

# Highland Mennonite Brethren Church Conduct Manual Harassment and Abuse Policy

It is the commitment of Highland Mennonite Brethren Church (“HMBC”) to do everything possible to ensure the safety of those who participate in our ministries and to recognize our responsibility to protect the people in our care. This includes safeguarding all persons from all forms of abuse and to shield workers from false allegations that would hinder their ministry. The following procedures are intended to balance the spiritual responsibility of HMBC with its moral, ethical, and legal obligations under the laws of Canada and the Province of Alberta. Adhering to these guidelines is also required to maintain proper abuse coverage of HMBC with its insurance provider under its commercial general liability policy. See HMBC’s Plan to Protect® Policy for specifics concerning vulnerable persons (children, youth, and vulnerable adults).

## 1. Scope

This policy is intended to apply to the following persons in the HMBC working environment (whether working on HMBC premises or anywhere else as a result of employment or volunteer responsibilities and relationships):

- paid HMBC staff at all levels;
- volunteers elected or appointed to HMBC positions;
- persons from other organizations or individuals who are employed or approved for specific tasks or services by HMBC.

For the purpose of this policy, a person falling under the jurisdiction of HMBC as listed above will hereafter be referred to as “Staff or Volunteer.” No Staff or Volunteer may harass and abuse another staff member, volunteer or visitor. In addition to HMBC employee, volunteer and visitor relationships within the HMBC premises, staff and volunteers also have contact with people outside the premises that may present a potential arena for sexual or other kinds of harassment to occur. This includes HMBC staff and volunteers working from remote locations, traveling together, as well as staff relationships with other people. The same standards and expectations apply to these situations as apply within the premises among HMBC staff member , volunteers and visitors.

Any individual within or outside of HMBC can use these guidelines to register a complaint of harassment against an HMBC employee or volunteer.

HMBC also recognizes that its staff and volunteers may be subject to harassment by vendors, constituents and office visitors. In these cases HMBC recognizes their responsibility to support the complainant and assist them in resolving these situations wherever possible.

## 2. Philosophy

God our creator and redeemer has called each of us to a basic and deep respect for all humankind. We desire to give leadership in holding each other accountable to this call as well as calling society to this standard. Sexual harassment and abuse violate this sacred call as does all harassment based on race, gender, religion, national origin, disability or any other class protected by discrimination laws. We seek to apply our values of communication, community, diversity and integrity to our work in a harassment-free environment.

## 3. Definitions

### 3.1. Harassment

Harassment includes a wide spectrum of offensive behaviour that is intended to disturb or upset another individual. It occurs when two or more people are involved in one or more

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incidents where a “reasonable person should have known” that the behaviour towards one or more individuals was unwelcome, threatening or disturbing. Harassment is a violation under Alberta's *Human Rights, Citizenship and Multiculturalism Act* and is specifically defined as any unwanted physical or verbal conduct intended to offend or humiliate. This may include, but is not limited to, unwelcome remarks or jokes with regard to an individual's race, religious beliefs, colour, age, gender, physical or mental disability, marital status and/or sexual orientation; unnecessary physical contact; threats and intimidation.

For behaviour to be harassment, it must usually be repeated or persistent, unless the harassment is very serious, such as sexual assault.

Employers are responsible for any harassment in the working environment, and they must take appropriate action against any employee or volunteer who harasses someone else. Working environments should have an anti-harassment policy, which staff and volunteers can ask to see.

Conduct that is legitimately linked to the needs of the work or job, however, such as asking an employee or volunteer to participate in a performance appraisal or to provide a medical note to explain an absence, will not be considered harassment.

## 3.2. Sexual Harassment

HMBC recognizes two areas of sexual harassment:

- A quid-pro-quo<sup>1</sup> type of harassment where sexual favours are expected or requested from or offered to a HMBC employee or volunteer in exchange for some benefit or where discrimination or discipline is threatened if expectations or the requests are not met. This kind of conduct generally involves a person in a position of authority.
- Maintaining, condoning or contributing to an offensive work environment which may include, but is not limited to, a variety of unwelcome behaviours (listed below) which may create a hostile or intimidating atmosphere. The initiator of the action is expected to change behaviour upon notification that it is offensive. Any repeated unwelcome behaviour is harassment regardless of whether or not it is intended as such.

