

Policy for Dealing with Alleged Harassment and/or Abuse  
Berkey Avenue Mennonite Fellowship  
September 15, 1996  
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**A. A Foundational Statement**

As a congregation comprised of persons who are committed to Jesus Christ as Lord and Savior, and who, by the power of the Spirit strive to follow Jesus' teachings and example, we believe that all persons are of equal worth. Therefore, we are committed to providing a safe, considerate, and caring environment in which all persons involved in the congregation are treated with kindness and respect. In light of these commitments, we declare that any type of harassment, including sexual harassment or abuse will not be tolerated in our life together.

All staff, volunteers, members and/or church participants of Berkey Avenue Mennonite Fellowship shall conduct themselves in a manner that upholds high moral and ethical standards. Abuse or harassment of any type will not be tolerated.

**B. Definitions of Harassment, Bullying and/or Abuse**

1. Sexual harassment is defined as unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that interferes with an employee's job performance or an individual's church experience and creates an intimidating, hostile, or offensive working or church environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- a. Promising, directly or indirectly, a reward if the individual complies with a sexually oriented request;
- b. Threatening, directly or indirectly, to retaliate against an individual if the individual refuses to comply with a sexually oriented request;
- c. Denying, directly or indirectly, an employee an employment-related opportunity if the employee refuses to comply with a sexually oriented request;
- d. Engaging in sexually suggestive physical contact or touching another individual in a way that is unwelcome;
- e. Engaging in explicit language, gestures, or indecent exposure;
- f. Making sexual or romantic advances toward an individual and persisting despite the individual's rejection of the advances;
- g. Deliberately creating an overall offensive environment, including use of vulgar language, displaying, storing, or transmitting sexually explicit photographs or other materials, and the telling of sexual stories or jokes.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Harassment does not have to be of a sexual nature directed to a specific person, however, and can include offensive remarks about a person's gender. For example, it would be illegal in the employment setting to harass a woman by making offensive comments about women in general.

2. Sexual abuse is nonconsensual physical or emotional sexual activity and maltreatment which injures or damages another person using force and/or making threats, taking advantage of victims who do not, or are unable to, give consent, or otherwise taking advantage of status and power for sexual gratification. Minors are unable to give consent.

3. Bullying is a form of abuse involving unwelcomed or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group or otherwise fails to treat an individual or group with respect and dignity. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but could also be an aspect of group behavior (see “mobbing” below). Some examples of bullying behavior are:

- a. Verbal communication
  - Abusive and offensive language
  - Insults
  - Inappropriate teasing
  - Spreading rumor and innuendo
  - Inappropriate criticism
  - Manipulating the work or church environment
  - Isolating people from normal interactions
- b. Psychological manipulation
  - Unfairly blaming for mistakes
  - Setting people up for failure
  - Belittling

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults/banter exchanged by long-time friends and comments that are meant to be, or are taken as, demeaning. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

3. Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

Both the victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, it is important to recognize that a recipient of teasing or offhand comments may not always understand or appreciate the context in which those comments or teasing is given. However, harassment is always unacceptable when it is so frequent or severe that it creates a hostile or offensive work or church environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

### **C. Dealing with Allegations of Sexual Harassment/Abuse within Berkey Avenue Mennonite Fellowship**

Berkey Avenue Mennonite Fellowship is committed to the accountability of its members, employees and volunteers, one to another. If incidents of sexual harassment or abuse take place, that action needs to be dealt with and the perpetrator(s) confronted. Both accuser(s) and perpetrator(s) need to be accountable to the congregation.

Berkey Avenue Mennonite Fellowship will at all times take reasonable steps to protect the confidentiality and privacy of alleged victims or accusers.

A Safe Church Caring Team will be set up by the Berkey deacons to deal with any allegations of harassment or abuse. The Safe Church Caring Team will consist of 3-4 persons. It will also include at least one Berkey member with professional experience in dealing with abuse situations. The Safe Church Caring Team will work under the supervision of the deacons. The primary objectives for the Safe Church Caring Team are:

1. to stop the alleged harassment or abuse, and
2. to provide appropriate support for those involved.

The ultimate goal in working with substantiated cases is to seek repentance, forgiveness, and restoration of appropriate relationships.

Any action, construed as inappropriate, that would disrupt the safe, considerate, and caring environment that Berkey wishes to maintain, may be considered worthy of examination. The process described in these guidelines will be used to determine if accusations relating to inappropriate actions have merit, and if so, the steps toward resolution.

