

Shiloh Church of God in Christ Inc.

SEXUAL HARASSMENT / MISCONDUCT POLICY

Purpose

The purpose of this policy is to underscore that mutual respect, consideration and courtesy are cornerstones of the Christian gospel, traditional to the tenets of Shiloh COGIC, and expected of all its members regardless of title or position. Shiloh COGIC members, guests, employees and volunteers have the right to pursue their activities free from all forms of discrimination and conduct, which can be considered harassing, coercive and/or disruptive, including sexual misconduct.

Any person having or receiving a complaint concerning sexual harassment or of conduct of the nature prohibited by this policy should promptly report it to an appropriate Shiloh COGIC representative (i.e, the Pastor or his designee. All reports should be in writing.

Policy Statement

The policy of Shiloh Church of God in Christ (hereafter referred to as " Shiloh COGIC") is to be committed to maintaining a worship, service and fellowship environment free from sexual misconduct and/or harassment practices repulsive to and adverse to the general well being of it's members, employees, officials and guests. Because sexual harassment is immoral and diametrically opposed to the biblical principals encapsulated by our beliefs, the Shiloh COGIC strongly opposes such behavior. Moreover sexual harassment as a form of sexual misconduct is illegal under section 703 of Title VII of the Civil Rights Act of 1964, and related State statutes addressing prohibitions of the same. Shiloh COGIC adheres to Federal and State laws prohibiting sexual harassment and will take appropriate action to eliminate such behavior from within all of its components. Therefore, Shiloh COGIC prohibits any of its members, officials, employees, and/or agents or any representatives serving in any capacity, paid or volunteer, male or female, from engaging in the above prohibited activity. Shiloh COGIC takes a **zero tolerance** stance against sexual harassment.

Definitions and conditions of sexual harassment

Title VII defines sexual harassment as unwelcome sexual advances and other unwanted touching or requests for sexual favors, and/or other verbal or physical conduct and/or condition of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term and/or condition of an individual's employment, education /training and of service decisions affecting such individuals;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment, education, training and of service decisions affecting such individuals
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or service performance or creating an intimidating hostile or offensive working environment harassment (hostile work environment harassment) as defined by the Equal Employment Opportunity Commission Guidelines on Sexual Harassment, and/or

4. Such conduct has the purpose or effect of interfering with a member, or employees performance, creating an intimidating, hostile, or otherwise adverse work/worship environment, or adversely affecting any member's access to Shiloh COGIC's programs, services and/or benefits.

Such oriented remarks and behavior, which reasonably may be perceived to create a negative, intimidating, hostile and/or offensive environment may include, but are not *limited to the following types of conduct*.

Physical Abuse (e.g. assaults, touching, feeling, pinching, cornering, etc)

Verbal Abuse:

- 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.
- Non-reciprocated demands for dates or sex, physical assault
- Request for sex in exchange for, grades, recommendations or any favors, or employment
- Obscene language
- Sexual "teasing or kidding"

Visual Abuse (display of pornographic materials designed to embarrass or intimidate), or sexual gestures, flashing, and exposing one's self

Sexual Abuse or sexual molestation of any person, including but not limited to, any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent, or elderly.

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

Policy Implementation and Dissemination

The Shiloh COGIC is responsible for the implementation and enforcement of this policy, establishment of procedures for the resolution of complaints, disciplinary actions and preparation of periodic status reports.

The Pastor is responsible for the implementation and enforcement of this policy, and maintaining a working and worship environment free from sexual harassment and sexual misconduct of any kind. All complaints should be in writing, submitted within 30 days of the alleged incident, and signed by the complaining party or parent and/or guardian, if the victim is a minor. Written documentation will be maintained of all investigations and appropriate steps taken to resolve the matter expeditiously. (All complaints will be kept on file)

This policy, procedure and the offices designated to receive such complaints shall be widely disseminated to the entire membership family of Shiloh COGIC. Such dissemination shall include, but not be limited to, publication on the Shiloh COGIC website, membership handbook, and any other media service deemed effective and appropriate.

