



EASTERN SYNOD of the
Evangelical Lutheran Church in Canada

**POLICY AND GUIDELINES RELATING TO HARASSMENT
OF CLERGY, EMPLOYEES AND VOLUNTEER LEADERS
AND CONGREGATIONAL MEMBERS**

POLICY:

We confess that all persons are created in the image of God and are valued as individuals. It is the policy of the Eastern Synod of the Evangelical Lutheran Church in Canada to maintain a work environment and working relationships based on mutual respect and freedom from harassment. The Synod recommends this policy to its congregations and agencies. In this environment, congregational members and employees shall not tolerate any form of harassment and have a responsibility to ensure that their behaviour is not contrary to this policy. Complaints of harassment are to be taken seriously and dealt with in a spirit of compassion and justice.

The pastor and council members are responsible for discouraging employment related harassment and ensuring that congregational members are aware of their responsibilities to prevent harassment.

SCOPE:

This policy applies to members and persons involved in church related activities and includes all incidents of harassment which adversely affect congregational working relationships whether they occur in or outside of church related activities. It covers the harassment of clergy, clergy family, church employees, volunteer leaders and members.

DEFINITION:

Harassment is defined as one or a series of incidents involving comments or conduct that is known or ought reasonably to be known to be unwelcome when:

- a) such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation, or
- b) such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment

It can occur in the form of behaviour by men towards women, women towards men, between men, between women, or towards children. However, any child abuse or suspected child abuse must be reported to provincial authorities and dealt with as such.

OPERATING GUIDELINES:

WHAT TO DO WHEN HARASSMENT OCCURS:

THE COMPLAINT PROCESS

You, the individual complainant, have the right to decide how to deal with harassment. However, incidents for which criminal charges could be laid should be dealt with accordingly. You should not feel guilty. It is the harasser who is wrong and not the victim. If you feel you are being harassed, you should speak up or your lack of action may be interpreted as acceptance. Incidents of harassment should be documented. Keep a written record of the incident(s) including what the harasser did and said, who saw what, your response and to whom you reported anything. You may decide to proceed informally or you may decide to initiate formal action immediately, or if the informal procedures are unsuccessful.

INFORMAL PROCESS

Not all incidents of harassment require formal complaints to deal with the situation and may be resolved in an informal manner. Sometimes an exaggerated response to a misinterpreted action can cause great pain and turmoil out of proportion to the incident.

Informal resolution options:

1. When you feel you are being harassed, communicate your disapproval and objections immediately to the harasser, either personally or in writing, and request the harasser to stop.
2. If the harassment does not stop or if you are not comfortable with addressing the harasser directly, take your concern to the Mutual Ministry Committee and/or pastor for discussion and advice. All conversations with the Mutual Ministry Committee or pastor with respect to allegations of harassment are to be kept confidential.

FORMAL PROCESS

If you decide to resort to a formal process, you should advise Synod Office of your actions and you should provide details of the alleged harassment, what you have done about it and whether or not it has been resolved.

Formal resolution options:

Action within the Congregation

1. Request the Mutual Ministry Committee to investigate the allegations of harassment to resolve the matter as expeditiously as possible. They will examine the allegations, advise the alleged harasser of the proceedings and request the alleged harasser to respond to the allegations. The committee will then determine the most appropriate manner of dealing with the harassment, if in their opinion the allegations are founded. This may include obtaining the apology of the harasser, and suggesting counseling and/or education for the harasser. If it is determined that, in their opinion, no harassment has taken place, the confidentiality of all parties should be maintained.

2. Take the matter directly before council in written detail for action. The chairperson may appoint two or more persons to investigate, resolve or report to council with recommendations on necessary action. The alleged harasser shall be provided with a copy of the written allegation and shall have an opportunity to respond. The confidentiality of the complainant and the alleged harasser should be protected during the process. Both you and the alleged harasser shall be informed of the decision. If it is determined that, in their opinion, harassment has occurred, council will take necessary action which may include obtaining the apology of the harasser, informing the congregation (if you agree), and suggesting counseling and/or education for the harasser. If it is determined in council's opinion that no harassment has taken place, or that some form of harassment has taken place but that no further action is deemed necessary, the confidentiality of all parties should be maintained.
3. Take the matter before council in accordance with Article IV Section 6 of the constitution as "conduct that is grossly unbecoming a member of the body of Christ" and invoke the discipline procedures in the constitution.

Alternatives to Congregational Action:

1. File a complaint with the provincial Human Rights Commission in accordance with the Code or Act.
2. In cases of sexual assault, obscene phone calls, intimidation and criminal harassment (where there is a fear of safety), you should report the incident to the police and take action under the Criminal Code.
3. If you have suffered mental or physical damages, you may be able to bring a civil action against the person who caused the injury.
4. You may use the facilities of a mediator if both parties agree and it is appropriate in the circumstances.
5. If the complaint involves sexual harassment or abuse by the pastor the matter shall be dealt with according to the constitution of this church and its policies.

THE ROLE OF THE EASTERN SYNOD OFFICE

You and/or the alleged harasser(s) may contact the Synod Office for further information and/or ask the Bishop to appoint a pastoral support worker who will be appointed in appropriate circumstances to serve as interpreter of the process, suggest procedural protocol and provide pastoral ministry. It is unconstitutional for the Bishop to initiate action against individual members of a congregation.

EASTERN SYNOD of the
Evangelical Lutheran Church in Canada
74 Weber St W
Kitchener, ON N2H 3Z3

Phone: (519) 743-1461

Fax: (519) 743-4291

Toll Free: 1-877-373-5242

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