

WAKEFIELD FAMILY CHURCH
Sexual Harassment
& Sexual Misconduct Policy
2015 Edition

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PREAMBLE

Wakefield Family Church is committed to providing a safe environment for its members, employees, visitors, and volunteers. Mutual respect, consideration one toward another and courtesy are essential and highly valued traits of the Christian Faith. These traits are to be exhibited among Wakefield Family Church members, guests, employees, visitors, and volunteers regardless of their title or position.

Wakefield Family Church members, guests, employees, visitors and volunteers have the right to pursue their activities free from all forms of discrimination and conduct or contact which could be deemed of a sexual nature, harassing, coercive, or disruptive. Wakefield Family Church, therefore, will NOT tolerate or allow any form of sexual harassment or misconduct by any of its members, employees, agents, representatives, volunteers, guests or visitors.

Wakefield Family Church is committed to dealing expeditiously, openly, fairly, and compassionately with allegations of sexual misconduct or sexual harassment. This policy outlines the procedures recognized and utilized by Wakefield Family Church with the reporting, investigation, and resolution of claims involving alleged sexual harassment or misconduct.

In addition to the procedures outlined in this policy, it is imperative that any individuals who have been subjected to sexual harassment or misconduct and/or anyone with knowledge of sexual harassment or misconduct, especially involving minors (children under age 17) or those who lack the mental capacity immediately notify the appropriate civil authorities of such conduct. Wakefield Family Church will cooperate fully with any investigation by civil authorities relating to any alleged claim or sexual harassment or misconduct.

POLICY STATEMENT

Wakefield Family Church is committed to maintaining a worship environment and work environment free of any form of sexual harassment and/or sexual misconduct. Sexual misconduct and harassment are both inappropriate and immoral. It is also illegal under Title VII of the Civil Rights Act of 1964 and related NC statutes addressing prohibition of this type of behavior as well. **Wakefield Family Church** prohibits any of its members, officers, employees, guests, visitors, volunteers, agents and representatives from engaging in sexual harassment and/or sexual misconduct of any form. Furthermore, **Wakefield Family Church** forbids retaliation, reprisal or adverse treatment of any kind against anyone complaining of or reporting allegations of sexual harassment or sexual misconduct.

This policy must be implemented and disseminated upon final approval of the policy by the Pastor of the **Wakefield Family Church**.

Sexual Harassment is defined as unwelcome attention, advances, touching or harassment of a sexual nature that include a range of behaviors from mild, implicit or subtle transgressions and annoyances to overt and blatant activities or conduct that can involve forced sexual activity.

Examples of Sexual Harassment include but are not limited to:

1. subjection to any kind of harassment (such as verbal harassment or abuse, pressure for sexual activity, touching inappropriately and/or of a sexual nature remarks made whether written or verbal to a person with a sexual or demeaning implication) as an explicit or implicit term or condition of an individual's employment, education, training, service, worship/fellowship and/or any other decision affecting an individual.
2. subjection to sexually harassing behavior (such as verbal harassment or abuse, pressure for sexual activity, touching of a sexual nature or remarks to a person with a sexual or demeaning implication) is used as the basis for employment, education, training, service, worship/fellowship and/or any other decision affecting an individual.
3. conduct that has the purpose or effect of unreasonably interfering with an individual's work, service, performance or creates an intimidating hostile or offensive working environment (hostile work environment harassment) as defined by the Equal Employment Opportunity Commission Guidelines on Sexual Harassment.
4. conduct that has the purpose or effect of interfering with the performance of a member, official employee or volunteer, creating an intimidating hostile, offensive, or otherwise adverse work or worship environment, or adversely affecting any member's or guest's access to **Wakefield Family Church** programs, services or benefits.

Sexual Misconduct

Sexual misconduct includes a range of behaviors used to obtain sexual contact against a person's will. Sexual misconduct is defined as a sexual contact with an individual or group of individuals, without mutual consent by an acquaintance or a stranger or with someone who is not of a legal consenting age and it includes: intentional touching without consent, either of the victim or when the victim is forced to touch, directly or through clothing, rape, attempted rape, sexual contact using an object, and any form of sodomy. To constitute lack of consent, the acts must be committed either by threat, force, abuse of leadership authority, and intimidation or through the use of the victim's mental or physical inability (whether through alcohol, drugs, mental illness or handicap). A person of mental disability, a child under the legal age of consent, and a ward of the state *cannot* lawfully consent to any sexual act.

Examples of Sexual Misconduct include but are not limited to:

- Demeaning references to one's gender
- Inappropriate Comments about one's clothing or body
- Staring, comments or propositions of a sexual nature
- Jokes containing sexual content
- Demeaning or inappropriate text messages, chat room responses, or the use of any other social media to communicate sexual content and/or sexual comments
- Inappropriate questions about one's sexual behavior
- Sexually suggestive innuendoes and double meanings
- E-mails containing pornographic materials
- E-mails containing harassing messages of a sexual nature
- Communicating through sexually suggestive posters
- Communicating through sexually suggestive objects
- Communicating sexually suggestive telephonic, electronic, or other written communications
- Demand for dates
- Stalking
- Demand for sex
- Physical sexual assault and/or rape
- Sexual exploitation
- Voyeurism
- Request for sex in exchange for grades, favors, recommendations, employment, leadership roles or positions, or promotions.

