued on the basis of negligent selection if it fails to exercise reasonable care in the selection of an employee who later injures a third party.

A church can be sued on the basis of negligent supervision as a failure to exercise reasonable care in the supervision of church workers and activities.

# The Church's Vulnerability – New Supreme Court Rules



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*The Supreme Court has three new rules that could impact your church.*

#1 Employers are liable for hostile environment sexual harassment by supervisory employees having immediate successively higher authority over the victim.



# The Church's Vulnerability – New Supreme Court Rules



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#2 The evidence must reflect that the church took no tangible employment action against the victim of a supervisor's sexual harassment, (hiring, firing, promotion, compensation or work assignment) and that the victim unreasonably failed to take advantage of any preventive or corrective opportunities provided by the church or to avoid harm otherwise.

# The Church's Vulnerability – New Supreme Court Rules



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#3 If the Church takes a tangible employment action against the victim of a supervisor's sexual harassment, the Church is then liable for that harassment.



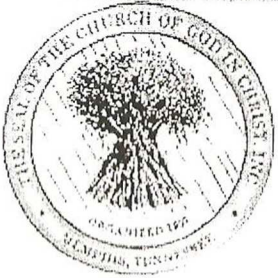
# The Church's Vulnerability – Media Coverage



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Media coverage of any sexual oriented event and the church will have a negative slant. This pessimistic coverage will have a direct impact on the overall public perception of the church involved, it's corporate body and it's membership. Additionally, this negativity will directly affect new membership and outside donations.

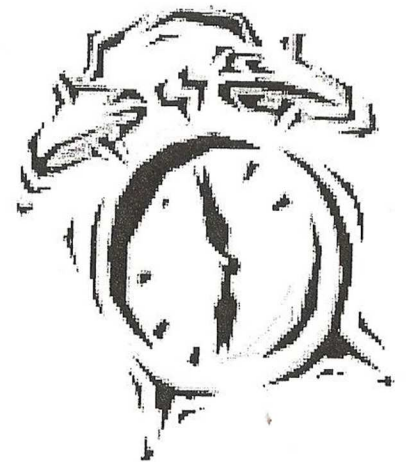
# Establishment of Rules, Policies and Procedures



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### Preventative Measures

- Sexual Harassment Policy
- Policy Implementation and Dissemination
- Confidentiality
- Complaint Filing and Resolution
- Record Keeping
- Forms
- Adequate Insurance Coverage





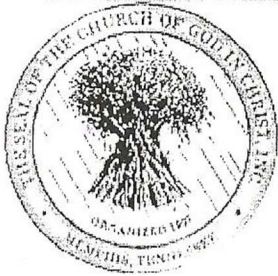
# Implementation and Training



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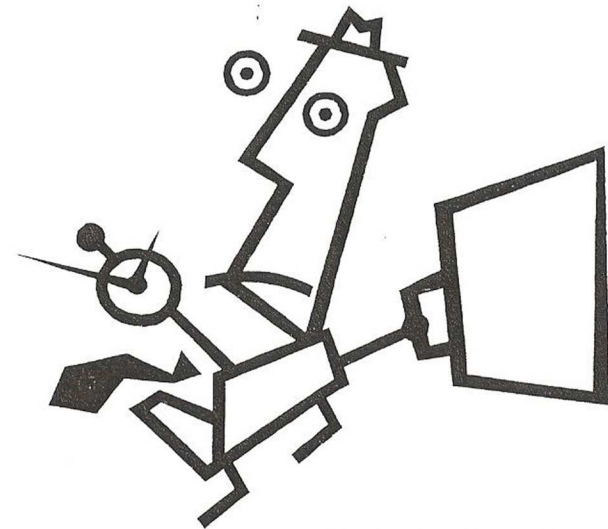
- Educate Church Leaders on Potential Risk
- Provide Educational Resources for Leaders
- Instruct and Train Workers in the Appropriate Policy and Procedures
- Inform Congregation about Risk and the Risk Reduction Effort
- Membership Orientation





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# Questions & Answers



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