

Harassment

Harassment is any verbal or physical conduct designed to threaten, bully, intimidate or coerce an employee, co-worker, or any person working for or on behalf of TVC. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, gender, age, body, disability, or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, age, gender, pregnancy, appearance, disability, marital status or other protected status.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Harassment Complaint procedure

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

1. The complainant's initial step is to schedule a meeting with the Business Office. The Business Office and the complainant will review the incident to make one of the following determinations:

- a. The incident justifies an investigation
 - b. The incident does not justify an investigation but could if the behavior continues. A meeting between the complainant and the accused should occur and be mediated by the Business Office.
 - i. The complainant should tell the offender that such conduct is unwelcome and unacceptable.
 - c. The behavior described lacks the substance for an investigation or a meeting between the complainant and the accused.
2. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The Business Office may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing using the form linked below. The Business Office will dictate the verbal complaint.
- [Employee Formal Complaint Form](#)
3. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the Business Office will notify the Executive Team and determine if the complaint should be reviewed with the church's legal counsel.
4. The Executive Team will cause an investigation to begin in order to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
5. If necessary, the complainant and the respondent will be separated during the investigation, either through internal transfer or administrative leave.
6. During the investigation, the Business Office, and the Executive Team, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
7. Upon conclusion of an investigation, the Business Office and the Executive Team or other person conducting the investigation will submit a written report of his or her findings to the church leadership team. If it is determined that a violation of this policy has occurred, the Executive Team 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).
 - e. 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 Executive Pastor may recommend appropriate preventive action.
8. The Executive Team will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the executive pastor and other management staff as appropriate, and decide what action, if any, will be taken.
9. Once a final decision is made the Executive Team/Executive Representative 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.

Retaliation

No hardship, loss, benefit, or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Any person who is found to have violated this aspect of the policy will be subject to discipline.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Executive Pastor will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Consensual Romantic Relationships

TVC as a rule discourages but does not explicitly prohibit romantic relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person). The reason these relationships are discouraged is because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or later by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

If any employee of TVC enters a consensual romantic relationship with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Executive Pastor overseeing that department and the Senior Pastor. Because of potential issues regarding quid pro quo harassment, TVC has made reporting mandatory. All employees who are subject to the adherent of TVC Leadership Expectations have that additional theological expectation in regard to relationships. Once the relationship is made known to TVC, the church will review the situation with the Business office considering all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot come to a decision, or the party is not chosen for the position to which he or she applied, the Executive Pastor and Senior Pastor will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

Sexual Misconduct: The Vulnerability of Pastoral Counseling

Pastoral counseling is an important component of almost every church. Unfortunately, those same beneficial bonds may also contribute to additional risk for the ministry.

The privacy associated with one-on-one counseling can lead to real or false accusations of sexual harassment and misconduct—when it's one person's word against another, it can be hard to untangle the truth. It's possible to strike a successful balance between offering Bible-based counseling and protecting your counseling staff and those receiving counseling.

- Guard against opportunity for inappropriate relationships. Counseling sessions should take place on church property and with other people in the building. Meet in a room with a window looking into the office or with the door partially open.
- Publicize a set time and session length. Prohibit off-site meetings, or meetings in the home of the counselee or the pastor.
- Obtain signed consent. The form should detail your ministry's counseling practices and confidentiality practices.
- Guard against unlimited counseling. Add to your agreement the total number of sessions, and frequency of sessions, available to counselees.
- Protect your pastors. Always have a second adult present when counseling minors. Consider having counselors of both genders available to adults and minors.

Defining Sexual Misconduct

Sexual misconduct involves staff, teachers, volunteers, children, and vulnerable adults. This type of misconduct can be present anywhere, but high-risk areas include counseling, youth and vulnerable adult ministries, and after-school activities. Actions that fit this term can be consensual or non-consensual, or further defined by coercion, retaliation, or unwanted sexual advances. Ministries are held to higher expectations. Actions or behavior that may be "permissible" under law, may be morally harmful in a ministry setting. While a specific action may not meet the legal definition of sexual misconduct or harassment.

SIGNATURE: _____