Sexual harassment, for the purposes of this policy, may include the following:

- Unusual and overly friendly attention, including such things as gifts, frequent social telephone calls, emails, letters, private visits, etc.;
- Persistent shadowing or following; repeated or prolonged staring;
- Sexual talk and innuendo, dirty jokes and offensive gestures;
- Sexual or intrusive questions about the individual's personal life;
- Use of familiarities or diminutives such as "honey," "baby," "dear," etc.;
- Whistling, catcalls, leering;
- Unsolicited or unwelcome flirtations, romantic gestures, advances, propositions, manner of dress or display of body;
- Graphic, degrading, excessive or unwelcome comments about another individual's appearance, dress or anatomy;
- Display of sexually suggestive objects or pictures;

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<sup>1</sup> **Quid pro quo** is a Latin phrase meaning “something given or received for something else.”

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- Explicit descriptions of the HMBC employee or volunteer's own sexual experiences;
- Unnecessary, unwanted physical contact such as touching, hugging, pinching, patting, kissing;
- Verbal and emotional manipulation and control;
- Exposing genitalia;
- Physical or sexual assault;
- Sexual intercourse or rape.

## 3.2.1. Retaliation

For the purposes of this policy, retaliation against an individual for having invoked this policy, for having participated in the investigative process or for associating with a person who has invoked this process will be treated as harassment.

## 4. General Principles

Every HMBC employee and volunteer has a responsibility to ensure that the working environment is free from harassment. Persons who observe such incidents should discuss the problem with their supervisor or any person on the Leadership Team Executive of HMBC. Such supervisors will take appropriate steps to investigate or make further reports to the Leadership Team Executive on the problem, keeping the information as confidential as is reasonably possible.

Persons who choose to follow the procedures outlined in this policy will not be discriminated against in any way. The goal is to address and rectify problems rather than to deny them or cover them up. It is the policy of HMBC to promote diversity in the work environment and maintain an environment free of intimidation, insult, hostility, harassment and abuse.

Those who offer to facilitate dialogue between parties and those who formally investigate are expected to

- excuse themselves from either role if there is a conflict of interest or a perceived conflict of interest; and
- avail themselves of any training opportunities that will sharpen their skills regarding conflict mediation, investigation procedures, and other related areas.

## 5. Processing Complaints

### 5.1.1. Informal Direct Contact - Negotiation

Where a person might reasonably be unaware that his or her comments or actions are unwelcome, the complainant should, if at all possible, first clearly make known to the other person that such comments and conduct are unwelcome and ask that they cease. It is often helpful to write down such conversations and actions.

### 5.1.2. Informal Facilitation Assistance - Mediation

It will not always be possible for the offended person to directly confront the offender, often because of power dynamics. In such a case, consultation with another member of HMBC staff or Leadership Team Executive may be helpful in facilitating resolution. If such persons should agree to act, they should do so as an impartial third party and assist the complainant and the respondent to explore resolution of the conflict. Facilitators cannot nor should not promise complete

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confidentiality in matters that may constitute harassment, since they may be required by this policy to file a report to a member of the Investigation Team (see below), should the case be taken to the next step. However it should be stressed that only those who need to know will be informed and that all efforts will be made to maintain as much confidentiality as possible.

## 5.1.3. Formal Investigation Team - Arbitration

Anyone who believes the acts or comments of a HMBC employee or volunteer constitute harassment is encouraged to communicate with his or her immediate supervisor. If the complaint is against the immediate supervisor, the complainant should communicate to the Core Ministries Coordinator. If the complaint is against the Core Ministries Coordinator, the complainant should communicate to the Leadership Team Executive. A decision should be made together whether or not to engage in a formal investigation. Formal complaints must be presented in writing. An Investigation Team will then be put in place.

The Investigation Team shall consist of a primary investigator and a recorder. HMBC will work to seek gender balance in designating a two-person Investigation Team which will act together in responding to any complaint. Normally the primary investigator will be a member of the Leadership Team Executive unless there is a conflict of interest situation or the perception of a conflict of interest while investigating the allegation. If deemed necessary, a suitable, trained investigator will be selected from outside of the HMBC congregation. The recorder of the team may be found from within the congregation. The team may consult with a professional from outside the organization if necessary.

Throughout the investigation, communications between the investigators and the concerned parties will be conducted in a balanced and impartial manner. Care will be taken on the part of the investigators not to let a person who has easier access to the team unduly influence the investigation or to take advantage of closer relationships with the investigators to communicate (i.e., one who is on staff with them vs the other party, who might be separated by a greater relational distance).

The complainant and the accused are requested not to communicate with each other about the case during the process. If necessary, the accused may be suspended with pay until the investigation is complete.

The investigation process should begin within five working days of receiving the complaint and be concluded as quickly as the assembling and proper dissemination of reasonable and necessary information allows.

## 5.1.4. Confidentiality

All complaints of harassment will be investigated with reasonable confidentiality. A lack of confidentiality can lead to damage of reputations, and the Investigation Team will consider the impact of a formal complaint on those in the working environment and attempt to avoid any preventable negative circumstances during the process.

The Investigation Team will determine what information and documents obtained through the investigation will be shared with the parties involved. Throughout the process, the Investigation Team will ensure that the complainant and the

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respondent receive timely updates about the progress of the investigation and the sharing of information, copies of the written allegations and written response, and any other documents or summary documents as necessary. Information sharing will be done with prudence and discretion, balancing the desire for open communication and reconciliation with the importance of maintaining the safety of all parties. In instances where the safety of a party is jeopardized, a summarized form of the information may be given.

During the proceedings of the Investigation Team, no party involved should make any public comment.

## 5.1.5. Personal Support

Although not required, the parties to the complaint are welcome to bring a personal supporter of their own choosing to any interview proceedings to provide emotional support and act as an observer.

Acknowledging that the investigation of harassment is a stressful event, HMBC understands that both the complainant and the respondent may need help to identify the necessary and appropriate pastoral supports to be put in place. If these supports are not easily identified within the congregation then someone within the denomination may be asked to assist.

## 5.1.6. Procedures

Upon receiving the complaint, the Investigation Team will:

- 5.1.6.1. Inform the Leadership Team Executive.
- 5.1.6.2. Meet in person with the complainant to discuss the details of the incident(s), record in writing the allegations, the parties involved and the names of any witnesses, determine whether further investigation is warranted and review the HMBC Policy Concerning Sexual and Other Harassment.
- 5.1.6.3. Inform the person against whom the complaint is lodged of the allegations, advise them of whether there is enough evidence to lead to investigation, request a response to the allegations where investigation is warranted, and review the HMBC Policy Concerning Sexual and Other Harassment.
- 5.1.6.4. Separately interview in person the parties to the complaint and any witnesses. Witnesses may include those who have direct knowledge of the incident, or those who may have knowledge or experience of similar conduct from the accused. Past HMBC staff and volunteers may be interviewed, where necessary.
- 5.1.6.5. The team members will investigate the incident(s) as they see fit, in their discretion, in as confidential manner as possible. The team will attempt to determine the validity of the complaint, and will make a written report of their findings. The written report and options for further proceedings will be submitted to the Leadership Team Executive for action.
- 5.1.6.6. After the conclusion of the investigation, written details of the investigation and the evidence will be compiled by the Investigation Team,

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placed in a sealed, confidential file. Files will be kept for 10 years in the archives, unless new circumstances dictate that the files should be retained for a longer period of time. Access to them will be restricted to the Leadership Team Executive. Only the outcome of the investigation will be made available in written form in files that are available to the complainant and the accused.

The Leadership Team Executive will review whether there is reason to suspend the employment or volunteer relationship during the investigative phase.

## 5.1.7. Findings

Following these meetings and any other investigation deemed necessary by the team, the Leadership Team Executive will inform the HMBC employee or volunteer orally and in writing of the results of the Investigative Team's recommendation and what, if any, discipline is forthcoming. The Leadership Team Executive will inform the complainant when the investigation is completed, and advise the complainant that appropriate action has been taken.

## 5.1.8. Disciplinary Action

Any HMBC employee or volunteer found to have engaged in harassment of another person will be subject to disciplinary action. The Leadership Team Executive will determine the disciplinary action. Factors such as severity, persistence, multiplicity of the offensive behaviour and any recommendations from the investigative team will weigh in the disciplinary decision. Disciplinary actions will be recorded in writing and may include:

- a written apology to the complainant;
- an oral or written warning or reprimand;
- temporary suspension of employment with or without pay;
- termination of employment or volunteer duties;
- other appropriate discipline not mentioned.

A copy of the disciplinary action taken will be filed in the HMBC employee or volunteer's permanent file. Depending upon the nature and severity of the offensive behaviour, a report may be filed with legal authorities.

## 5.2. Appeals

After a formal investigation has been completed, any interested party may choose to appeal the decision. An outside mediator will be brought in to consider the appeal.

## 5.3. Crisis Communication

HMBC has a separate *Crisis Communication Policy* outlining appropriate contact with media concerning incidents or allegations involving its staff and volunteers. The Leadership Team Executive will assign one spokesperson to address all media inquiries.

## 5.4. Other

The above procedure may be altered, amended or modified in any manner by the Leadership Team at any time.