



MESSIAH LUTHERAN CHURCH

Safe Church Policy

Purpose

Providing a safe and secure environment is vital to a healthy, functioning community of faith. Messiah Lutheran Church confesses that harassment, including sexual harassment and other forms of abuse and neglect do occur in faith communities. The purpose of this policy to reduce the potential for harassment or abuse and to outline procedures to be followed in the event that harassment or abuse is alleged or suspected. This policy outlines prevention, reporting and response processes in three different scenarios:

- 1) Abuse of a child.
- 2) Adult-adult abuse.
- 3) Abuse in the workplace.

Messiah Lutheran Church is committed to keeping our church and ministries safe. This is vital to the mission of the church. Therefore, the Congregation Council will review this policy every three years to determine if it needs to be updated. This will help and enable clergy, staff, leaders, volunteers, and congregation members to understand and live into the importance of this policy. It the responsibility of the Pastor, the Safe Church Team and the Congregational Council to review compliance with this policy.

Screening

- 1) All staff and volunteers who have regular and direct contact with children/youth/vulnerable adults must:
 - a) Fill out the approved registration form. This form will:
 - i) Ask whether the applicant has ever participated in, been accused of, pled guilty/ no contest to, or been convicted of abuse or any sexual misconduct.
 - ii) Ask whether the applicant has been convicted of or pled guilty/ no contest to any criminal offense of any kind (not including minor civil offenses).
 - iii) Request the applicant for the names of two references with references being checked prior to employment or the beginning of volunteering.
 - iv) Ask whether the applicant has read and understands this policy.
 - b) Complete an annual interactive volunteer sexual harassment prevention training that meets or exceeds the minimum standards as outlined by the New York State Department of Labor and Division of Human Rights.
 - c) Complete a background check prior to employment or the beginning of volunteering.
- 2) All individuals in a volunteer supervisory role with children/youth must have been active members or active prospective members of the faith community for at least six months.
- 3) Rostered ministers will attend boundary workshops as part of regular continuing education.
- 4) Rostered ministers will undergo an extensive background check.
- 5) All records will be kept in a locked confidential locked cabinet in the Parish Administrator's Office.

Prevention of Harassment of Children, Youth and Vulnerable Adults

- 1) Children/youth/vulnerable adults must be supervised while attending all ministry activities and events at Messiah or at off-site locations with two adults present.
- 2) All ministry activities and events with children, youth and vulnerable adults must occur in open view.
- 3) The required ratio of adult supervisors to children or youth is one to eight.
- 4) An annually updated registration and health form is required before a child or youth can participate in events Messiah or at off-site locations without a parent or guardian present.
- 5) Parent/legal guardian-signed permission forms are required before a child or youth can participate in all off-site activities and overnight activities without a parent or legal guardian present.

- 6) Separate sleeping areas for individuals of different genders will be provided at all overnight events. Adults will be designated to each area and will be present for the entire overnight event. Male and female adults must be present for all multi-gender overnights.
- 7) Each overnight event requires discussion of a written set of boundaries and expectations between adults, children and youth near the beginning of the event.
- 8) In cases where inappropriate comments or actions take place in a public event (such as worship), all individuals are encouraged to get the attention of the ushers or pastor, who in turn will call 911. In case of immediate danger, individuals are encouraged to call 911 themselves and then inform the ushers or pastor.

Prevention of Adult-Adult Harassment

- 1) Staff and volunteers are to avoid one-to-one meetings where they cannot be viewed by others.
- 2) Staff and volunteers are expected to be cautious with touch. Limit physical contact to a brief side-by-side hug or pat on the shoulder, hand or forearm. Hugs can be misconstrued as meaning something more than the giver intended.
- 3) Rostered ministers should meet with adults for only three pastoral visits in a short period of time. If the adult needs more care, the rostered minister should provide references for additional professional help.
- 4) In cases where inappropriate comments or actions take place in a public event (such as worship), all individuals are encouraged to get the attention of the ushers or pastor, who in turn will call 911. In case of immediate danger, individuals are encouraged to call 911 themselves and then inform the ushers or pastor.

