

The Basics of Harassment, Including Sexual Harassment

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The unity of believers in Christ is reflected in the rich diversity of the Church's membership. In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. There is therefore no place in the life of the Church for discrimination against any person. [Book of Order F-1.0403]

Despite such powerful words and clear admonishment, harassment and discrimination occur in PC(USA) congregations and councils. The *Book of Order* is clear, and congregations and councils should remember that they have not only an ecclesial duty to address and prevent discrimination and harassment, but many also have a legal duty imposed by state law and perhaps federal law.

Congregations and councils and their members, ordained officers, employees, and volunteers must also comply with General Assembly policy beyond the *Book of Order*. In the [Standards of Ethical Conduct](#) (1998) it states, regarding members of the PC(USA):

I will conduct my life in a manner that is faithful to the gospel and consistent with my membership in the Presbyterian Church (U.S.A.). Therefore I will: ...

3. Be faithful, keeping the covenants I make and honoring marriage vows;
4. Treat all persons with equal respect and concern as beloved children of God;
5. Maintain a healthy balance among the responsibilities of my life's work and church membership, my commitments to family and other primary relationships, and my need for spiritual, physical, emotional, and intellectual renewal;
6. **Refrain from abusive, addictive, or exploitative behavior and seek help to overcome such behavior if it occurs.**

I will conduct myself within the Presbyterian Church (U.S.A.) so that nothing need be hidden from sisters and brothers in Christ. Therefore I will:

1. Bear witness to the gospel of Jesus Christ with courage, speaking the truth in love;
2. **Honor the sacred trust of relationships within the covenant community and observe appropriate boundaries;**
3. Be judicious in the exercise of the power and privileges of positions of responsibility I hold;
4. Avoid conflicts of interest that might compromise my witness and relationships within the community of faith;
5. **Refrain from exploiting relationships within the community of faith for personal gain or gratification, including sexual harassment and misconduct as defined by Presbyterian Church (U.S.A.) policy.** (emphasis added)

Similar language can be found in the section pertaining to employees and volunteers and the section on ordained officers. Engaging in harassing behaviors violates these Standards.

Who is an employer?

Under federal law:

Title VII applies to employers of 15 or more employees. In general Title VII makes it unlawful for an employer to:

- a. fail or refuse to hire; or
- b. to fire any individual, or
- c. otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment

because of that individual's race, color, religion, sex, or national origin.

States also have similar anti-discrimination laws, but congregations and councils should note that those laws often apply to employers of fewer than 15 people. For example, Kentucky (where the national PC(USA) offices are located) has a civil rights statute which makes it illegal to discriminate on the basis of an individual's race, color, religion, sex, national origin, and other protected categories. That law applies to employers of eight (8) or more employees.

Does our congregation need a policy?

Yes, especially if you are an employer obligated to comply with federal or state law. But it is also wise to have one in order to help your employees and ordained officers comply with General Assembly policy. Having a policy informs your employees that as an employer you do not tolerate harassment, and it informs employees how to report harassment and tells them the type of employer they work for. Such a policy also encourages respect among co-workers who work in a community of faith.

What constitutes harassment?

Harassment is a type of discrimination. Harassment is unwelcome conduct toward a victim that is based upon the person being harassed being in a protected category (in other words, the harasser is engaged in harassment based upon the victim's race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, or other protected category. Harassment becomes unlawful when:

1. the offensive conduct becomes a term or condition of continued employment, or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. The conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a charge of discrimination or making a report at work, participating in an investigation of a complaint of harassment, or for filing a lawsuit based upon allegations of harassment due to someone being in a protected category, or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Sexual Harassment

Sexual harassment is one type of harassment, and it is based upon power and gender. There are several types of sexual harassment:

1. quid pro quo – this is when one person is in a position of power over another person and demands sexual favors from the person who reports to them, often in exchange for promises of more pay or a promotion or other benefits;
2. hostile environment – this is harassment that “pollutes” the victim’s work environment to the point that it makes it difficult for them to perform their job duties. It includes behaviors such as sexual comments, inappropriate jokes, and physical contact (ex. brushing against someone in an inappropriate manner). Typically, just one incident (unless it is outrageous) is not enough, legally, to make a claim, but if one incident is reported the employer should act upon it and prevent any other future harassment. This conduct becomes a violation of law when there are repeated incidents.
3. third party harassment – this is harassment by someone who is not employed by the employer (ex. a vendor, a session member, a member of the congregation). If the harassment occurs while the employee is performing work duties, it is the employer’s obligation to stop this type of harassment.

Employer’s duties regarding harassment

As an employer you have multiple duties concerning harassment:

1. To have a policy in your employee handbook or manual to make known to your employees that you have an anti-harassment policy, against all types of harassment.
2. To train managers to recognize and put a stop to harassment.
3. To train employees on your policy and how to make reports.
4. To identify someone/some position in your organization who will receive and act on reports of harassment. There should be several paths of reporting so that if one person who is an option to report to is accused of harassment, an employee can feel as though they are not facing an obstacle in reporting. For example: you might identify the senior pastor as someone to report to, but if allegations involve the senior pastor, an employee can report to the Chair of the Personnel Committee or other employee, such as an Associate Pastor.
5. Ultimately, the employer’s duty is to prevent harassment and to immediately put a stop to it once it is reported or discovered.

[At this link](#) you will find the Presbyterian Church (U.S.A.), A Corporation's policy against harassment and reporting of harassment. You are welcome to use it as a sample to create your own policy. But keep in mind it may not be appropriate for your organization and may need to be adapted. Seek advice from your legal advisor in creating and implementing such a policy.

You can find more information on harassment at these links:

- <https://www.eeoc.gov/harassment>
- <https://www.eeoc.gov/sexual-harassment>
- <https://www.eeoc.gov/fact-sheet/facts-about-sexual-harassment>
- <https://www.shrm.org/resourcesandtools/pages/workplace-harassment.aspx>

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