

## Template for Harassment Policy

On November 28, 2023, the Presbytery of the Cascades adopted a HARASSMENT POLICY AND COMPLAINT PROCEDURE which is attached as a Word Document for use as a template for Session Harassment Policies.

This policy fulfills the requirements of the State of Oregon for the Presbytery as an employer. It also moves toward fulfilling the spirit of the Presbyterian Church (U.S.A.) Constitution Requirement in G-3.0106:

*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...*

As such, sessions are now required to adopt a harassment policy\* and this policy is distributed as a Word Document so that it may be used as a template by sessions. Language in orange is presbytery specific and can be replaced with language such as your church name and leadership structure.

The attached policy is limited in scope to cover only employees. It does not yet cover minister members or other members of the presbytery (which appears to be the spirit of the Constitutional Language). As such, as a template it does not have language that would cover ruling elders or other church members, particularly in light of reporting procedures and time limits.

**Washington sessions** should note that in addition to the Oregon BOLI reference in the second to last paragraph on page 2 “Time Limit to Bring Action”, the paragraphs that follow, “Non-Disparagement, Non-Disclosure and Separation Agreements” contains language specifically related to Oregon Employment law. The Stated Clerk will seek help from legal counsel regarding how this policy can reflect Washington law (see below).

With those cautions, the Stated Clerk offers this policy as a template for congregations.

**The Stated Clerk is committed to delivering more inclusive harassment policy templates for Oregon and Washington sessions by the April 2024 Stated Presbytery meeting, notably:**

- **Including language that applies to members and others outside of employment relationships**
- **Including a section on Church Discipline as it relates to time limits and reporting procedures**
- **Providing clarity on Washington law as it relates to harassment in the workplace.**

\*Additionally, presbytery and sessions need to adopt antiracism policies. The Committee on Representation is working on a presbytery policy which can also work as a template for congregations. That policy is still under development.



**Presbytery of the Cascades**

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## Harassment Policy and Complaint Procedure

Adopted November 28, 2023

The Harassment policy of the *Presbytery of the Cascades* (the “**Presbytery**”) is grounded in the concept that every human being is created in the image of God (Genesis 1:26ff.) and in these words from Jesus: “You shall love the Lord your God and your neighbor as yourself” (Matthew 23:37-39). As such, the *Presbytery* opposes all forms of harassment and seeks to provide space where all employees, ministers, members and visitors can flourish free of harassment.

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital or domestic partner status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

The *Presbytery* strives to provide a work environment free of harassment. Harassment of the *Presbytery’s* employees by management, supervisors, coworkers, or non-employees is prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The *Presbytery* will take all steps necessary to prevent and eliminate unlawful harassment.

The *Presbytery* advises employees to document any conduct they believe might violate this policy.

**Definition of Unlawful Harassment** “Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class. Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; gossip; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

**Definition of Sexual Harassment** While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or as a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment. While it is not possible to list all the circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, or cartoons
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments
- Inquiries into one's sexual experiences
- Discussion of one's sexual activities

**Complaint Procedure for Discrimination or Harassment** Any employee who believes they have been personally subject to or witnessed discrimination or harassment of another employee, is requested and encouraged to make a complaint. You may bring your complaint directly to your **immediate supervisor, the head of staff, a member of the Personnel and Administration Committee, or any other member of management** with whom you feel comfortable bringing such a complaint. All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality. If the investigation confirms conduct contrary to this policy has occurred, the **Presbytery** will take immediate, appropriate, corrective action, including discipline and up to termination.

Retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at the **Presbytery**. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

**Sexual Assault** The **Presbytery** also prohibits any sexual assault against an employee or any other covered person. "Sexual assault" means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

**Time Limit to Bring Action** Employees will have five (5) years to file a complaint with Oregon's Bureau of Labor and Industries or a court for claims of discrimination, harassment, or retaliation under Oregon laws.

**Non-Disparagement, Non-Disclosure, and Separation Agreements** The **Presbytery** will not require or coerce an employee to enter into a non-disclosure or non-disparagement agreement, or any other agreement that has the purpose or effect of preventing the employee from disclosing or discussing conduct that constitutes unlawful discrimination, harassment, sexual assault, or retaliation concerning any other protected status under applicable law. The prohibitions in this section apply to conduct that occurred between employees or between the **Presbytery** and an employee in the workplace or at a work-related event that is off the employment premises and coordinated by or

through the **Presbytery**, or that occurred between the **Presbytery** and an employee off the employment premises.

Notwithstanding the above, nothing in this policy prohibits employees from requesting to enter into a settlement, separation, or severance agreement with the **Presbytery** that includes a non-disclosure and/or a non-disparagement provision. The agreement may include a no-rehire clause. The employee will have seven days after executing the agreement to revoke it.

A non-disparagement agreement prohibits criticism by one party related to the other. A non-disclosure agreement prohibits one or both parties from disclosing information related to the agreement, and/or the underlying facts leading to the agreement.