



## Diocese of Nelson

### Sexual Harassment Policy

#### Introduction

The Church as a faith community has its pattern for relationships in the self-giving of Jesus Christ. This freely given love of Christ calls but does not coerce us into relationship.

Sexual harassment violates this understanding of Christ's love. The Church must not condone or cover up any form of behaviour that reduces the dignity of those created in God's image. Everyone, female or male, should be free to participate in all aspects of the Church's life without fear of sexual pressure, innuendo or discrimination.

We have invited competent contact people to be available to anyone who believe that they are a victim of sexual harassment – or those who are not sure about it and wish to talk to someone in complete confidence. These are people who could not be construed as having a vested interest in silence. Taking action makes it clear to men and women that Christians will not tolerate sexual harassment.

#### What is Sexual Harassment?

Sexual harassment is any form of sexual behaviour or attention which is offensive or unwelcome to the person who receives it and is repeated or of a significant nature.

Sexual harassment can be of a verbal or physical nature and includes misuse of visual material.

*Sexual harassment takes various forms including:*

- inappropriate questions and comments about one's private life
- unwanted and deliberate contact, touching, stroking, pinching
- persistent unwanted social invitations
- suggestive remarks – sexual innuendo
- offensive questions, comments, verbal abuse, leering
- sex oriented jokes or the display of cartoons, posters, pin-ups
- invasion of space (may be cultural and personality differences here)

*It is not:*

- occasional compliments
- behaviour based on mutual attractions between persons who are similarly empowered
- developing relationships between consenting parties, where neither party has more power in the relationship than the other.

## **Sexually Abusive Relationships**

Current opinion suggests that a relationship is sexually abusive when someone in authority or with some responsibility crosses professional boundaries to make sexual advances to a person for whom they have a professional or pastoral responsibility. This is so even when the advances are welcomed. It is always the responsibility of the professional person to maintain the boundaries.

The Anglican Diocese of Nelson does not tolerate sexual behaviour which is in the nature of sexual harassment and sexual abuse within its community. Such issues will be taken seriously. A monitoring group has been set up to maintain appropriate, just, and caring procedures to deal with cases of sexual harassment by members of the diocese. All complaints will be dealt with sensitively and confidentially and appropriate action will be taken. As the issues and processes surrounding such cases have been recognised and developed relatively recently, the procedures for dealing with alleged cases are still undergoing some development. However there are some agreed guidelines which have been accepted by the diocese in discussion with other dioceses in Tikanga Pakeha and the diocesan procedures have been developed from these.

All this work is based on the policy of the Human Rights Commission which accepts complaints about sexual behaviour between clients and professionals (including church pastoral relationships) as complaints of sex discrimination in that the client has been provided with less favourable services and facilities.

This handbook seeks to explain the complaints procedure and gives background information about each of the steps in the process. A flow diagram has also been provided which indicates the complaints procedure in its entirety.

A person who has experienced sexual harassment or sexual abuse may also have rights under laws such as the Human Rights Act, Employment Contracts Acts and the common law. There may also be a liability on the respondent under the Criminal Law (in a complaint to the police).

These procedures have been set up by the Church to handle complaints sensitively and compassionately within it. They do not replace other legal avenues that may be open to an individual should they wish to proceed elsewhere, and the procedure enables them to do so.

## **Sexual Harassment Procedure**

### **Contact People**

The role of a contact person is to provide information and support.

1. To listen to and affirm the value of the person who believes s/he is the victim of sexual harassment (the complainant).
2. To explain the diocesan procedure in relation to complaints of sexual harassment.

It is not the role of the contact person to act as a counsellor or therapist to the complainant, nor to act as mediator between the complainant and respondent.

The contact person may approach the facilitators at any point for support or information, with no names being shared at that time.

## Who are the Facilitators?

The Facilitators are the Monitoring Group for Sexual Harassment policy in the Diocese, who help to develop diocesan policy and to oversee the complaints procedure.

They are

- Rev Joy Bradley
- Mr David Pritchard
- Mrs Nikki Pritchard
- Mrs Kathy Hammond

They will act as Contact People or Facilitators as required. Contact people may ring the facilitators collect in connection with cases.

The Contact Person would approach a Facilitator who would either agree to follow the case through, or would refer it to another Facilitator if appropriate. The Facilitator may choose to consult with others in the Monitoring Group for advice, with no names being given.

## Guidelines for contact people and facilitators

**1. Check** When a complainant (alleging they are a victim of sexual harassment) rings you, arrange to meet with them, but check first that you are the right person for them to see. Would they prefer someone of a different age, gender, and race? Don't give the impression that you want to push them off to someone else; just that there are different people to choose from and it is their right to choose. The contact person should be free to decline to take up a case if their other commitments preclude it or if they know personally either the complainant or the respondent, which may compromise their impartiality.