Prevention of Sexual Harassment in the Workplace

Messiah Lutheran Church is committed to maintaining a workplace free from all forms of abuse or harassment, including sexual harassment. Sexual harassment is a form of workplace discrimination. All staff are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of Messiah's commitment to a discrimination-free work environment. Sexual harassment is against the law and all staff have a legal right to a workplace free from sexual harassment. Staff are urged to report sexual harassment by filing a complaint internally with Messiah Lutheran Church or filing a complaint with a government agency or in court under federal, state or local antidiscrimination laws (see Appendix III).

- 1) This portion of the Safe Church Policy applies to all staff, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Messiah Lutheran Church. In the remainder of this document, the term "staff" or "staff member" refers to this collective group.
- 2) Sexual harassment will not be tolerated. Any staff or other individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
- 3) No person covered by this portion of the policy shall be subject to adverse action because the staff member wishes to report an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Messiah Lutheran Church will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any staff member who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform our Safe Church Response Team. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained in the section on legal protections of this policy (Appendix III).
- 4) Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Messiah Lutheran Church to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
- 5) Messiah Lutheran Church will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Messiah Lutheran Church will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have

occurred. All employees, including managers, supervisors and rostered ministers, are required to cooperate with any internal investigation of sexual harassment.

- 6) All staff members are encouraged to report any harassment or behaviors that violate this policy. Messiah Lutheran Church will provide all staff with a complaint form to report harassment and file complaints (see Appendix V).
- 7) Supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Safe Church Response Team.
- 8) This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

Social Media Use

- 1) All staff and volunteers are expected to keep the same professional boundaries in social media communications as they would in person.
- 2) All staff and volunteers are expected not to post pictures of or information about children or youth on the internet without the permission of their parent or legal guardian. This permission is included on a child or youth's registration form.
- 3) All staff and volunteer communication with children or youth are subject to parental and organizational oversight. Communications of a sexual nature, sexting, harassment, threats, obscenities or intimidation are strictly forbidden.

Mandated Reporting of Child Abuse

A report of child abuse and/ or neglect can be made by any person who has reasonable cause to suspect that abuse or neglect. Certain professionals such as doctors, nurses, teachers, police officers, and child care center workers are mandated by New York State law to report suspected child abuse and neglect to the state hotline, the New York State Central Register (SCR).

At Messiah Lutheran Church the following individuals must report suspected child abuse:

- 1) Staff members who are rostered leaders.
- 2) All other staff members, including custodial staff and nursery or child care staff.
- 3) All volunteer teachers and leaders who have reasonable cause to suspect child abuse or neglect (which includes verbal reports and/or observations).

The Child Abuse Reporting Process

- 1) Call 911 if you believe a child is in immediate danger.
- 2) Contact the Safe Church Team, who will notify the Pastor and President (unless they are implicated in the abuse). In an emergency situation and these people cannot be found, proceed with the reporting process and follow up with the Safe Church Team later.
- 3) You may call the child protection national hotline (1.800.4ACHILD), which can give advice and guidance and may be helpful before reporting to the statewide number.
- 4) All reports must be made to the NY State Central Register Mandated Reporter Hotline (1.800.342.3720).

Steps 1 through 4 must be taken within 24 hours, preferably immediately if the situation allows for it.

- 5) Complete a "Child or Adult-Adult Abuse Report Form" (Appendix IV) which can also be found beneath the mailboxes in the Parish Administrator's Office. This documentation will be kept in a locked drawer for confidentiality purposes in the Parish Administrator's Office.
- 6) Confidentiality regarding the reporting process is essential. The person who made the report is not to discuss the situation with anyone except the church volunteers and staff members mentioned in the Step 2.
- 7) It is the responsibility of legal authorities to notify the alleged offender of the allegations. However, Messiah Lutheran Church does understand its mission to provide pastoral care to the abuser and abused after the accused is notified.
- 8) For reasons of confidentiality, the Safe Church Team co-chairs will be appointed as the liaisons between the legal authorities and the Church Staff and Congregation Council.

