

The Methodist Church of Southern Africa: HARASSMENT POLICY (2015)

1.POLICY STATEMENT

- 1.1 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.
- 1.2 The MCSA subscribes to the provision on harassment as set out in section 6 of the Employment Equity Act ("the EEA"). This policy will be applied with due regard to the Book of Order, the MCSA staff policies and procedures and the provisions of the EEA.
- 1.3 The MCSA is committed to creating and maintaining programs, facilities and a community in which members, friends, staff and volunteers can worship, learn and work together in an atmosphere free from all forms of discrimination, harassment, exploitation or intimidation. All persons associated with the MCSA should be aware that the MCSA is strongly opposed to Sexual Exploitation and Sexual Harassment and that such behavior is prohibited by church policy.
- 1.4 Sexual harassment or any form of harassment in the work place and or church will not be permitted or condoned in any way.

2. OBJECTIVES

- 2.1 To eliminate sexual harassment or any other form of harassment and to provide an environment where all may pursue their studies, careers, duties and worship free from sexual harassment. Sexual harassment constitutes serious misconduct, and will result in disciplinary action.

3. SCOPE

- 3.1 This policy applies to the following persons in the working environment and anywhere else as a result of employment responsibilities, employment relationships or church relationships:
 - Paid employees at all levels
 - Church Members
 - Volunteers and or lay leaders elected or appointed to the MCSA
 - Clients, suppliers and contractors who are sourced for specific tasks or services by the MCSA
 - Visitors to the Church
 - All Ministers , Deacons, Evangelists, Bible Women, elected and appointed positions, Seminarians, student Ministers or any other person employed or Covenanted, representing the MCSA in any way (hereafter called Covenanted staff)
 - Any other person/s who have dealings with the MCSA

- 3.2 No employee, volunteer, member or Covenanted staff member may harass and abuse any adult or child. In addition to employee, volunteer and visitor relationships within the MCSA's offices, staff members and volunteers also have contact with people outside the office that may present a potential arena for sexual or other kinds of harassment to occur. This includes the MCSA's employees and volunteers working from remote locations, travelling together, as well as staff and service relationships with other people. The same standards and expectations apply to these situations as apply within the office or church among employees, volunteers, leaders, Covenanted staff and visitors.
- 3.3 Any individual within or outside of the organisation can use these guidelines to register a complaint of harassment against a person falling under the jurisdiction of the MCSA as listed above.
- 3.4 Complaints against service providers or church visitors-The MCSA also recognizes that its employees, Covenanted staff, members, leaders and volunteers may be subjected to harassment by its vendors, constituents and office visitors. In these cases MCSA has a duty to support the complainant and assist in resolving these situations wherever possible.

4. POLICY

- 4.1 Definition - Sexual Harassment begins with behaviour that is unwelcome, personally offensive and that is directed against a person because of his or her sex.
- 4.2 Harassment may include the following type of behavior:
- a. threats, intimidation or verbal abuse;
 - b. unwelcome remarks or jokes about a person's ancestry, nationality or ethnic origin, colour or perceived race, religion, disability, gender determined characteristics, marital or family status, sex, or age;
 - c. displaying or circulating sexist, racist or other offensive pictures, posters or written jokes;
 - d. unnecessary physical contact such as touching, patting, pinching or punching;
 - e. physical assault.
- 4.3 The MCSA recognises two areas of sexual harassment:
- 4.3.1 A quid-pro-quo type of harassment - where sexual favours are expected or requested from or offered in exchange for some benefit, or where discrimination or where discipline or sanctions is imposed or threatened if requests for sexual favours are not met. This kind of conduct generally involves a person in a position of authority.
- 4.3.2 Maintaining, condoning or contributing to an offensive work environment which may include, but is not limited to, a variety of unwelcome behaviour (listed below) which may create a hostile or intimidating atmosphere.
- a. Unusual and overly friendly attention, including such things as gifts, frequent social telephone calls, letters, private visits, etc.;
 - b. Persistent shadowing or following; repeated or prolonged staring;
 - c. Sexual talk and innuendo, dirty jokes and offensive gestures;
 - d. Sexual or intrusive questions about the individual's personal life;
 - e. Use of familiarities or diminutive such as "honey", "baby", "dear", etc.;

- f. Whistling, catcalls, leering;
 - g. Unsolicited or unwelcome flirtations, romantic gestures, advances, propositions, manner of dress or display of body;
 - h. Graphic, degrading, excessive or unwelcome comments about another individual's appearance, dress or anatomy;
 - i. Display of sexually suggestive objects or pictures;
 - j. Explicit descriptions of the employee's own sexual experiences;
 - k. Unnecessary, unwanted physical contact such as touching, hugging, pinching, patting, kissing;
 - l. Verbal and emotional manipulation and control;
 - m. Exposing genitalia;
 - n. Physical or sexual assault;
 - o. Sexual intercourse or rape.
- 4.4 Victimisation– 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.
- 4.5 False Accusations- Because of the seriousness with which the Church views sexual harassment and because of the severity of the penalties which may be imposed on offenders, false accusations will not be tolerated. However, this statement is not intended to discourage individuals from coming forward with any complaints. The Church recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to rise to the level of seriousness deemed necessary to constitute sexual harassment. These are not the types of claims which are considered to be false accusations. Rather, anyone found to have purposefully and intentionally brought allegations which he or she knows to be untrue will be deemed to have made false accusations, and will be subject to disciplinary action.