**Arrange** To meet them at a TIME and VENUE that they are happy with – a quiet place where you won't be disturbed. Check the room and chairs are ok – comfortable, non-threatening. Mention the possibility of them bringing a friend for support if they want to.

During your meeting, help the person to relax. Be friendly and relaxed yourself. But don't physically comfort the person. Have a box of tissues handy.

**2. Reassure** Them that your conversation is CONFIDENTIAL and that no action will be taken without their consent. (The only time that action could need to be taken without their consent is if there is danger to other people eg in case of rape or assault or abuse of a minor, LEVEL 4).

You need to make clear from the outset that their story will need to be told to you and two other people – the complainant to the Contact Person, the Contact Person to the Facilitator and Vicar or Bishop. Mention that you may want to contact a Facilitator for guidance in which case you would give a broad outline of the case only with no names mentioned, until specific action is taken. It may be necessary for the complainant to tell their story to the Facilitator also for purposes of accuracy and consistency.

You will need to take notes to get the detail of the story. Do not use the person's name, use an initial. These notes may be shared with the Facilitator, but they will be returned to the victim when the case is concluded

Their name would only be revealed to the respondent (harasser) if they give permission to do so. You need to make it clear that this will very likely need to happen if the case is to reach resolution.

In the case of an independent mediator being involved the complainant would have to tell the mediator their story.

### 3. Warn

Them not to talk about what is happening except to people who genuinely need to know – they may want to talk to a friend for support, but if they should do so, they should not mention the name or status of the person who is bothering them.

Give them some information about defamation – don't make accusations in public.

### 4. Listen

Hear their story. Encourage them to be specific and concrete.

Reflect back to check you got it right.. It is particularly important to get details eg of dates, places, any witnesses, physical characteristics.

**Evaluate** Was it a one-off incident, or repeated?

What is the status of the respondent – clergy?

Lay leader?

### 5. Inform

Of the diocesan procedure of action in relation to these two questions. Explain that these are the options for action that we would recommend, and that there is a time-frame for action. Check whether the person has other desired outcomes, advise that these will be taken into consideration, but we cannot promise they will happen. An example might be a written apology and explanation from the respondent.

### Levels of seriousness of Harassment

Level one	Verbal comments, remarks, jokes, invading of someone's space, posters, memos, faxes NO TOUCH INVOLVED
Level two	Touch where it could be acceptable but is open to misinterpretation eg hugging, kissing at greetings, the peace etc and it is received as unwelcome.
Level three	Inappropriate touch eg pinching, stroking, fondling, indecent exposure, Sexual favours offered, Intercourse, even if consenting (if abuse of ministerial relationship involved).
Level four	Sexual assault, rape, Sexual abuse of minors CRIMINAL CASES

### Guidelines through procedure

Contact person	– hears story – ascertains which LEVEL of harassment it is – ask Question 1 (is it one-off or repeated?) – asks Question 2 (is respondent – a parishioner – a lay leader – a licensed minister
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### **Level ONE OR TWO case and a ONE-OFF incident**

The contact person should empower the person to an informal, self-help response. Encourage the person to:

- a) Challenge the respondent face to face (not in public) telling them the behaviour is unwelcome and offensive.

Sometimes there is confusion between two people about whether a behaviour is 'unwelcome or not – encourage the person to make a clear statement that leaves no doubt about the unwelcome nature of the behaviour. You could work out with the person the exact words to say and help them practise saying them. Be clear and polite eg 'Please don't do that, I don't like it and I find it offensive.' It may be appropriate for you or another friend to go with the person as they do this, as support and a witness.

- b) Write a letter to the respondent, possibly with your help.

Offer to get back to them within a fortnight to see how they have got on.

If the complainant feels satisfied, the case is seen to be resolved. The contact person should return to the facilitator an anonymous (no names) record sheet for statistical purposes (to be supplied).

If this is not successful and harassment is REPEATED, then the contact person should check with Facilitator for further action, as follows:

### **Unresolved repeated LEVEL 1 and 2 Cases and All LEVEL 3 Cases**

The Facilitator will ask Question 2 (status of respondent) and will need to know names of complainant and respondent at this point.

#### **Informal verbal warning stage**

If respondent is a PARISHIONER or LAY LEADER, the Facilitator will ask the Vicar of the parish (or if appropriate some other person) to give an INFORMAL VERBAL WARNING in person to the respondent (ie an allegation of this behaviour has been made to the Vicar). The respondent would be entitled to bring a support person to this meeting and be given the right of reply. The name of the complainant would only be given to the respondent at the discretion of the Vicar – the complainant has to give permission for their name to be revealed. The Facilitator would make sure the Vicar was aware of the need for confidentiality. The Facilitator could be present at the time of the warning, if the Vicar requests.