V Guidelines for Establishing Shiloh COGIC Procedures for the Resolution of Complaints Filed Under the Provisions of this Policy

The procedure shall conform to the following general principles:

1. The policy and procedures shall be enforced in a manner consistent with accepted principles of legal "due process," including the right of any individual charged with a violation to timely and proper notice and a subsequent hearing, and the right to confront ones accuser.
2. Confidentiality shall be maintained insofar as may be consistent with due process through a "formal process."
3. Informal resolution shall be the established practice for minor conflicts and disputes. Major disputes and recurring minor incidents of intentionally discriminatory behavior should be addressed through formal procedure and subsequent resolution when possible.
4. Records shall be maintained, which are adequate for statistical and policy review. Record keeping must not be inconsistent with due process. It must not take priority over, confidentiality and the perchance for informal dispute resolution.
5. Any member of the Shiloh COGIC community may use the procedure for filing complaints of sexual harassment and/or any sexual conduct. Complete the complaint form and submit it to the Pastor or his designee. Forms are available in the front office.
6. Resolution shall be sought at the lowest level prior to the next level. Attempts at resolution shall not exceed thirty (30) days, including weekends and holidays, unless good cause is shown in writing and subsequent approval by an appointed Review Board.
7. Individuals who knowingly file fraudulent complaints under this policy and procedures may be subject to disciplinary action, criminal and/or civil penalty.
8. All investigations shall include interviews of all parties to the complaint, including but not limited to the complainant, the accused and witnesses having relevant information. The investigation shall include a review of all evidence presented, an evaluation of the same, and a determination of the truth to complete the investigation in a fair and impartial manner.
9. Efforts will be made to resolve allegations of sexual harassment within thirty (30) days. It is recommended that the investigation be conducted and recommendations for action to be developed within fifteen (15) days. Circumstances may necessitate a longer or shorter period of time. However, all parties shall be notified in writing of any modification in time.
10. The confidences and sensitivities of all persons involved in the alleged incident will be respected to the extent reasonably possible in the context of a complete investigation.
11. A representative of the Review Board will communicate resolution to the parties. Recommended actions will be communicated to Pastor and the involved parties.
12. If a determination is made that sexual harassment and/or misconduct has occurred, the perpetrator will face corrective action. The corrective action may include, but not be limited to termination from employment, withdrawal of membership, counseling,

and any other corrective action deemed appropriate. All actions recommended or otherwise shall be in writing.

13. Shiloh COGIC forbids retaliation or reprisal of any kind against anyone complaining of or reporting sexual harassment and/or misconduct. The initiation of a complaint by anyone will not negatively impact the individual's employment status, benefits, worship or conditions of employment and/or membership.

PROCEDURE FOR THE IMPLEMENTATION OF THE SEXUAL HARASSMENT POLICY AND EMPLOYEE COMPLAINT RESOLUTION OF THE SHILOH CHURCH OF GOD IN CHRIST INC.

In keeping with the guidelines of the Shiloh Church of God in Christ's (hereafter referred to as "Shiloh COGIC") Sexual Harassment Policy, the following procedures have been established by Shiloh COGIC to facilitate the resolution of situations and/or incidents of alleged sexual harassment. This procedure shall serve as the model for the church.

I. Definitions

- a. Complaint - A written statement alleging violation of the Shiloh COGIC Sexual Harassment Policy. (Compliant form or letter)
- b. Complainant - The person filing a complaint of sexual harassment
- c. The Sexual Misconduct Review Board (To be appointed as needed) Complaints within the Shiloh COGIC shall be processed locally with an emphasis upon the resolution of said complaints within the church. Unresolved complaints at the local level can be appealed to the Jurisdictional level.
- d. Designee - The Review Board may designate other official(s) to act on its behalf in implementing the investigative procedure.
- e. Fact-finding - The review of information, documents or testimony from complainants, respondents, and witnesses, if any, to determine the facts of the case gathered from the investigations of local Review Boards.
- f. Respondent - The person against whom the complaint is filed.
- g. Working day – Any day in which Shiloh COGIC is open for business and/or worship.

