

SEXUAL HARASSMENT POLICY AND PROCEDURES

INTRODUCTION

In the beginning when God created humanity, God created us Male and Female. While relationships between men and women have been marred by sin, the members of this community of Christ seek to exemplify the restoration of holiness and care in all their dealings with one another as they attempt to live out being that new community. Converge North Central (CNC) is a Christian organization of men and women engaged in service for their Creator, who would hope to embody this ideal. Jesus commands us to treat one another as we would want to be treated ourselves. He confirms this by stating that what we do to one another, we are doing to Him. Sexual Harassment (an abuse of both sexuality and power) is destructive to our effort to become with one another one restored community in Christ. Moreover, it is contrary to Christ's call to servanthood and to our understanding of the sanctity of life. Beyond being illegal, sexual harassment strikes at the heart of what we consider to be moral and just.

CNC's policy and procedures for dealing with sexual harassment have been designed to ensure the freedom of every employee – while protecting the rights of all.

POLICY

Converge North Central (hereafter referred to as CNC) is committed to a consistent effort towards maintaining a Christ-centered community free of sexual harassment and all forms of sexual intimidation and exploitation. In its goal to create a work environment for all employees which is fair and free of coercion, CNC has adopted a sexual harassment policy and procedures as the basis for complaint resolution.

Sexual harassment is a form of discrimination in violation of Title VII of the Federal Civil Rights Act of 1964, Title IX of the 1972 Education Amendments, Chapter 363 of the Minnesota Human Rights Act, and CNC policy. Such behavior has the potential of threatening an individual's performance, economic livelihood, career advancement, psychological and spiritual well-being, and the very fabric of our Christian environment.

A. Definition of Sexual Harassment

Sexual harassment (one form of sex discrimination) is understood to designate an unwelcome sexual advance(s), request(s) for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in any other CNC activity;
2. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

B. Examples of Sexual Harassment

Thus defined, sexual harassment may include but is not limited to the following types of behavior:

1. Sexually oriented verbal kidding or use of nicknames, insults, or explicit remarks of a sexual nature;
2. Physical contact(s) such a patting, pinching, kissing, or brushing against another's body;
3. Sexual advance(s) without threat of punishment for non-compliance or without promise of reward for compliance;
4. Sexual advance(s) whenever accompanied by promised rewards or threatened punishment; or
5. Physical assault(s) of a sexual nature.

C. Consensual Relationships

While not forbidden, dating relationships between employees, or between supervisors and subordinates, are generally deemed unwise. Such consensual relationships may unfairly exploit power differences, violate the respect and trust given someone in authority and may subtly, and even inadvertently, pressure those in the more vulnerable position. Such relationships are discouraged and, (in such cases), mutual consent will not automatically provide immunity if a complaint of sexual harassment is filed.

D. Third-Party Harassment

Since CNC's concern is for a work place free from sexual harassment, it is important to recognize that sexual harassment may happen to individuals who are negatively affected by welcomed or unwelcome sexual conduct directed toward another person.

E. Retaliatory Actions

Attempts to take retaliatory action or to influence the normal conduct of the process or of persons involved in it will be considered a serious offense and may be subject to disciplinary action. Any employee who knowingly or maliciously makes a false allegation of sexual harassment may be subject to discipline.

PROCEDURES

A. Compliance/Grievance Officer Appointment and Duties

The Executive Minister of CNC shall appoint a Compliance Officer to act as the administrative coordinator and supervisor of the Sexual Harassment Policy and Procedures set forth herein. The Compliance Officer shall serve for an indefinite term, until a successor is appointed by the Executive Minister. The Compliance Officer shall report directly for this position to the Executive Minister and shall have the following duties and responsibilities:

1. Investigate and respond to any complaints regarding the Sexual Harassment Policy and Procedures;
2. Ensure that all reporting requirements of the Policy and Procedures are appropriately followed;
3. Respond to inquiries and provide information and referrals to individuals or groups requesting assistance in regard to the Policy and Procedures;
4. A Compliance/Grievance Office may file an informal or formal complaint if:

- a. He or she discovers a pattern of sexual harassment where there is no singular complaint;
 - b. A complainant decides to withdraw a complaint even in the face of supporting evidence; and/or
 - c. The Compliance/Grievance Officer is presented with third party information regarding an alleged incident(s) of sexual harassment; e.g., by a supervisor of the alleged harasser or by a peer of the alleged victim.
5. Perform any other duties that may be assigned by the Executive Minister.

