

Missionary Diocese of CANA West Policy
Regarding Sexual and Other Unlawful Harassment
(January 13, 2017)

1. Summary

1.1 THE MISSIONARY DIOCESE OF CANA WEST (“CANA West”) is strongly committed to providing a workplace that is free from employment discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual’s sex, race, national origin, age, religion, pregnancy, disability, or any other basis protected by federal, state or local law are prohibited. Such conduct is unacceptable and will not be tolerated. CANA West expects all employees to treat all other employees with courtesy and respect.

1.2 Sexual and other unlawful harassment in any manner or form is expressly prohibited. All incidents of sexual or other unlawful harassment will be promptly and thoroughly investigated, and appropriate corrective action will be taken by management. Any employee, staff member, or staff volunteer who engages in any action or conduct constituting sexual or other unlawful harassment will be subject to appropriate disciplinary action, up to and including immediate termination.

1.3 An employee’s, staff member’s, or staff volunteer’s refusal to submit to sexual advances or endure a hostile work environment will not adversely affect the employee’s employment, evaluation, wages, advancement, assigned duties, or any other condition of employment or career development.

1.4 Any employee, staff member, or staff volunteer who engages in sexual or other unlawful harassment or who retaliates against any employee who complains of or reports harassment will be subject to corrective action, up to and including termination of employment.

2. Sexual Harassment

2.1 Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

- c) 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.

2.2 Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, the following actions may constitute sexual harassment: (1) sex-oriented "kidding," "teasing," or jokes; (2) sexual flirtations, advances, or propositions; (3) verbal comments, gestures, or physical actions of a sexual nature toward another employee; (4) making or using derogatory comments, epithets, slurs, and jokes; (5) comments about an individual's body, sexual prowess or sexual deficiencies; (6) inappropriate physical contact: touching, assault, impeding or blocking movements; (7) inappropriate visual conduct: leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, or posters; and (8) suggestive or obscene letters, notes, or invitations.

3. Other Unlawful Harassment

Harassment on the basis of any other protected characteristic also is strictly prohibited. Under this policy, unwelcome verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual based on the individual's sex, race, national origin, age, religion, pregnancy, disability, or any other basis protected by federal, state, provincial, or local law or that of the individual's relatives, friends or associates, is prohibited if it:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes, teasing, or nicknames; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is posted or circulated in the workplace, or uses employment equipment such as telephones, computers, or internet sites.

4. Scope of Policy

This policy prohibiting sexual and other unlawful harassment is not limited to relationships between and among employees. CANA West will not tolerate any form of unlawful harassment against CANA West employees, staff members, or staff volunteers, whether by clergy, officers, executives, managers, supervisors, co-workers, volunteers, or agents, or by members of CANA West congregations, or by CANA West vendors, independent contractors, or others who do business with CANA West. No employee shall ever subject any other employee, volunteer, current or potential members of CANA West congregations, or others to unlawful harassment of any nature.

5. Complaint Procedure

5.1 CANA West encourages reporting of all incidents of sexual or other unlawful harassment, regardless of the identity of the offender. CANA West encourages individuals who believe they are the victims of sexual or other unlawful harassment to firmly and promptly notify the offender, as circumstances may reasonably dictate, that his or her behavior is unwelcome. CANA West also recognizes that power and status disparities between the offender and the recipient of the offensive conduct may make such a discussion too difficult. Consequently, such direct communication is not a requirement or prerequisite to filing a complaint.

5.2 Any employee who feels that he or she is or has been the victim of sexual or other unlawful harassment, or who observes the harassment of another employee, should immediately notify his or her direct supervisor, the Ven. Dr. Myles A. Calvin, Executive Archdeacon and Canon to the Ordinary (chaplainmcalvin@gmail.com, 915-383-4422), and/or Chancellor Christopher Lee Milner (clmilner@sbcglobal.net, 469-516-1245). CANA West will fully investigate all complaints and will maintain appropriate confidentiality to the extent possible given CANA West's duty to investigate the complaint. The alleged offender may be placed on administrative leave/suspension during the investigation. Whether and/or the extent to which the suspension is without pay are matters left to the law(s) of the jurisdiction where the affected parish is located, and to the vestry of that parish. In no event will CANA West be responsible for reimbursing an alleged offender for lost wages if he/she is suspended without pay.

5.3 CANA West will not retaliate against any employee who files a complaint, reports harassing or discriminatory conduct, or participates in the investigation of a complaint.

5.4 Following a prompt and thorough investigation, prompt and appropriate responsive and/or corrective action will be taken by CANA West leadership. Anyone who is found to have engaged in sexual or other unlawful harassment will be subject to appropriate disciplinary action, which may include termination of employment, depending on the circumstances. The disciplinary action taken with respect to any violation of this policy will be commensurate with the seriousness of the particular offense. CANA West will inform the employees involved of the results of its investigation.

6. Claimed Exemptions

CANA West is exempt from certain claims of unlawful employment practices because of its status as a church or convention or association of churches, a religious organization, and/or other type of entity recognized as being provided an exemption by various federal laws, state laws, county codes and/or ordinances. To the fullest extent permitted, CANA West expressly claims any and all exemptions available to it under applicable laws regarding and/or related to unlawful employment practices. Exemptions claimed by CANA West include, but are not limited to, those exemptions available to it under: (1) Section of the federal Civil Rights Act of 1964, 42 U.S.C. § 2000e-1(a); (2) Article 1, § 16 of the Virginia Constitution; (3) the First Amendment to the United States Constitution; and (4) any and all other applicable federal and state laws, county and local codes and ordinances. Nothing contained in this policy is intended to, nor should it be interpreted as, waiving any exemption(s) that CANA West may have, claim, and/or be entitled to claim either now or in the future.

7. Acknowledgment of Receipt

All members of the clergy, all paid and unpaid staff members, all members of the vestry, all Christian Education workers, and all other ministry leaders, must read this CANA West policy prohibiting sexual or other unlawful harassment and must understand that they should not engage in sexual or other unlawful harassment. They must also understand that they are not expected to tolerate sexual or other unlawful harassment by others and can make a complaint of any such conduct which will be fully and fairly investigated by CANA West. Further, they must acknowledge that any CANA West employee engaging in conduct in violation of this policy is acting outside the scope of their employment responsibilities and may be subject to individual liability for their unlawful and policy-prohibited actions. Further, they must acknowledge that CANA West is a religious organization with special legal rights and exemptions, including but not limited to those rights and exemptions discussed in Paragraph 6 above.

GENERAL PARISH CERTIFICATION

I, _____, Rector (or Senior Warden) of _____, hereby certify that all members of the clergy (including myself), all paid and unpaid staff members, all members of the vestry, all Christian Education workers, and all other ministry leaders at _____, have read, understood, and agreed to abide by the Missionary Diocese of CANA West Policy Regarding Sexual and Other Unlawful Harassment set forth above.

Signed this ____ day of _____, 201____,

Rector (or Senior Warden)

(Name of parish)

INDIVIDUAL STAFF CERTIFICATION

I, _____ (name), serving in the capacity of
_____ (description of position) at
_____ (name of parish or mission), hereby
certify that I have both read and understood, and that I agree to abide by, the
Missionary Diocese of CANA West Policy Regarding Sexual and Other Unlawful
Harassment provided to me by the Rector/Senior Warden.

Signed this ____ day of _____, 201____,

Signature

(Name of parish or mission)