5. PROCEDURE

- 5.1 All employees, Covenanted staff, members, leaders and volunteers of the MCSA have a responsibility to ensure that the MCSA is free from harassment.

5.2 Structure

Each Circuit Executive in the Connexion as well as the MCO shall establish with immediate effect a three-member Anti-harassment team, two women and a man with some professional experience, e.g. teaching, nursing, social work. One of the members of this team shall be from outside the Circuit. The members of this team shall all be screened according to the Child Protection Register, as per the Regulation 44, Section 126 of the Children's Act 38 of 2005 in South Africa. This is done through the local police station. Residents of the sovereign states in the Connexion are to check their local protocols in this regard.

- 5.2.1 The team shall be appointed annually and may be re-appointed. The Team members shall therefore sign a Confidentiality declaration (Attached herein as an annexure). Circuits shall inform all their members of the availability of the Circuit Anti-harassment Team.

Superintendents shall report annually to the Bishop, the names of their team and the Bishops Office and the Superintendent shall both retain a copy of the Confidentiality declaration signed by members of the Team. The work of the team shall be confidential and they shall not be required to report to the CQM, other than that they are available at all times to assist in cases of harassment or abuse.

5.3 **Processing Complaints**

- 5.3.1 Any employee, Covenanted staff member, member, leader or volunteer of the MCSA who believes that he or she has been the subject of sexual harassment (as defined in para 4 above) should report it immediately in accordance with the following procedure. All information disclosed pursuant to this procedure will be held in strictest confidence, and will only be disclosed on a need to know basis.
- 5.3.2 Any employee, Covenanted staff member, member, leader or volunteer of the MCSA who has a concern, grievance or complaint about sexual harassment in the workplace or church or place where the church is represented (such as field work etc.) should report it directly to the Anti-Harassment Team.
- 5.3.3 Persons experiencing harassment within the MCSA are urged to report harassment to the Anti-Harassment Team. This may be done in person or in writing. It may be reported to one member of the team, who will then inform the rest of the team in order to proceed with seeking to understand the complaint and the circumstances surrounding it. The complainant may be accompanied by a person in a supportive role who may remain with the complainant throughout the process if needed.

5.3.4 **The Anti-harassment Team shall:**

- i. Listen to the individual reporting the harassment,
- ii. Establish the circumstances and ascertain the severity of the case as far as possible, in order to find the best way of resolving the complaint. This shall be done by listening to the complainant.
- iii. To embark on an informal procedure of finding resolution if this is appropriate, in which case the respondent is called and shall comply to the process as determined by the team, and agreed to by the complainant.

Informal Procedure:

- a. Where a person might reasonably be unaware that his or her comments or actions are unwelcome, the complainant may 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.
- b. Facilitated Assistance- It will not always be possible for the offended person to directly confront the perpetrator, often because of power dynamics. In such a case, consultation with another member of the MCSA may be helpful in facilitating a 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 and should not promise complete confidentiality in matters that may constitute harassment,

since in certain situations they may be required by this policy to file a report to a member of the Investigative Team.

- iv. In cases that require such action, the Anti-Harassment team shall draft a complaint (with the permission of the complainant) to the District Disciplinary Registrar.
- v. Normal disciplinary procedures will follow as set out in the Laws and Discipline (in the 12th Edition, this is chapter 11).
- vi. In addition, if the case is heard by the District Disciplinary Convener, a member of the Anti-Harassment team may accompany the complainant throughout the hearing.
- vii. To seek pastoral care or counselling for the complainant with the permission of the complainant.

6. FURTHERMORE

6.1 Throughout the investigation, communications between the team and the concerned parties will be conducted in a balanced and impartial manner. Care will be taken on the part of the team 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.

6.2 Any person wishing to contest the outcome of the process is entitled to appeal to the Connexional Disciplinary Committee.

6.3 Criminal and Civil Charges

A victim of sexual harassment has the right to press separate criminal and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

6.4 Confidentiality

6.4.1 All complaints of harassment will be investigated with reasonable confidentiality.

6.4.2 The Anti-Harassment Team will determine what information and documents obtained through the examination will be shared with the parties involved. Throughout the process, the Team will ensure that the complainant and the respondent receive timely updates about the progression when appropriate, 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 jeopardised, a summarised form of the information may be given.

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

6.5 Personal Support

6.5.1 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.

6.5.2 Acknowledging that the investigation of harassment is a stressful event, the MCSA 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 through discussion with the Human Resources Department, the Denominational Minister may be asked to assist.

- 6.5.3 In cases of serious sexual harassment where an a person, on medical advice, requires trauma counselling but where his/her existing sick leave entitlement has been exhausted, due consideration will be given to the granting of additional sick leave.