

Sexual Harassment Policy

The Episcopal Diocese of Lexington (the “Church”) prohibits sexual harassment of Church Personnel by anyone (including supervisors or decision-makers, co-workers, consultants, vendors and other non-employees). The behavior of individuals engaging in such conduct, or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated.

All church personnel, whether supervisory or non-supervisory, and whether paid or volunteer, are prohibited from engaging in the conduct prohibited by this policy.

Prohibited Behavior

As noted above, the Church prohibits all forms of sexual harassment in the Church. Specific definitions and examples of sexual harassment are set forth below.

1. Sexual Harassment

Sexual harassment is prohibited by this Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

Verbal:

- repeated sexual innuendos
- sexual epithets, derogatory slurs
- off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.)
- propositions
- threats
- suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else
- inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person’s sexuality, sexual practices, sexual health, pregnancy, virility, etc.).
- This includes e-mail that was sent accidentally, for example by hitting the “forward” button instead of “reply,” or forgetting that a particular individual or worker is on one of your group lists.

Visual/Non-Verbal:

- derogatory posters
- cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.)
- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, Screensavers, or other electronic displays of a sexual nature)
- graphic commentaries
- leering

- obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, “shooting the finger,” kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

Physical:

- Unwanted physical contacts (including touching, interference with an individual’s normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault)

Other:

- Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the Church or its display, duplication, or transmission.

Such verbal and physical conduct may constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or other Church work
- Submission to or rejection of such conduct by an individual is used as a basis for employment or other Church work decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

2. Retaliation

The Church will not take any action in retaliation against any Church Personnel who, in good faith and with a genuine belief that he/she has been sexually harassed, brings or voices a complaint pursuant to this Policy or otherwise opposes sexual harassment. In addition, the Church will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Church policy and applicable law. If you believe you have been subjected to retaliation in violation of this Policy, you should report your complaint immediately in the manner specified in Section B below. Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual because such individual (1) in good faith and with a genuine belief that he/she has been subjected to sexual harassment, made an honest complaint about such conduct, (2) participated honestly and in good faith in any investigation into a sexual harassment complaint, and/or (3) in good faith opposed acts of sexual harassment.

B. Procedure for Reporting Suspected Sexual Harassment and/or Retaliation

General Procedures Applicable to All Church Personnel

If you believe that the actions or words of a supervisor/manager, co-worker, customer, vendor, volunteer, or other individual in the Church constitutes illegal or prohibited sexual harassment, you have a responsibility to promptly report that behavior to the Church's management. Prompt reporting enables the Church to stop the sexual harassment, before it becomes severe or pervasive.

If you believe you have been the victim of any form of sexual harassment or retaliation, you must promptly give notice of your complaint to one or more of the following:

Your supervisor;
Anyone in your supervisory chain;
The rector or clergy person in charge of the congregation;
A warden of the congregation;
The Bishop ;
The Bishop's Deputy for Administration; and/or
The Intake Officer

You are not required to complain to your supervisor or within your chain of command. In addition, to reporting the offending behavior to one of the people listed above, you are encouraged to speak directly to the individual whose conduct you find objectionable. You are not required to do this and it is suggested for you to consider doing only if you are comfortable doing so. If you decide to speak directly to the person involved, you may find that clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church.

You may formally or informally complain to any of the above personnel via any of the following:

Telephone call
Letter
E-mail
Fax
In-person meeting
Filing a "Notice of Concern" and/or
Online (for example, Church or Diocesan Website)

All supervisors and decision-makers are required to report all formal and informal complaints, as well as any suspected or known policy violations, immediately to the rector or clergy person in charge of the congregation (for parishes) or Bishop's Deputy for Administration or Bishop (for dioceses), and the diocesan Intake Officer even if you

ask the supervisor or decision-maker to keep the complaint confidential, or indicate that you do not wish to file a formal complaint. Church Personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent (1) sexual harassment in the Church, and (2) retaliation against those who make a good faith complaint of sexual harassment, or those who participate honestly and in good faith in either an investigation of a complaint or oppose illegal or prohibited sexual harassment in the Church.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially by the Church's management and/or its designee. Complaints may be made verbally or in writing. Once Church management receives notice of any complaint of sexual harassment it will swiftly determine whether or not a fact-finding investigation is necessary.

