

# Policy for Prevention of Harassment and Disruptive Behavior

The Unitarian Universalist Church of Ventura

Adopted XXXX

We are guided by our covenant, Covenant of Right Relations, mission, and Unitarian Universalist values. UU values remind us that “Love is the spirit of this church and reason is its guide” and that we covenant to “dwell together in peace.” Peace is not the absence of disagreement, but the presence of love and care. This policy addresses situations when love and peace are not practiced or experienced. When possible, restorative practices should be used to heal relationships, individuals, and communities. This might include making amends, respecting boundaries, actions that repair, spiritual growth, and/or atonement. Restorative practices are our default, and the boundary-setting steps below are to be used when restorative practices are not able to bring healing and health.

## Definitions:

**Conflict:** Conflict is present when people are unable to “agree to disagree.” When people are in tension over personality differences, a decision or direction, or a matter of opinion, they might be in conflict. Conflict is normal and healthy when addressed with spiritual maturity. We value a diversity of views and perspectives and affirm that “we do not need to think alike to love alike.”

**Abuse:** Abuse is physical, sexual, emotional, mental, economic or psychological actions or threats of actions that influence another person. This includes any behaviors, including words, that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone. Abuse is not acceptable.

**Bullying or Harassment:** Bullying or Harassment is when abuse continues over time; especially when the person has been told to stop (though this is not required to constitute bullying or harassment). This is an intentional campaign to hurt, demean, or disempower another person.

**Disruptive Behavior:** Disruptive Behaviors are actions and words which cause harm to the church, as well as to people and relationships in the congregation. Bullying or Harassment is disruptive Behavior, but so are actions that attack leaders, violate our values, or present the church in ways that are counter to our mission. Generally, but not always, disruptive Behaviors are actions that continue after a request to stop, amend, or alter one’s actions.

## Staff

The Employee Handbook supersedes this policy. The abuse, harassment, or bullying of staff members by participants in the congregation is both a moral and legal violation and is not tolerated. The Senior Minister and/or the Board President or Vice President may immediately ban any person

from physical or electronic participation or contact, until such time as the Committee on Ministry (CoM) can review the matter and follow the procedures outlined below. As per the Employee Handbook, the abuse or harassment of a participant by a staff member is prohibited and grounds for employee discipline, including up to immediate termination.

## **Discernment**

If a person isn't sure if an encounter is conflict, abuse, harassment, disruptive behavior, or something else, a discernment conversation with one of the ministers, the professional religious educator, or a member of the Committee on Ministry is appropriate.

## **Reporting disruptive Behavior**

Any person who believes that they have witnessed or experienced disruptive behavior (including sexual harassment or abuse) or who has had a disruptive behavior incident reported to them should report it to any of the following:

- The minister(s)
- The professional Religious Educator or Music Director
- Any member of the Committee on Ministry (CoM)

The Committee on Ministry will play an important role investigating complaints of harassment and may benefit from additional training or education, particularly in the area of sexual harassment.

## **Complaint Manager**

From the group above, one individual will serve as the principal party responsible for managing the complaint process including contact with the complainant and maintaining all relevant documents. This person shall be designated as the Complaint Manager.

If required by law, ordinance or similar regulation, the senior minister or a designated member of the church staff will immediately report the incident to the proper authorities (e.g., mandatory child abuse reporting). See existing UUCV policies.

The parties conducting the complaint process will make every reasonable effort to maintain confidentiality by disclosing the identity of the individuals involved only on a "need-to-know" basis and as necessary to investigate and resolve the concern. However, where a pattern of abusive behavior may be present, providing pastoral support, safety, and healing will sometimes require wider disclosure and conversations.

## Retaliation

Retaliation against anyone who brings forward a complaint will not be tolerated. However, unfounded complaints brought forward with malicious intent are a violation of covenant and may require a pastoral and/or disruptive behavior response.

## IMMEDIATE RESPONSE

There may not always be a clergy member or religious professional on site when behavior deemed harmful or disruptive occurs in a congregational setting. De-escalation and a call to covenantal behavior is the first response and may be undertaken by the leader of the group or by its consensus. When such behavior is serious, a more direct response may occur. This may include asking the disruptive person or persons to leave the area, or suspending the meeting or activity until such time as it can safely be resumed. Any time any of these actions is taken, the Senior Minister and a member of the Committee on Ministry must be notified. They, in turn, will then consult with the whole Committee on Ministry to determine what steps must be taken before the offending person or persons may be allowed to return to the activities involved. A letter detailing these steps will be sent to the offending party or parties.

