

**The Presbytery *For* Southern New Jersey
Harassment Policy**

Mission determines the forms and structures needed for the church to do its work. Administration is the process by which a council implements its decisions. Administration enables the church to give effective witness in the world to God's new creation in Jesus Christ and strengthens the church's witness to the mission of the triune God. ... All councils shall adopt and implement the following policies: a sexual misconduct policy, a harassment policy, a child and youth protection policy, and an antiracism policy. Each council's policy shall include requirements for boundary training which includes the topic of sexual misconduct, and child sexual abuse prevention training for its members at least every thirty-six months.

Excerpted from G-3.0106 - Administration of Mission (2023)

Objective

The Presbytery For Southern New Jersey strives to create and maintain an environment in which people are treated with dignity, decency and respect. When the Presbytery For Southern New Jersey gathers to do its work as a council, committees, commissions, or staff, it is committed to providing an environment that is characterized by mutual trust and is safe and free from harassment, bullying, and intimidation in any form. The Presbytery will not tolerate any type of harassment of its employees, minister members, ruling elders, volunteers, or ministry partners. Through enforcement of this policy and by education of its members and employees, the Presbytery will seek to prevent, correct and discipline behavior that violates this policy.

All members and employees of the Presbytery, regardless of their role or position, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any member or employee of the Presbytery who violates this policy. Based on the seriousness of the offense, disciplinary action may include removal from a role or position.

Prohibited Behavior

As used in this policy, the term "harassment" includes sexual as well as actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic.

Any action may be considered harassing if it:

1. creates a hostile, intimidating or offensive work environment;
 2. unreasonably interferes with an employee's or Presbytery member's work performance;
- or
3. adversely impacts an individual's employment or volunteer opportunities.

Examples of prohibited conduct include:

Microaggressions

A microaggression is a verbal or nonverbal slight that impacts an individual who might identify as being from a marginalized or non-mainstream community. Microaggressions are typically indirect, subtle, even unintentional, *unwanted or unwelcomed*. ~~but nonetheless are considered discriminatory to the recipient.~~

A microaggression is a verbal or nonverbal slight that impacts an individual who might identify as being from a marginalized or non mainstream community. Microaggressions are typically indirect, subtle, even unintentional, but nonetheless are considered discriminatory to the recipient.

Anti-Bullying

Bullying is a pattern of behavior in which the bully attempts to intimidate their victim. Examples of bullying behavior range from teasing, to extortion, to physical assault. In addition to physical interactions, bullying includes any form of interpersonal, including electronic, communication.

Workplace Violence

Workplace violence is acting or using words to make an individual feel endangered. This includes actions that create actual harm to another individual or words that result in another individual having a reasonable belief that they are in danger.

Conduct that threatens, intimidates, or coerces another employee, presbytery member, or a member of the public at any time will not be tolerated, this includes any form of electronic communication.

Sexual Harassment

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. This includes any form of electronic communication.

Prevention Practices

The Presbytery For Southern New Jersey provides regular anti-harassment training to ensure an environment free of sexual and other unlawful harassment. Minister members, commissioners, committee/commission members, Presbytery employees (and other categories of presbytery leaders) are expected to complete 2 hours of initial training and participate regularly in anti-harassment education training opportunities. All persons covered by this policy shall provide the Presbytery office with documentation of training at least every 36 months.

Reporting Procedures

The Presbytery has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The Presbytery will treat all aspects of the procedure confidentially to the extent reasonably possible.

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The Commission on Ministry (COM) or the Personnel Committee (for staff) may assist the complainant in completing a written statement or, in the event a person refuses to provide information in writing, the COM or the Personnel Committee will dictate the verbal complaint.

Responding Procedures

Upon receiving a complaint or being advised the violation of this policy may be occurring, the (COM) or the Personnel Committee will notify the Stated Clerk and review the complaint with the Presbytery's legal counsel.

The Stated Clerk will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

If necessary, the complainant and the respondent will be separated during the course of the investigation.

During the investigation, the Executive Presbyter and the chair of COM or Personnel, together with legal counsel, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.

Upon conclusion of an investigation, the Executive Presbyter will submit a written report of their findings to the chair of COM or Personnel. If it is determined that a violation of this

policy has occurred, the COM or the Personnel Committee will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- A. the severity, frequency and pervasiveness of the conduct;
- B. prior complaints made by the complainant;
- C. prior complaints made against the respondent; and
- D. the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the COM or the Personnel Committee] may recommend appropriate preventive action.

The COM or the Personnel Committee will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the Presbytery Leaders as appropriate, and decide what action, if any, will be taken.

Once a final decision is made by the COM or the Personnel Committee, the Executive Presbytery and the chair of COM or Personnel will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies, the court, or the Church Discipline in the *Book of Order* of the PC(USA).

Definitions and Examples of Harassment

Microaggressions

A microaggression is a verbal or nonverbal slight that impacts an individual who might identify as being from a marginalized or non-mainstream community. Microaggressions are typically indirect, subtle, even unintentional, *unwanted or unwelcomed*. ~~but nonetheless are considered discriminatory to the recipient.~~

Examples of microaggressions include, but are not limited to:

- Asking a new acquaintance, “Where were you born?” Implication: “You don’t belong here. You are not one of us.”
- Saying, “I guess you like Korean/Mexican/soul/American food.” Implication: “I have identified you in terms of a racial/ethnic stereotype.”
- Asking the youngest member of the worship team to provide contemporary music. Implication: “We assume you won’t participate in worship unless we have something non-traditional, and we’re not interested enough to work with you to make worship relevant.”

Anti-Bullying

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Examples of bullying include, but are not limited to:

- Yelling, shouting, gesturing, “getting in someone’s face.”
- Directing, demanding, or ordering a council, committee, or commission to do what the leader or a small group of individuals wants.
- Standing in the doorway to the room or office while talking to staff, physically blocking their exit.
- Arbitrarily changing work hours or meeting times

Workplace Violence

Workplace violence is acting or using words to make an individual feel endangered. This includes actions that create actual harm to another individual or words that result in another individual having a reasonable belief that they are in danger.

Examples of workplace violence amounting to behavioral misconduct include but are not limited to

- verbal or physical threats
- assaults or other violence
- any behavior that causes others to feel unsafe such as bullying, shouting, or name calling
- belligerent, threatening or offensive comments
- hitting, pushing, or other similar physical contact, including touching or threats to take such action
- gestures or the display of offensive signs or pictures
- other aggressive behavior

Conduct that threatens, intimidates, or coerces another employee, presbytery member, or a member of the public at any time will not be tolerated, this includes any form of electronic communication.

Sexual Harassment

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. This includes any form of electronic communication. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering anything in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.
- Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (2) submission or rejection of the conduct is used as a basis for making employment or volunteering decisions; or,
- (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.