If respondent is a LICENSED MINISTER, the Facilitator will ask the Bishop (or his delegated nominee) to give an INFORMAL VERBAL WARNING in person to the respondent (ie an allegation of this behaviour has been made to the Bishop). The respondent would be entitled to bring a support person with them to this meeting and be given the right of reply. The name of the complainant would only be given to the respondent at the discretion of the Bishop – the complainant has to give permission for their name to be revealed. At this point the Bishop would need to set out to the respondent the consequences of any further misdemeanour eg formal written warning, decision re licence, Human Rights Commission.

If the seriousness of the case warrants it, the Bishop may skip steps in the process eg verbal and written warnings.

At this informal verbal warning stage nothing is put in writing and no names are recorded. An anonymous record sheet will be completed by the facilitator for statistical purposes.

### **Formal written warning stage**

If behaviour continues or the situation is not resolved despite verbal warning, the Facilitator asks the Vicar (for lay) or Bishop (for clergy) to give the respondent a FORMAL WRITTEN WARNING (ie an allegation of this behaviour has been made) to go on personal file. This must be kept in a locked facility, or under computer password. A summary of the situation including the letter of warning will be made by the facilitator for the confidential records of the Diocesan Monitoring Group and for statistical records.

Letters summarising the resolution process will be sent by the facilitator to the complainant and the respondent. Both may respond in writing to this letter and these responses will be placed on file with other documentation on the case.

### **Mediation**

It may be appropriate that there be an alternative or an adjunct to the involvement of the Vicar or Bishop is an independent mediator could be contracted to assist the complainant and respondent to resolve the situation. This could be at the request of complainant or respondent or of the Bishop or Vicar.

The mediator would have an initial meeting with the complainant to ascertain the nature of the complaint. The mediator would then meet with the respondent so they could hear about the complaint. The mediator would then either a) act as a go-between between the parties, with them not meeting or b) act as facilitator of a meeting of both parties if appropriate.

### **Human rights commission stage**

If behaviour continues or either party is not happy with the resolution process they may lodge a formal complaint with the HUMAN RIGHTS COMMISSION but be aware there is often a time lag with this process.

At this point (or earlier if appropriate) the Vicar would need to make a decision about a lay leader continuing in leadership, and the Bishop would need to make a decision about a licensed minister's licence.

### **Level four cases**

If harassment is LEVEL 4, then this is actionable in court and the course of action would be to go to the Police. The person needs to be willing to lay charges. The Facilitator and Bishop would need to be advised of any case at this level. The Contact person could be a support person if the victim went to the Police. The Facilitator would monitor the process and keep the Bishop informed. The Bishop would need to make any decisions about licenses.

If the person does not want to pursue police action it would still be appropriate for the Bishop or Vicar to follow through the due processes.

### **What if the person doesn't want further action taken?**

A complainant may feel happy having told their story just to know they have been heard and believed and wish to let the situation rest. However if it is a case of SERIOUS HARASSMENT (LEVEL 3 or 4), then the contact person should try to persuade them that it is best that action be taken for the good of all – them as victim, other potential victims and the respondent and family. If the complainant says no to further action initially, you could suggest you come back to them again after a week to see how they feel then. You could say that you would like their permission at the least to inform the Vicar or Bishop of the name of the respondent, even if not of the complainant. (But be aware the respondent may well want to know the name of the complainant).

### **What about counselling needs?**

For LEVELS 3 and 4 the Facilitator needs to check with the complainant about COUNSELLING needs. This MAY be paid for by the Diocese if not already covered by ACC.

The Facilitator needs to check that the respondent and family have ongoing SUPPORT through the process. Rehabilitative Counselling might also be offered to the respondent, paid for by the Diocese for licensed ministers. In the case of what proves to be a false allegation counselling may still be appropriate for the respondent.

### **What is the time scale for action?**

When a contact person goes to a Facilitator, the Facilitator will get back to the contact person within a fortnight re what process will happen.

The Facilitator will ring the contact person within a fortnight following the giving of a verbal or written warning, to see if the complainant is happy with the outcome and harassment has ceased.

### **What if the harassment is not current but happened some time – maybe years ago?**

The contact person should speak to the facilitator to see if this should be addressed differently from the normal procedure.

### **Concluding the interview with the person and follow-up**

Thank them for coming to you, affirm their courage for doing this and check that they know how to contact you again, and that you and they are clear about any further action to be taken, who will be responsible for taking it, and the timeframe.

It may be appropriate to offer to pray with the person before they go, or it may not. You need to use your judgement on this. It is not appropriate at this stage to expect the complainant to forgive the respondent – remember your role at this stage is a contact person rather than a counsellor.

### **Some Resources in the Anglican Centre Library**

Jim and Sally Conway '*Sexual Harassment No More*' 253.5.

Audrey Colbert '*Dealing With Sexual Harassment*' – NZ Handbook 305.4

Human Rights Commission '*Sexual Harassment in the Workplace*' 305.4

Ann Borrowdale '*Distorted Images – Christian Attitudes to Women, Men and Sex*' 268.16