## TIMELY RESPONSE FOLLOWING FIRST REPORT

Complaints should be referred to the Committee on Ministry. The individual making the complaint may be the person harmed, the person engaging in disruptive behavior, or any third-party having knowledge of the incident. This will happen regardless of whether or not the situation requires an immediate response. Once an incident has come to the attention of any member of the Committee on Ministry, a meeting should be held with the entire committee ***as soon as possible, preferably within 7 days***, to review the matter. The COM will respond in terms of its own judgment, observing the following.

- The Committee on Ministry will respond to problems as they arise. There will be no attempt to define “acceptable’ behavior in advance.
- Persons identified as disruptive will be dealt with as individuals; the Committee on Ministry shall be expected to display wise cross-cultural understandings and be attentive to the way that culture of origin, generation, race, ethnicity, gender, class, disability, and other factors shape behavior and conflict.
- Any time that the church may have legal exposure, the Board must be informed.

The Committee on Ministry will collect all necessary information. To aid in evaluating the problem, the following points will be considered:

- DANGEROUS—Does the individual’s offending behavior pose a threat or

perceived threat to persons or property?

- **DISRUPTIVE**—How much damage to the church mission and identity is occurring?
- **OFFENSIVE**—How likely is it that prospective or existing members will be driven away by the disruptive behavior? The COM will be especially aware of the way that folks who have been marginalized might be further marginalized by the behavior.

To determine the necessary response, the following points should be considered:

- **CAUSES** - why is the behavior occurring?
- **HISTORY** - what is the frequency and degree of disruptive behavior in the past? Have they been asked to stop, and failed to do so?
- **COMMITMENT TO REPAIR** - has the person engaging in disruptive behavior sought restoration and healing of the relationship? Are they eager to be back in covenant?

## **INTERVENTIONS**

The Committee on Ministry will decide on the necessary response on a case-by-case basis. Sometimes, the Team will conclude that this is conflict, and not a matter of disruptive behavior, and invite the parties into mediation and healing. When it is determined that disruptive behavior is happening, however, the following levels of response will be followed:

**LEVEL ONE** - The Committee on Ministry will meet with the complainant(s) and other related parties to implement this policy and initiate an investigation. The COM will communicate their concern about the behavior. The investigation process should be well documented, and records maintained in the event that future legal action is initiated. The COM will meet separately with the person(s) against whom a complaint has been made to get that person's point of view on the incident. Whenever possible, the CoM will use restorative justice principles should be used here, including bringing the parties together by mutual consent. The goal is to set appropriate boundaries, make amends, create healing and safety, and build community. If, however, the behavior cannot be resolved, it would proceed to Level Two.

**LEVEL TWO**—It may be determined that the offending actions and actor(s) need to be referred to the full Board of Trustees. In making this referral, the Committee on Ministry shall make a recommendation for action, which the Board may accept or amend. It may be determined that the individual(s) in question caused actual harm and needs to be excluded from the church and/or specific church activities for a limited period of time. The reasons for such action and the conditions of return should be made clear in a written notification. These conditions may include but are not

limited to 1) A sincere apology to the person(s) harmed. 2) Attending education/training on abuse, harassment, and/or bullying. 3) A psychological evaluation or course of treatment by a qualified mental health professional. 4) Some other form of appropriate rehabilitation.

At this point, a congregant subject to covenantal sanctions may appeal the determination to the Board of Trustees.

**LEVEL THREE** - The Board of Trustees, at the conclusion of the investigation and after careful consideration, may determine that actual harm occurred and could not be resolved with the interventions mentioned above. In that case, the offender may be removed from membership and, if appropriate, excluded from the church premises and some or all church activities. Notification of such a decision will be made in writing and will explain the reasons for upholding the decision of the Committee on Ministry.