- 9) All those involved must document their involvement in the reporting process and any follow-up action they have taken. This documentation will be kept in a locked drawer for confidentiality purposes in the Parish Administrator's Office.

The Adult-Adult Abuse Reporting Process

- 1) Call 911 if you believe you or anyone else is in immediate danger.
- 2) If a volunteer or staff member misuses their authority in any way, the victim should report the abuse to the Pastor and President immediately (unless they are implicated in the abuse).
- 3) If the harassment or abuse is of a serious and/or sexual nature, it should be reported to the Safe Church Team, who will consult with the Pastor and President (unless they are implicated in the abuse).
- 4) The victim, in consultation with the Pastor, President or Safe Church Team depending on the situation, is encouraged to complete a "Child or Adult-Adult Abuse Report Form" (Appendix IV) which can also be found beneath the mailboxes in the Parish Administrator's Office. This documentation will be kept in a locked drawer for confidentiality purposes in the Parish Administrator's Office. Confidentiality regarding the reporting process is essential. The person who made the report is not to discuss the situation with anyone except the church staff members mentioned in the Step 3.
- 5) Anyone who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections (Appendix III).
- 6) If outside legal authorities are involved, it is their responsibility to notify the alleged offender of the allegations. However, Messiah Lutheran Church does understand its mission to provide pastoral care to the abuser and abused after the accused is notified.
- 7) For reasons of confidentiality, the Safe Church Team co-chairs will be appointed as the liaisons between the legal authorities and the Church Staff and Congregation Council.
- 8) All those involved must document their involvement in the reporting process and any follow-up action they have taken. This documentation will be kept in a locked drawer for confidentiality purposes in the Parish Administrator's Office.
- 9) If the adult perpetrator or alleged perpetrator is not an active member, staff member or volunteer at Messiah, reporting abuse is more complicated. For example, the abused adult may not be ready to receive help. This category of abuse should not be minimized, but the problem is beyond the scope of this document. Rostered ministers and other staff can help with referrals and sources of help for the abuser, the abused or the person who suspects the abuse. In the extreme case when someone is reporting that someone is in danger, then 911 should be called immediately.

The Abuse in the Workplace Reporting Process

- 1) Preventing sexual harassment in the workplace is everyone's responsibility. Messiah Lutheran Church cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Safe Church Team or call 911 in case of immediate emergency.
- 2) Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Safe Church Team or call 911 in case of immediate emergency.
- 3) Reports of sexual harassment in the workplace may be made verbally or in writing. A form for submission of a written complaint is attached to this policy (Appendix V) and can be found beneath the mailboxes in the Parish Administrator's Office. All are encouraged to use this complaint form. Staff who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.
- 4) Staff, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections (Appendix III).
- 5) All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Safe Church Team.
- 6) In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation (see Appendix II).

- 7) If outside legal authorities are involved, it is their responsibility to notify the alleged offender of the allegations. However, Messiah Lutheran Church does understand its mission to provide pastoral care to the abuser and abused after the accused is notified.
- 8) For reasons of confidentiality, the Safe Church Team co-chairs will be appointed as the liaisons between the legal authorities and the Church Staff and Congregation Council.
- 9) All those involved must document their involvement in the reporting process and any follow-up action they have taken. This documentation will be kept in a locked drawer for confidentiality purposes in the Parish Administrator's Office.