II Scope

Any member or person applying for membership status may use these procedures to file a complaint alleging sexual harassment during normal fellowship *at church* or in the course of seeking employment with the Shiloh COGIC. Similarly, any volunteer, member, guest, or agent whose presence in any capacity has been negatively impacted by a sexually hostile environment or if their presence is conditioned upon submission to social or sexual favors, may similarly file a complaint with the appropriate review Board under this section within thirty (30) calendar days from the incident.

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

III. Confidentiality

While investigations of alleged incidents of sexual harassment are confidential, individuals other than the immediate parties may be contacted furthering the fact-finding process. Everyone contacted is requested to cooperate fully and to refrain from discussing the case outside the formal process.

IV. Program Coordination

The Review Board is responsible directly to the Pastor for overall coordination of the Shiloh COGIC's sexual misconduct policy and program. The Review Board is responsible for management of the program, which includes, but is not limited to

- Coordination of any sexual misconduct complaint investigations
- Consultation and training for person handling complaints,
- Review and maintenance of complaint records
- Publication and dissemination of this policy,
- Preparation of summary reports of formal complaints; and
- Coordination of local review board investigations

V. Complaint Filing and Resolution

a. Reporting Responsibility: Any member, Deacon, Minister, Elder, Missionary, Evangelist, Youth Leader, Pastor or auxiliary leader shall report, within the allotted time frame, to the Review Board any evidence of sexual harassment or complaints regarding sexual misconduct investigated and/or processed. Failure to do so may be grounds for discipline.

b. The Shiloh COGIC Review Board shall process complaints in a timely manner.

c. Investigation Process will examine the totality of the circumstances, such as the nature and context in which the alleged incident occurred.

- Review of documents;
- Interviews of parties and witnesses;
- Receipt and evaluation of evidence; and
- Other actions relevant to the circumstances in each case.
- Non-partial

d. Timeliness

Any employee, member, official and guest and/or agent shall file a complaint within thirty (30) calendar days from the alleged incident(s) with the Review Board. Extension may be granted for extraordinary circumstances. Upon receipt of a written complaint, by the Review Board, an investigation shall be initiated provided that, upon review of said complaint, the Review Board determines that it merits investigation. This determination shall be made consistent with the general rules of due process.

The Review Board shall have thirty (30) days, after receipt of a complaint in which to notify the complainant whether or not an investigation will be initiated. The Review Board or designee(s) shall have thirty (30) days, after notice to the complaint of the acceptance of said complaint to complete its investigation. Should additional time be required to complete said investigation, the Review Board shall notify all parties of the granting of the extension.

e. Individual Rights of the Respondents

The respondents shall be provided a copy of the formal written complaint within thirty (30) days of the investigation. He/she shall have twenty (20) days to respond to the written complaint as part of the complaint the respondent may present evidence, names of witnesses or may provide any other supporting documentation for consideration in the investigative process to the Review Board.

Any disciplinary action taken against any adjudicated perpetrator will be proportionate the gravity of the violation and consistent with the principles and practices of due process, progressive discipline and the rules and regulation of the Shiloh COGIC.

VI. Pre-Disciplinary Appeals

After the Shiloh COGIC Sexual Harassment Review Panel has made its determination and the Pastor has taken formal action, the complainant or the accused may appeal the decision.

1. A request for review of the decision must be filed by the respondent within thirty (30) days of the local Review Board's determination.
2. Appeals must be in writing and must be based on the following:
 - ~ *Questions of improper procedure*
 - ~ *New evidence uncovered after the hearing*
 - ~ *Excessively harsh sanctions*
 - ~ *Inadequate remedial relief*
 - ~ *Confidentiality breach*
3. Within thirty (30) days of receipt of the request for review of the local decision, the Review Board will provide the respondent with confirmation that the appeal has been received. Within (20) days of said notice, the Review Board shall render a final decision to the respondent.
4. The Shiloh COGIC Sexual Misconduct Review Board will determine whether the case be re-examined, and if there is a "reasonable cause" for such, the Board shall prepare a written report of findings and recommendations.
5. After reviewing the findings and recommendations, if any, the Shiloh COGIC Sexual Misconduct Review Board shall make a final determination.
6. The Board's findings and recommendation, if any, and the complainant will be file and maintained.