B. Non-Officer Responsibilities

If a supervisor receives a complaint or has knowledge of an incident(s) it is imperative that he or she report this incident(s) to the Compliance/Grievance Officer.

INFORMAL AND FORMAL PROCEDURES

In determining whether an alleged incident(s) constitutes sexual harassment, those entrusted with carrying out this policy and procedures will examine the record as a whole.

A. Limits and Scope of Informal and Formal Procedures

There are two ways of presenting a complaint: informally and formally. Any employee of CNC may go directly to the Compliance Officer with a complaint(s) according to the procedures outlined below, or may refer a complaint to the Executive Minister.

Individuals are strongly encouraged, because of the need to gather accurate evidence, to report any alleged incident(s) as soon as possible. It is generally necessary to file legal complaints within 300 days of the last incident, although in some cases the statute of limitations allows reports to be initiated up to six (6) years following an alleged incident.

B. Procedures for Informal Complaints

Any employee of CNC may go directly to the Compliance Officer with an informal complaint.

The course of action outlined below will be adopted and completed within ten (10) working days. If, at any point in the informal process, fair treatment of a complaint becomes jeopardized due to constrictions in time or unavailability of strategic witnesses, etc., extensions in the deadline may be granted at the discretion of the Executive Minister, or the Compliance Officer.

The informal course of action will be as follows:

1. The Compliance Officer will present the alleged harasser with the sexual harassment complaint. Every effort will be made to honor a complainant's request for anonymity.
2. Preliminary discussion and investigation may or may not include a meeting(s) between the complainant and the alleged harasser.

- a. If it does not, the compliance officer will meet with the complainant to discuss the content and results of meeting with the alleged harasser and to further explore options for resolution.
 - b. In cases where such a meeting(s) between the complainant and the alleged harasser occurs, or at any time in the process, each party may be accompanied by an advisor/advocate of his or her choice.
3. Following the preliminary meeting(s), the Compliance Officer will continue the investigation in order to determine the merits of the complaint and to affect a resolution. **It is the intention of the institution and the Compliance Officer to protect the rights of all parties; that is to facilitate remediation and reconciliation in cases where there is merit, and to facilitate understanding and protection in cases where there is no merit.**
4. When resolution includes certain remedies such as transfer or reassignment of position and/or job sites; restoration of pay, benefits, or rights lost may necessitate coordinating and/or informing other individuals such as supervisors, department heads while maintaining confidentiality.

Any remedy involving allocation of resources of the institution, expenditure of funds, or transfer of personnel is subject to the review and approval of the Executive Minister.

5. If the complaint is not resolved to the satisfaction of either party, either may move the process to a formal procedure.
6. The Compliance Officer will create an official, confidential record of the informal complaint. Such a record will consist of a statement of the complaint, a list of related meetings and conversations, an assessment of the findings, and the action(s) taken. The Compliance Officer will forward the single official record to the Executive Minister's office.

C. Procedures for Formal Complaints

Any employee of CNC who believes he or she has been sexually harassed by any employee of CNC, a guest, or a person conducting business with CNC, may make a formal complaint against the alleged harasser(s).

The following steps have been established as the process for resolving a complaint using the formal procedure:

1. The complainant shall submit his or her complaint in writing to the Compliance Officer, explaining the nature of the complaint(s), the facts upon which the complaint is based, and the relief requested.
 - a. If the alleged harasser has not had opportunity to resolve the complaint through the informal procedure, the Compliance Officer may request both parties to refer the matter to an informal procedure rather than a formal procedure.
 - b. If the matter cannot be resolved through the efforts of the compliance officer, or if the complainant refuses to be involved in the informal procedure, then the matter will proceed through the formal process.