If it is determined that a fact-finding investigation is necessary, it will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the Church will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or Church Personnel with a need to know in order to carry out the purpose and intent of this Policy.

Corrective or disciplinary action will be taken against any Church Personnel found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination.

As the complaining party, you will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint

Additional Options for Church Employees (Not Volunteers)

This section provides additional options for Church employees, not volunteers, who believe they have been the victim of any form of sexual harassment, as prohibited by federal, state or local law.

If you are a Church employee, not a volunteer, as defined under this Policy and you believe you have been the victim of any form of illegal sexual harassment, in addition to the procedure set forth above, you also have the option of consulting with an attorney and/or filing a complaint with the Kentucky Commission on Human Rights and/or the Equal Employment Opportunity Commission (EEOC), as well as pursuing any other remedies permitted by law.

As a general matter, the time frame for filing a complaint with the Kentucky Commission on Human Rights is 180 days from the date of the alleged act of unlawful sexual harassment.

Each local community must be researched to see if they have more stringent standards than those of the Commonwealth of Kentucky.

In Kentucky, a complaint with the EEOC must be filed within 180 days from the date of the unlawful sexual harassment. [In _____, name of city/locality, a complaint must be filed with the _____ [name of local agency] within _____ from the date of the unlawful sexual harassment.]

The Church employee, not volunteer, must note that these time limits typically do not run from the date that the complaint made to the Church is resolved but from the date the act of sexual harassment, is alleged to have occurred. Please note that this is not legal advice. Individual employees are responsible for confirming the time frames for filing a complaint with these administrative agencies by contacting the agencies themselves and/or counsel.

Nothing in this posting or in the Church's sexual harassment policy creates any legal rights that did not otherwise exist nor does the Church admit that it is covered by or subject to any federal, state, or local laws.

C. General Definitions

Church Personnel

For purposes of this Policy, the term "Church Personnel" shall mean:

- All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the Church
- All paid personnel (including Church employees) whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies. For example, Choir Directors, Congregation Administrators, Church School and Sunday School Directors, etc.;
- Those who contract their services to the diocese, its congregations, schools, or other agencies
- Volunteers, including any person who enters into or offers him or herself for a Church related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, vestries, bishop's committees, boards of directors and advisory boards. For example, Executive Council, Reading Camp Board, St. Agnes' House Board, Camps and Conferences Board, Standing Committee, camp directors, etc.

- All interns, seminarians and persons in the ordination process, persons serving in field education assignments, and Deacon’s school participants.

Church Employees

For purposes of this Policy, the term “Church employees” shall mean all individuals hired by the Church who are employees of the Church for purposes of federal, state and/or local discrimination and harassment laws.

Supervisors and Decision-Makers

For purposes of this Policy, the term “supervisors and decision-makers” shall mean:

- All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment;
- All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
- All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or personnel policies or who have such oversight, including; Standing Committees, Diocesan Councils/Executive Boards, Vestries, and Bishop’s Committees who appoint or approve Persons Who Have Pastoral Relationships as defined in this Policy including all Standing Committees, Commissions on Ministry, Vestries, Boards of Directors for Schools, Bishops Committees and the like.

D. Education and Training Requirements

1. Church Personnel

Church Personnel are required to take training on sexual harassment and the organization’s sexual harassment policy. Existing Church Personnel must be trained within six (6) months of the effective date of this Policy. New Church Personnel must be trained before they start work in their Church position. If that is not possible, the Policy must be reviewed and discussed with them before they start work and the training must be completed within three (3) months of starting.

2. Supervisors and Decision-Makers

Supervisors and decision-makers must complete training on sexual harassment, including preventing and responding to sexual harassment, within three (3) months of the effective date of this Policy, or of becoming a supervisor or decision-maker.