III. Record Keeping

Formal written complaints, along with supporting evidence, shall be maintained by the Shiloh COGIC for a period not exceed five years. The Shiloh COGIC will maintain a record of the number and type of complaints and outcome (informal resolution, referred for formal resolution, etc.) of complaints filed.

To recommend institutional, educational or prevention strategies to the entire Church constituency. Further, the Review Board shall make recommendations for changes in policies and procedures and serve as resource persons.

SUGGESTED GRIEVANCE PROCEDURES FOR SHILOH COGIC SEXUAL MISCONDUCT / HARASSMENT COMPLAINTS

1. Complainant must file a formal written complaint with the Shiloh COGIC. See Attachment.
2. The Pastor shall direct the Committee to gather evidence and prepare a recommendation if there is a "reasonable cause" to believe a violation has occurred.
3. The Shiloh COGIC's Sexual Harassment Committee, consisting of at least five (5) members shall conduct a hearing and prepare a written report of their findings and recommendations to the Executive Committee. The Committee's findings shall be based upon the complaint of the party, interview of the accused, a review of the evidence, and the interview of all witness.
4. Upon review of the findings and recommendations for corrective action, if any, the Review Committee will implement formal action.
5. The Review Committee shall file copies of the following with the Shiloh COGIC.
 - The complaint;
 - The investigative report, findings and recommendations, and copies of any decisions to the parties.

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.

OUR LOCAL CHURCH

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.

The Pastor will:

- Provide **EVERY** member and employee with a copy of the policy and the complaint procedure.
- Post them in central locations and incorporate them into membership handbooks.

Pastors and Church Administrators should ensure:

• **Confidentiality**

It should be clear to all that the church will protect the confidentiality of harassment allegations to the extent possible.

• **Protection Against Retaliation**

Pastors should make it clear that they will not tolerate adverse treatment of staff or members who report or provide information related to harassment complaints.

NOTICE OF FILING COMPLAINT

Name of person filing complaint: _____
Name of complainant (if different from person filing complaint)

Shiloh Church of God in Christ
P.O. Box 216
1517 Dubuque Street
Oceanside, CA 92049

Michael Henderson, Pastor

Name of individual that allegedly committed the act against the complainant:

Complainant Information:
Address _____
Telephone _____

ACKNOWLEDGEMENT OF RECEIPT SEXUAL MISCONDUCT POLICY

(Please print)

Last Name	First Name	M .
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By signature I acknowledge the following:

- I have received a personal, written copy of the Shiloh COGIC, "Sexual Harassment" policy.
- I understand that it is my responsibility to familiarize myself with this policy and to consult with my Pastor, or any designated individual or church official regarding any questions not answered in the policy.
- I have read and understand, as well as agree to be bound by the Shiloh COGIC's Sexual Harassment/Misconduct Policy.
- The benefits and policies of Shiloh COGIC is not for a definite term (any specified length of time). Accordingly, either I, or Shiloh COGIC may terminate the relationship at will, with or without cause (for any reason), at any time.
- No representative of the Shiloh COGIC, except the Board of Trustees and/or its designee, has any authority to adopt any revisions to this policy or enter into any agreement for employment / membership for any specified period of time, or to make any agreement inconsistent with this acknowledgement. To be valid, any such agreement must be in writing, designated as an *Employment / Membership Agreement*.

Member's signature	Date
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Pastor / Representative signature	Date
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THIS HANDBOOK HAS BEEN PREPARED FOR INTERNAL USE ONLY. IT IS NOT MEANT TO SUBSTITUTE THE REPORTING OF ANY WRONG DOING TO THE APPROPRIATE AUTHORITIES OUTSIDE OF THE CHURCH. THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE CONSTRUED AS SUCH.