Response to Child Abuse Allegations

- 1) If a report of suspected abuse is made to the NY State Central Register Mandated Reporter Hotline or law enforcement, the Safe Church Team, in consultation with the Pastor and President (unless they are implicated), will contact the congregation's insurance company, the ELCA Hudson-Mohawk Conference Dean and the Bishop of the ELCA Upstate New York Synod. The Pastor and President (unless they are implicated) will decide if an attorney should be contacted.
- 2) The Congregation Council will be notified of the general receipt of a report of suspected abuse.
- 3) Any paid staff person suspected of sexual or physical abuse of a child or youth will be suspended from their position with pay for up to 90 days during the investigation period. Any volunteer suspected of child abuse will be suspended from their position and any other responsibilities during the investigation period.
- 4) If the volunteer, staff or church member confesses or is found guilty, then that person will be removed or dismissed from their position or office in accordance with Chapter 9 and/or Chapter 15 of the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church of the Messiah*.
- 5) If the media and/or the larger community becomes involved, then it is advised to have one person act as a church spokesperson (most likely the Pastor or President) who can prepare a public statement with accurate but limited information. The ELCA Hudson-Mohawk Conference Dean and the Bishop of the ELCA Upstate New York Synod should be consulted on the best way to convey this information to the congregation and the larger community.
- 6) Any victim or perpetrator of abuse or suspected abuse will receive appropriate and confidential pastoral care to the highest extent allowed by this policy, as well as referrals to professional counseling services. Secondary victims, such as friends and relatives, may also need support and/or pastoral care.

Response to Adult-Adult Abuse Allegations

- 1) Upon written or verbal receipt of an allegation of abuse, the Pastor, President or Safe Church Team, depending on the nature of the abuse, will conduct an immediate review of the allegations, and take any interim actions such as calling 911 in case of immediate emergency or instructing the accuser or reporter to refrain from communications with the accused, as appropriate. If an allegation of abuse is verbal, the accused or reporter is encouraged to complete a "Child or Adult-Adult Abuse Report Form" in writing.
- 2) If a "Child or Adult-Adult Abuse Report Form" is submitted in any case, the Safe Church Team, the Pastor and President will be immediately notified (unless they are implicated in the abuse). The Safe Church Team, in consultation with the Pastor and President, will contact the congregation's insurance company, the ELCA Hudson-Mohawk Conference Dean and the Bishop of the ELCA Upstate New York Synod for further guidance and support. The Pastor and President will decide if an attorney should be contacted.
- 3) If someone other than the adult victim of abuse submitted an allegation, the Safe Church Team will discern with the victim if they wish to pursue the matter further either internally (see below) or externally (see Appendix III).
- 4) The Congregation Council will be notified of the general receipt of a report of suspected abuse.
- 5) If documents, emails or phone records are relevant to the investigation, the Safe Church Team will take steps to obtain and preserve them.
- 6) The Safe Church Team will request and review all relevant documents, including all electronic communications.
- 7) The Safe Church Team will interview all parties involved, including any relevant witnesses;
- 8) The Safe Church Team, in consultation with the volunteers and staff listed in Step 2, will create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a) A list of all documents reviewed, along with a detailed summary of relevant documents.
 - b) A list of names of those interviewed, along with a detailed summary of their statements.

- c) A timeline of events.
 - d) A summary of prior relevant incidents, reported or unreported.
 - e) A decision and final resolution of the complaint, together with the basis for that decision and any corrective action(s).
- 9) Written documentation and associated documents will be kept in a locked drawer in the Parish Administrator's Office.
 - 10) The Safe Church Team will promptly notify the individual who reported the individual(s) about whom the complaint was made of the final determination and assist the Congregation Council in implementing any corrective actions identified in the written document in accordance with Chapter 9 and/or Chapter 15 of the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church of the Messiah*.
 - 11) The Safe Church Team will notify the individual who reported an allegation of the right to file a complaint or charge externally as outlined in Appendix III: Legal Protections and External Remedies.

Response to Abuse in the Workplace Allegations

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any staff member may be required to cooperate as needed in an investigation of suspected sexual harassment. Messiah Lutheran Church will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy (see Appendix II).