Appendix

Resolution Number: 1991-B052

Title: Establish a Committee on Sexual Exploitation

Legislative Action Taken: Concurred As Amended

Final Text: Resolved, the House of Deputies concurring, That the 70th General Convention of the Episcopal Church declares that sexual abuse, exploitation, coercion, and harassment of adults and minors by clergy and church employees are abuses of trust, a violation of the Baptismal Covenant, contrary to Christian Character, and are therefore wrong; and be it further

Resolved, That the 70th General Convention of the Episcopal Church establish a Committee on Sexual Exploitation to be appointed by the Presiding Bishop and the President of the House of Deputies to work with the Office of Pastoral Development. It shall be the duty of the Committee on Sexual Exploitation to study, educate, develop curriculum, and propose policy and standards of conduct on sexual abuse, exploitation, coercion, and harassment, and to advise the Office of Pastoral Development as resource persons. The membership of the committee is to be representative as to sex, race and ethnic diversity. The Committee will report to the 71st General Convention.

Citation: General Convention, Journal of the General Convention of...The Episcopal Church, Phoenix, 1991 (New York: General Convention, 1992), p. 783.

General Convention Resolution A156 (2006)

Final Version – Concurred

Resolution A156

Title: Sexual Exploitation

Topic: Sexual Misconduct

Committee: Social and Urban Affairs

House of Initial Action: Bishops

Proposer: Institutional Wellness and Prevention of Sexual Misconduct Sub Committee

Resolved, That the 75th General Convention of The Episcopal Church affirm the work already occurring in many dioceses and at the same time recommit itself to the positions taken by previous General Conventions that sexual misconduct (encompassing both sexual harassment and sexual exploitation) of adults by clergy, church employees, and volunteer workers has been and continues to be of deep concern to this Church, is an abuse of trust, a violation of the Baptismal Covenant, contrary to Christian character and is, therefore, wrong; and be it further

Resolved, That each diocese adopt policies for the protection from sexual misconduct of those served by diocesan programs, those who volunteer in the work of the diocese or are employed by the diocese, and that dioceses assist congregations in the development of such procedures and policies, including using the many resources that already exist, that address the following:

the articulation of behavioral standards for all clergy, lay employees and volunteers who work with adults or who provide pastoral counseling, pastoral care, spiritual direction, or the sacraments;

a screening process for all clergy, lay employees and volunteers who provide pastoral counseling and care, spiritual direction or the sacraments and who supervise clergy or lay volunteers;

education and training for all clergy, lay employees, and volunteers as listed above, with particular attention paid to what legally constitutes sexual harassment and to appropriate behavior and inappropriate sexual or sexualized behaviors towards adults, and with periodic refresher training encouraged;

guidelines for responding to concerns of sexual misconduct; and be it further

Resolved, That each diocese shall report to the House of Bishops Committee on Pastoral Development prior to the Spring 2009 House of Bishops meeting with a copy of its adopted and implemented policy and an evaluation of the history of its use. A summary report shall be made to the House of Bishops Spring 2009 meeting and a full report made to the 76th General Convention.

C. Equal Employment Opportunity Commission (EEOC)

The directory information contained herein was current at the time it was compiled in September 2008. Agencies may change their name and/or contact information from time to time, and therefore, the information contained herein may no longer be current.

Equal Employment Opportunity Commission EEOC

Federal
US Equal Employment Opportunity Commission
1801 L. Street N.W.
Washington, DC 20507
(202) 663-4900
TTY (202) 663- 4494
1-800-669-4000
<http://www.eeoc.gov>

Indianapolis District Office- jurisdiction for Kentucky
101 West Ohio St., Ste 1900
Indianapolis, IN 46204
1-800-669-4000
TTY 1800-669-6820

D. Human Rights Issues in Private Employment

This listing was compiled and is up-to-date as of April 2009 using information available on the websites of the Kentucky Commission on Human Rights and was verified by telephone.

State-By-State List of Office Addressing Human Rights Issues
in Private Employment

Kentucky

Kentucky Commission on Human Rights
332 W. Broadway, 7th Floor
Louisville, KY 40202
Toll-Free: (800) 292-5566
Tel: (502) 595-4024