Policy Terminology

(This is NOT an exhaustive list.)

- **Accused:** the individual against whom a complaint of sexual harassment and/or misconduct is alleged.
- **Accuser:** the individual who has asserted or alleged an act of sexual harassment and/or misconduct.
- **Adult:** an individual who has attained the age of 18
- **Agent:** an individual who is empowered to act for or present Wakefield Family Church.
- **Accusation:** a charge or allegation of sexual harassment and/or misconduct against an individual.
- **Allegation:** an accusation of abuse or sexual harassment and/or misconduct
- **Burden of Proof:** responsibility of the complainant or accuser to prove by a preponderance of evidence that the accused has engaged in activity(activities) constituting sexual harassment and/or misconduct as defined in this Policy
- **Child:** any person under the age of sixteen (16)
*(the age of sexual consent in NC at the time this document was prepared March 2015)
- **Conduct Policy Board:** individuals who are responsible for documenting the Sexual Harassment and/or Misconduct Policy.
- **Complaint:** a written statement asserting an allegation(s) of sexual harassment and/or misconduct.
- **Complainant:** the party who has filed a written statement on behalf of himself/herself or on behalf of the accuser against the accused.
- **Double Meanings:** an assertion in which one meaning is clear and another meaning can be inferred or implied

- **Due Process:** a guarantee of fairness in conducting legal procedures and/or the administration of justice strictly in accordance with established principles and procedures in order to safeguard the legal rights of the accused and the accuser.
- **Effective Consent:** consent which is informed, freely and actively given, mutually understandable containing words or actions that indicate a willingness to participate in agreed-upon sexual activity or behaviors*
- **Employee:** any individual who is employed by **Wakefield Family Church** or any institutions or entities that are formally related to **Wakefield Family Church** or one of its constituent bodies for salary or other compensation.*
- **Fact Finding Process:** generally, the review of information, documents and/or testimony from the accuser, complainant, accused, witnesses, and other knowledgeable persons to determine the facts of the case.
- **Incapacitated:** one who is disabled, handicapped or helpless whether physically or mentally
- **Ineffective Consent:** an individual whether a minor child, mentally disabled, ward, or physically incapacitated, who cannot give effective consent to engage in any form of sexual activity
- **Innuendo:** a remark that indirectly conveys a sexual meaning
- **Lack of Mental Capacity:** impairment in judgment or awareness
- **Review Board:** individuals approved by the Pastor to process, review and render a decision on sexual harassment and/or misconduct complaints at the church level.
- **Mental Capacity:** the ability to make decisions independently
- **Minor:** an individual who is under the age of eighteen (18)
- **Pastor:** an individual who has been assigned to specific pastoral ministry within a congregation or to a specialized ministry.
- **Pornography:** the explicit depiction or exhibition of sexual activity or body parts in literature, media, emails, films, or photography that is intended to stimulate erotic feelings and/or behaviors
- **Preponderance of Evidence:** facts based on truth and accuracy leading to the conclusion that the complainant or accuser has met the burden of proof in establishing that the accused has engaged in activities constituting sexual harassment and/or misconduct as defined in this Policy.
- **Rape:** sexual intercourse without consent given by an individual to another.
- **Sexual Assault:** sexual contact without consent given by an individual to another, whether it is intercourse, use of objects, sodomy, or any other form of sexual activity.
- **Sexual Abuse or Molestation:** the forcing of unwanted sexual activity by one individual on another individual or sexual activity that is deemed improper or harmful as between an adult and a minor child or with a person with diminished capacity
- **Sexual Exploitation:** The taking of non-consensual, unjust or abusive sexual advantage of another, for one's own advantage or benefit, or to the advantage or benefit of anyone other than the one being exploited; such behavior does not otherwise constitute rape, sexual assault or sexual harassment.
- **Sexual Harassment:** unwelcome attention, advances, touching or harassment of a sexual nature that includes a range of behavior from mild, implicit or subtle transgressions and annoyances to overt and blatant activity or conduct that can involve forced sexual activity.
- **Sexual Misconduct:** any conduct of a sexual nature that is non-consensual, including but not limited to: sexual harassment or sexual assault, or any behavior that has the effect of threatening or intimidating the individual against whom such conduct is directed.

- **Visual Abuse:** the display of pornographic materials (sexual activity and/or body parts) designed to embarrass or intimidate.
- **Volunteer:** an individual who willingly assumes an obligation or position
- **Voyeurism:** obtaining sexual gratification from observing naked bodies or the sexual acts of others