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- 1) Upon receipt of complaint, the Safe Church Team will conduct an immediate review of the allegations, and take any interim actions such as calling 911 in case of immediate emergency or instructing the respondent to refrain from communications with the complainant, as appropriate. If complaint is verbal, encourage the individual to complete a "Workplace Abuse Report Form" in writing. If he or she refuses, prepare a Workplace Abuse Report Form based on the verbal reporting (Appendix V).
- 2) The Safe Church Team will notify the Pastor and President (unless they are implicated in the abuse), that an allegation has been received. The Safe Church Team, in consultation with the Pastor and President, will contact the congregation's insurance company, the ELCA Hudson-Mohawk Conference Dean and the Bishop of the ELCA Upstate New York Synod for further guidance and support. The Pastor and President will decide if an attorney should be contacted.
- 3) The Congregation Council will be notified of the general receipt of a report of suspected abuse.
- 4) If documents, emails or phone records are relevant to the investigation, the Safe Church Team will take steps to obtain and preserve them.
- 5) The Safe Church Team will request and review all relevant documents, including all electronic communications.
- 6) The Safe Church Team will interview all parties involved, including any relevant witnesses;
- 7) The Safe Church Team, in consultation with the volunteers and staff listed in Step 2, will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a) A list of all documents reviewed, along with a detailed summary of relevant documents.
 - b) A list of names of those interviewed, along with a detailed summary of their statements.
 - c) A timeline of events.
 - d) A summary of prior relevant incidents, reported or unreported.
 - e) A decision and final resolution of the complaint, together with the basis for that decision and any corrective action(s).

- 8) Written documentation and associated documents will be kept in a locked drawer in the Parish Administrator's Office.
- 9) The Safe Church Team will promptly notify the individual who reported the individual(s) about whom the complaint was made of the final determination and assist the Congregation Council in implementing any corrective actions identified in the written document in accordance with Chapter 9 and/or Chapter 15 of the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church of the Messiah*.
- 10) The Safe Church Team will notify the individual who reported of the right to file a complaint or charge externally as outlined in Appendix III: Legal Protections and External Remedies.

Messiah's Response to a Sexual Offender

- 1) If a registered or known sexual offender, meaning that their crime and offense is on public record or is disclosed by an applicant during the screening process, wants to become involved in the life of the church, then the Pastor and President may first want to contact the church insurance agent, the ELCA Hudson-Mohawk Conference Dean, the Bishop of the ELCA Upstate New York Synod or an attorney for further guidance.
- 2) The Congregation Council and the Safe Church Team will be notified of the situation. If, in consultation with all the volunteers, staff and advisors listed in Step 1, it is decided to allow this person to participate in church activities, then the Congregation Council and Safe Church Team must work with the known offender to develop and sign a Covenant of Conduct in which this person agrees to the following:
 - a) Verifies the history of the offense, conviction or adjudication that was disclosed.
 - b) Consents to disclosing the history of the offense, conviction or adjudication to the congregation, usually by way of a communication from Council to all parents or legal guardians of children or youth, who can then in turn decide what precautions to take.
 - c) Consents to not participate in any child or youth ministry or volunteer activities and to possibly be barred from other church related activities.
 - d) Consents to supervision throughout the worship service and agrees to be the only person in the restroom.
 - e) Consents to refraining from engaging children or youth connected with Messiah Lutheran Church in private conversation in any way.
- 3) The Congregation Council and Safe Church Team will communicate with the congregation and let them know that boundaries have been set, what those boundaries are and that the offender will be monitored and looked after. These restrictions are to be imposed for a minimum of three years with periodic reviews.
- 4) The Congregation Council and Safe Church Team will obey all known court-imposed orders and treatment requirements. Any violation will result in steps of discipline in line with Chapter 9 and/or Chapter 15 of the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church of the Messiah*. The Congregation Council and Safe Church Team will report any suspected sexual offense immediately as outlined above.
- 5) If the sexual offender does not disclose a conviction or adjudication and the church learns of it later (including through the screening process), then the offender will be denied the application to a position and/or be removed from any paid or voluntary position or duties in line Chapter 9 and/or Chapter 15 of the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church of the Messiah*. If this person wants to remain involved in the life of the congregation, they must also agree to the steps listed above.

APPENDIX I: DEFINITIONS

Harassment

In the State of New York, harassment in the first degree is defined as intentionally and repeatedly harassing another person by following them in a public place, or engaging in a course of conduct which places another person in reasonable fear of physical injury.