### **POSSIBLE REINSTATEMENT OF REMOVED INDIVIDUAL**

Any request for reinstatement must be made in writing by the individual who was removed from membership. The request must contain information concerning the rationale for the reinstatement: 1) a statement of understanding of the reasons for which they were removed from membership and 2) an explanation in detail of how circumstances and conditions have changed, such that reinstatement would be justified. This should include a plan for repair and healing for those harmed. The request shall go to the COM. The COM may consider the behavior of the former member in the intervening period. The COM will make a written recommendation on whether or not to reinstate the former member to the Board for action. The BOT will review the request and respond within sixty days as to whether or not to reinstate the removed member. The decision of the board shall be final and not subject to further appeal. A reinstatement request may be made no sooner than one year following the removal. In the event that a reinstatement request is not granted, any subsequent reinstatement requests may be made no sooner than one year following the member being informed of a negative decision on the previous request.

### **HEALING THOSE HARMED**

In addition to providing pastoral support to those harmed by disruptive behavior, the persons most affected or targeted by this behavior shall be consulted and informed about any and all decisions about boundaries, participation, and appeal and reinstatement of the offending individual. A person who has experienced this kind of injury should never be surprised by the presence of the person who hurt them.

### **CHILDREN AND YOUTH**

The harassment or abuse of children and youth is especially serious and covered by the Policy and Procedures for Preventing and for Reporting Suspected Child Abuse and Neglect, as adopted by the UUCV BOT on May 19, 2016.

## REGIONAL STAFF AS RESOURCES

The ministers, Committee on Ministry, and Board of Trustees are welcome and encouraged to consult with UUA Pacific Western Regional, PWR Congregational Life Contact for UUCV, for best practices, resources, and, if necessary, to be an outside evaluator of this process.

## REQUIREMENTS OF CALIFORNIA LAW

Required for all employers with 5 or more employees. UUCV currently has 6 employees (Senior Minister, Music Director, Family Ministry Director, Congregational Administrator, Technology Technician, Security Monitor)

- Written policy must be given to all employees and reviewed every 6 months, at least.
- Policy Must Contain the Following:
  - Must be in writing.
  - List all protected categories: because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, veteran or military status or any other protected class.
  - Affects employees who may come into contact with supervisors, managers and third parties (this includes congregants and other church goers).
  - Provides for a complaint process.
  - Provides for confidentiality **TO THE EXTENT POSSIBLE** (see Prevention Guide for Employers)
  - A timely response to a complaint. **Recommendation: 7 calendar days**
  - Impartial and timely investigation by qualified personnel. **Recommendation: Committee on Ministry**
  - Documentation and tracking of the progress of the investigation. **Recommendation: Committee on Ministry be responsible**
  - Appropriate options for remedial actions and resolutions. **Recommendation: Committee on Ministry be responsible**
  - Timely closure
- Provides for a complaint mechanism in which the employee is not required to complain directly to the immediate supervisor (e.g., Lead Minister). **Recommendation: Any Member of the Committee on Ministry**
- Supervisors must also report complaints **Recommendation: Committee on Ministry**
- Makes it clear that the employee will not be exposed to retaliation for lodging a complaint.
- Please see the provisions that one hour of harassment prevention training will be provided to employees and two hours of training will be provided to supervisors every two years.
- Formal training should be provided to those handling the investigations (See “Sample Investigation Interview Questions”)

## ADDITIONAL RESOURCES

- UUA Disruptive Behavior Webinar: <https://www.uua.org/safe/destructive-behavior-policies>
- Sample UUA Disruptive Behavior Policy (PDF attached)
- UUA Safer Congregation guidelines <https://www.uua.org/safe/handbook>
- UUA Limited Access Agreement considerations for known sex offenders <https://www.uua.org/safe/destructive-behavior-policies/laa>
- Civil Rights Department (CRD) of the State of California can be found at [www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov) which lays out the requirements for California employers regarding harassment prevention in the workplace according to the Government Code section 12950.1.
- Gov. Code, section 12940(k) and the “California Department of Fair Employment and Housing Workplace Harassment Prevention Guide for California Employers.”
- Membership in PIHRA (Professionals in Human Resources Association) of Ventura County (\$175 per year) <https://www.pihra.org/join-pihra/>
- Membership in SHRM (Strategic Human Resource Management) (\$55 per year) [www.shrm.org](http://www.shrm.org)
- Current Harassment Prevention Training provided to staff and managers by Kantola Training Solutions, [www.kantola.com](http://www.kantola.com)