



**NEW YORK STATE MANDATED**  
**Sexual Harassment**  
**Prevention Training**

Prepared in collaboration with Practical Resources for Churches and  
Penny J. Cannon, Presenter 2020



# ***Background***

- ▶ **October 2019 deadline to comply**
  - ▶ **Written Policy**
  - ▶ **Interactive training for all employees**
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# ***Sexual Harassment in the Workplace***

**Sexual harassment will not be tolerated.**

- Disciplinary action will be taken – including termination
- Process for reporting - both internal and external options
- Reports must be investigated and action taken



# ***What is Sexual Harassment?***

- ▶ A form of sex discrimination
- ▶ Unlawful
- ▶ Includes harassment on the basis of
  - ▶ sex
  - ▶ sexual orientation
  - ▶ self-identified or perceived sex
  - ▶ gender expression
  - ▶ gender identity
  - ▶ the status of being transgender



# ***What is Sexual Harassment?***

- ▶ Unwelcome conduct of a sexual nature
- ▶ Conduct directed at an individual because of that person's sex when:
  - ▶ The purpose or effect is to unreasonably interfere with an individual's work performance or create an intimidating, hostile or offensive work environment
  - ▶ Such conduct is either explicitly or implicitly a term/condition of employment
  - ▶ Submission to or rejection of such conduct is used as the basis for employment decisions



# *Hostile Environment*

- ▶ Sexual or discriminatory displays or publications
- ▶ Hostile actions against someone because of his or her sex



# *Quid Pro Quo Sexual Harassment*

- ▶ Person in Authority
  - ▶ trades or tries to trade job benefits for sexual favors
  - ▶ grants or withholds job benefits for sexual favors



# *Who can be the Target?*

- ▶ Anyone, regardless of sex or gender
  - ▶ Employees
  - ▶ Paid or unpaid interns, students, volunteers
  - ▶ Non-employees –
    - ▶ Independent contractor
    - ▶ Contract services workers



# *Who can be a Perpetrator?*

- ▶ Anyone
  - ▶ Co-worker or a church member
  - ▶ Supervisor or minister
  - ▶ Third party
    - ▶ Intern
    - ▶ Seminary student
    - ▶ Service provider
    - ▶ Visitor



# *Where can Harassment Occur?*

- ▶ Whenever and wherever employees are fulfilling their responsibilities
  - ▶ During non-work hours
  - ▶ During church events
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# ***Sex Stereotyping Harassment***

- ▶ Harassing persons because they do not conform to gender stereotypes
- ▶ Harassing someone because the job was or is usually performed by a different sex



# *Other Types of Harassment*

- ▶ Harassment or discrimination based on a protected characteristic is harassment
  - ▶ Age, Race, Creed, Color, National origin
  - ▶ Sexual orientation, Sex, Gender identity, Marital status
  - ▶ Military status, Disability, Domestic violence victim status, Criminal history



# *Examples*

▶ **#1 Tom: Administrative Assistant**

Tom is the new church administrative assistant. Rev. Ann often comments on his clothes or the fact that she knows he goes to the gym regularly. “I didn’t hire you just for your brains” is a common statement, always followed by a laugh. “I think guys who stay in shape and dress well are really hot.” Tom is uncomfortable with this joke and the recurring references to the old guys who don’t seem to care about their appearance anymore. What can he do?



## ➤ #2 Church Employees

Another employee of the church constantly suggests going to lunch together. Often the invitation comes up as, “Let’s work on these plans for the service over lunch on Friday. I know a great place just a short drive from here.” The lunches are usually at a nice restaurant and at a table in the back corner of the room. Drinks are ordered and little if any time is spent on the “plans.” You have said you would prefer to just do work at the office since much of the lunch conversation is on a personal level, but this person continues to push for you to work where there is “some ambiance,” and “we can get to know each other better.”



### ➤ #3 Bob, Visitation Minister

Bob is the Visitation Minister at the church. He has been spending extra time with a middle-aged parishioner, Alice, who was in an accident and will be in a cast and then doing physical therapy for several weeks. The visits quickly become longer, and Bob now arrives with flowers – just a small bouquet – and offers to give Alice a ride to her twice weekly therapy sessions. Initially, Alice welcomed the visits since she is alone, but this is becoming intrusive, and she is not sure how to stop it without seeming unappreciative.



## ➤ #4 Pastor John

Pastor John told me he liked my new haircut this morning. I don't think it is appropriate for him to talk about my appearance like that. One time last summer he mentioned that I looked good in green. What should I do?



# *Retaliation*

- ▶ An employee engaged in a “protected activity” is protected by law from be retaliated against.
- ▶ Protected activities include:
  - ▶ Making a complaint
  - ▶ Providing information during an investigation
  - ▶ Testifying in connection with a complaint



# *What is Retaliation?*

- ▶ Any action to alter an employee's terms and conditions of employment because that person engaged in protected activities
  - ▶ Demotion
  - ▶ Change of work schedule or location
  - ▶ Even an unwarranted negative reference when employee leaves for another job



# *What is not Retaliation?*

- ▶ A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity.
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# *Church Leaders' Responsibility*

People in leadership positions are held to a high standard of behavior.

- ▶ Required to report any harassment reported or observed
- ▶ Responsible for any harassment or discrimination they should have known about
- ▶ Expected to model appropriate behavior



# *Policy Review*

- ▶ NYS provides a model policy, but you may want to consider how that policy relates to your setting.
  - ▶ See notes in handout



# *Reporting*

- ▶ Complaint forms must be available and easily accessible
- ▶ Harassment must be promptly reported to the church position named in the policy
- ▶ Name and contact information of this person must be on the form
- ▶ Leaders are subject to discipline for failure to report or for retaliation



# ***What if a clergyperson is involved?***

- ▶ Reporting process must be followed
- ▶ Know your judicatory structure –
  - ▶ NY United Church of Christ – Association CoM
    - ▶ Unified Fitness Review Board
  - ▶ Disciples of Christ – Regional Minister, Regional CoM
  - ▶ Presbytery of Long Island – Clerk of Session
    - ▶ General Presbyter



# ***What if I am harassed?***

- ▶ Complete and file the church complaint form
- ▶ Submit to the person named on the form
- ▶ You may also make a verbal report to this person



# ***What if I witness harassment?***

- ▶ If you witness or are aware of possible harassment, report it to the person named in your church policy
  - ▶ It is unlawful for anyone to retaliate against you for reporting or assisting in an investigation of harassment
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# ***Investigation of complaint***

- ▶ Anyone who sexually harasses or who retaliates will be subject to remedial/disciplinary action
- ▶ An investigation will commence immediately
- ▶ It will be kept as confidential as possible
- ▶ Any member of the congregation may be required to cooperate as needed



# *Investigation Process*

- ▶ Group or position named in the policy will conduct immediate review of allegations and take interim action
- ▶ Documents, emails, phone records will be requested and preserved
- ▶ Interviews will be conducted
- ▶ Both complainant and accused are notified of final decision and appropriate action taken



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