2. Within four (4) working days of receiving the formal complaint, the Officer shall send a copy of the written complaint to the alleged harasser and request a meeting to discuss the complaint and review with him or her, the formal procedure, including time-line for resolution.
3. Within ten (10) working days of the meeting, the Compliance Officer will request a written reply from the alleged harasser, a copy of which will be forwarded to the complainant.
4. Within four (4) working days of receiving the written reply from the alleged harasser, the Compliance Officer will:
 - a. Inform the complainant of the nature of the response;
 - b. Begin an investigation into the alleged incident(s).
5. Within ten (10) working days of receiving the alleged harasser's response, the Compliance Officer will investigate the complaint and prepare a report which will include:
 - a. A description of the alleged incident(s) and the issues at stake pursuant to the definition of sexual harassment stated earlier in the policy;
 - b. A description of the evidence supporting or refuting the issues; and
 - c. A list of witnesses interviewed.

This report must not contain conclusions, impressions, or recommendations concerning the allegations.

6. Within five (5) working days the Compliance Officer will select a hearing board or refer to the appropriate hearing body as follows:

The Compliance Officer will appoint an ad hoc hearing board consisting of five members composed of at least two females and two males:

1. One member from the constituency of the complainant
 2. One member from the constituency of the alleged harasser
 3. Two members from constituencies not represented by the complainant and the alleged harasser, and
 4. Chaired by a fifth member who is mutually agreeable to the complainant, the alleged harasser and the compliance officer.
7. Within five (5) working days of the hearing board's notifications or appointment, the hearing board will convene.
 - a. Members of the appropriate hearing board will be given copies of the complaint and all supporting documentation.
 - b. The Compliance Officer will serve as consultant to the hearing board relative to issues concerning policy interpretation and definition, and to assist with the hearing procedure and the coordination of the appearance of witnesses.
 - c. The hearing board shall operate in accordance with basic and traditional principles of fairness, guaranteeing appropriate due process to the complainant and the alleged harasser.
 - d. All board hearings shall be governed by the uniform hearings rules which are available from a compliance officer.
 8. The hearing board, within ten (10) working days of the completion of the hearing, will forward all reports and recommendations (including majority and minority reports if appropriate) to the Compliance Officer.

9. Within five (5) working days of receiving the recommendation(s), the Compliance Officer shall forward the recommendation to the Executive Minister who shall make the final decision. The Executive Minister will be responsible for the written notification to all parties.
10. The Compliance Officer will be involved in monitoring the implementation of any actions specified in the final decision.
11. Infractions of CNC's policy and procedures on sexual harassment may result in a number of remedies designed to restore the complainant to circumstances that existed prior to the harassment, including but not limited to: restoration of pay, benefits, or rights lost; reassignment to another job site.
Some cases may warrant disciplinary action including but not limited to letters of warning or reprimand; mandatory counseling; suspension with or without compensation; dismissal or termination.
12. An appeal of a decision resulting from a hearing as outlined in these formal procedures may be made to the Executive Minister by either party. Appeals to the Executive Minister may be made only in writing and the non-appealing party shall have an opportunity to respond in writing to the issues raised by the appellant. The only issues that will be considered by the Executive Minister on appeal will be:
 - a. The allegation that new evidence has been discovered that was not available at the time of the hearing and if presented would materially affect the deliberations of the hearing board,
or
 - b. Allegations of gross procedural errors in the hearing proceeding that materially affect the fairness of the hearing.

The Executive Minister's decision concerning the appeal shall be final.

13. If at any point in the formal procedure a fair treatment of a complaint becomes jeopardized due to constrictions in time, or unavailability of strategic witnesses, etc. extensions in the deadlines may be granted at the discretion of the Compliance Officer.
14. An official, confidential record will be kept of all complaints. Such a record will consist of proceedings from the informal complaint (if any), plus the Compliance Officer's investigations, and the ad hoc hearing board's findings and recommendations.