In the State of New York, aggravated harassment in the second degree is considered more serious than a straight harassment charge. This offense is defined as acting with the intent to annoy, threaten, or alarm another person and communicating with them or causing someone to communicate with them in a way likely to cause annoyance or alarm, or shoving, kicking, hitting, etc. another person because of their age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes:

- 1) All conduct with a child, youth or vulnerable adult that is sexual in nature.
- 2) Unwelcome conduct between adults that is either of a sexual nature.
- 3) All conduct that is directed at anyone because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender when:
 - a) Such conduct has the purpose or effect of unreasonably interfering with an individual's life or creating an intimidating, hostile or offensive environment, even if the reporting individual is not the intended target of the sexual harassment.
 - b) Such conduct is made either explicitly or implicitly a term or condition of employment.
 - c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- 1) Physical acts of a sexual nature, such as:
 - a) Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another employee's body;
 - b) Rape, sexual battery, molestation or attempts to commit these assaults.
- 2) Unwanted sexual advances or propositions, such as:
 - a) Requests for sexual favors accompanied by implied or overt threats concerning a staff member's job performance evaluation, a promotion or other job benefits or detriments; o Subtle or obvious pressure for unwelcome sexual activities.

- b) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience.
- 3) Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 4) Sexual or discriminatory displays or publications such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or mobile devices and sharing such displays.
- 5) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - a) Interfering with, destroying or damaging a person's property.
 - b) Interfering with the individual's ability to perform the job.
 - c) Sabotaging an individual's work.
 - d) Bullying, yelling, name-calling.

Who can be a target of workplace sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can workplace sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Non-Employee

Someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Safe Church Response Team

The Response Team will be comprised of one adult male and one adult female member of the Messiah congregation who are well versed with this policy. These Safe Church Team Co-Chairs will be appointed by the Congregation Council every January and announced at the Annual Meeting of the Congregation. Neither member of the Safe Church Response Team may be a current member of the Messiah Congregation Council.

APPENDIX II: UNLAWFUL RETALIATION

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- 1) made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- 2) testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- 3) opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- 4) reported that another employee has been sexually harassed; or
- 5) encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

APPENDIX III: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by Messiah Lutheran Church but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Messiah Lutheran Church, anyone may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Messiah Lutheran Church does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

APPENDIX IV: MESSIAH LUTHERAN CHURCH CHILD OR ADULT-ADULT ABUSE REPORT FORM

If you have witnessed or experienced abuse, you are encouraged to complete this form and submit it to the Messiah Lutheran Church Safe Church Team, whose names and contact are included in our monthly newsletter and posted on our Congregation Council bulletin board. You will not be retaliated against for filing a complaint.

Name of the person making the report (hereafter reporter):

Reporter's Volunteer Position:

Reporter's Phone Number:

Reporter's Email Address:

Description of the incident either reported or witnessed (including who, what, when, where):

Names of witnesses:

If suspicion of child abuse exists, when was Child Protective Services notified?

If suspicion of child abuse exists, when were the police notified?

Were any other actions taken?

Reporter's signature:

Date:

Messiah Safe Church Team received this report on:

Messiah Safe Church Team representative's signature:

APPENDIX V: MESSIAH LUTHERAN CHURCH WORKPLACE ABUSE REPORT FORM

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Messiah Lutheran Church Safe Church Team, whose names and contact are included in our monthly newsletter and posted on our Congregation Council bulletin board. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Phone:

Work Email Address:

Job Title:

Preferred Communication Method (select one): *email, phone, in-person*

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Job Title:

Work Phone:

Work Email Address:

COMPLAINT INFORMATION

Your complaint of sexual harassment is made about:

Name:

Work Title:

Relationship to you (select one): *supervisor, subordinate, co-worker, other*

Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

Date(s) sexual harassment occurred:

Is the sexual harassment continuing?

Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

Have you previously complained or provided information (verbal or written) about related incidents?

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information:

Complainant's Signature:

Date:

Messiah Safe Church Team received this report on:

Messiah Safe Church Team representative's signature: