

# **POLICY ON SEXUAL HARASSMENT AND MISCONDUCT**

## **Shepherd of the Hills Lutheran Church**

401 Grizzly Peak Blvd.  
Berkeley, CA 94707

### **Statement of Policy**

It is the policy of Shepherd of the Hills Lutheran Church (SOTH) that sexual harassment and misconduct will not be tolerated. Any complaint of sexual harassment and misconduct will be dealt with quickly and confidentially. Our Policy applies to clergy, lay employees and volunteers. The intent of this Policy statement is to make certain that responses to any allegation of sexual harassment and misconduct be just and compassionate for all involved, and that all parties be heard.

### **Definition of Sexual Harassment and Misconduct**

Sexual harassment and misconduct refers to behavior which is not welcome to the recipient and that is personally offensive. There are many forms of offensive behavior including, but not limited to:

- Unwelcome sexual advances, leering, whistling, or sexual gestures
- Deliberate assaults or molestation
- Questions or comments about sexual behavior
- Gender based harassment
- Undesired physical contact
- Inappropriate comments about clothing or physical appearance
- Persistent sexually-oriented humor or language
- Continued or repeated jokes, language, epithets or remarks of a sexual nature
- Causing another person to engage in a sexual act by threatening that other person, placing that other person in fear or asserting undue influence over that other person
- Providing or displaying pornographic media to a person below the age permitted by law
- Any attempt to engage in or perform any of the above
- Any additional activity that is covered either by Federal or State laws

### **Reporting**

Any person who believes that they have experienced or witnessed sexual harassment or misconduct, or have had a sexual harassment or misconduct issue reported to them should report it immediately to:

- The President of the Congregation's Council or his/her designated representative; or
- Reports involving a rostered member of the ordained clergy or rostered layperson at SOTH shall also be promptly reported to the Bishop of the Sierra Pacific Synod.

If required by law, ordinance or similar regulations, a designated member of the Congregation shall immediately report this incident to the proper authorities.

**Investigation**

- o Each incident that is reported will be promptly investigated with confidentiality, care and concern for all involved by the Congregation Council or designated committee.
- o Investigation will include interviews with all concerned.
- o Investigation will include review of all relevant documentation.
- o The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Should an individual's words or conduct be determined to constitute misconduct or harassment, recommendations for action will be developed and appropriate action will be taken. The action taken will depend on the severity of the situation.
- o The Congregation Council will be sensitive to the needs of all involved and shall provide any support necessary including counseling during the investigation and response.

**Response**

- o The Congregation Council or designated committee will review all information obtained during the investigation, and when deemed necessary, will seek legal counsel to assist in the investigation and resolution.
- o The Council, or committee, upon reaching a course of action, will meet separately with the person filing the complaint and then with the accused to communicate the results and resolution.
- o The Council may recommend a course of action that may include counseling, education, or disciplinary action.
- o If a complaint is not substantiated, all parties will be informed.
- o SOTH will not engage in or tolerate retaliation against any clergy person, lay employee, or volunteer for making a good faith claim of misconduct or harassment or providing information relating to such complaints during an investigation.

**Communication of Policy**

This Policy shall be given to and reviewed with the Congregation’s clergy and employees to ensure their understanding and support of this Policy. This review shall take place on a regular basis. Their signature below indicates that the individual employee has reviewed, understands and supports this policy statement.

In addition, the Congregation shall periodically publicize this Policy to all its members and volunteers through church bulletins and other appropriate forms of communication.

**Approval**

The Congregation Council of SOTH has approved this policy as of \_\_\_\_\_.

**Clergy and Employee’s Acknowledgement**

\_\_\_\_\_  
Name of Employee Signature of Employee

\_\_\_\_\_  
Date Reviewed