Indiana-Michigan Mennonite Conference can be a resource to us in the event of an allegation, even if it does not involve a credentialed leader. The Safe Church Caring Team will be in touch with IN-MI Mennonite Conference to receive guidance and help in the event of an allegation of harassment or abuse.

1. An incident(s) that could be construed as sexual harassment or abuse should be reported by the alleged victim(s) in writing to the Chair of the Safe Church Caring Team. If the alleged victim(s) is a minor, a legal guardian (or advocate) may make this report. If the incident involves a minor as the victim, please refer to the Berkey policy on abuse of minors. The Safe Church Caring Team shall not interfere or limit the reporting obligations if the incident involves a minor.

2. If the allegation of harassment or abuse is judged by the Safe Church Caring Team to be worthy of further examination and doesn't involve a minor, it will be brought promptly to the attention of the alleged perpetrator(s). The notification will be made in writing and delivered in person by at least two members of the Safe Church Caring Team.

3. If the allegation(s) are recognized by the alleged perpetrator(s) as true, then the appropriate action as outlined below in point 4 will be taken. If the allegations are not owned by the alleged perpetrator(s), an investigation will be conducted by the Safe Church Caring Team as follows:

a. Within ten days of notification (point 2 above), the Safe Church Caring Team will arrange a meeting with the alleged victim(s) to review the allegations, to do any further recording of them in writing, and to review procedures. The alleged victim(s) may choose to bring an advocate to this meeting. Within the same ten-day period, the Safe Church Caring Team will also arrange a meeting with the alleged perpetrator(s) to present the allegation(s) in writing, to ask for a written

response and to review procedures. Every effort will be made to keep this information in confidence without putting members in possible danger.

b. During the time of investigation, the Safe Church Caring Team will discern if and when any limitations will be placed on the alleged perpetrator(s). These limitations could include temporary removal from any leadership position or other assignment that would place others within the congregation in possible danger. The alleged perpetrator(s) and the alleged victim(s) will be informed in writing of these limitations. If persons in the congregation are in possible danger, these persons will be notified in writing as well. Legal counsel will be secured if needed at this point.

c. If allegations are judged to be false, the person(s) judged to be falsely accused will be reinstated (if limitations have been imposed) and all affected persons will be informed of the action in writing. The accuser(s) will be required to "make it right" insofar as it is possible, and be strongly encouraged to seek professional help if deemed necessary by the Safe Church Caring Team. The Safe Church Caring Team will determine to what extent it is appropriate for the congregation to provide financial assistance for professional counseling.

4. If allegations are judged to be true, limitations will be imposed if not already in effect. Members of the congregation will be informed in writing of these limitations (if not done previously). As part of the recovery process for both the perpetrator(s) and victim(s), the perpetrator(s) is urged to make restitution to the victim(s) including assisting in any expenses incurred by the victim(s) for counseling. The perpetrator(s) may also be strongly encouraged to seek counseling. The Safe Church Caring Team will determine the extent to which the congregation will help with remaining counseling costs for victim(s), perpetrator(s), and families of the same.

5. If allegations are judged to be true and the perpetrator(s) become involved in another congregation, the Pastors or another member of the deacons will take responsibility for notifying that congregation of the problems. If a person comes into Berkey and has allegedly been involved in sexual harassment or abuse, then steps I through 4 will be implemented.

6. If the alleged perpetrator is a pastor, or other member or participant credentialed by Indiana-Michigan Mennonite Conference, then the Safe Church Caring Team must contact IN-MI Mennonite Conference (574-534-4006), or visit <http://im.mennonite.net/misconduct/> for more information. An investigation will be conducted according to Mennonite Church USA's *Ministerial Sexual Misconduct Policy and Procedure* document.

#### **D. Dealing with Allegations of Sexual Misconduct by Berkey Participant within the Legal/Judicial System**

*(These cases should be handled carefully to minimize the risk of Berkey being charged with libel or slander. The primary concern should be on maintaining the personal safety of Berkey members.)*

1. If a person(s) involved in the congregation is arrested and charged with sexual assault or rape or a similar charge, the Safe Church Caring Team will conduct its own investigation, develop a factual report, and review it with the person charged. The Safe Church Caring Team will request permission from the person to share this report with the congregation. If the request is not granted, the Safe Church Caring Team, in consultation with the deacons, will find a way to communicate key facts that should be known to the congregation in the interests of personal safety. Appropriate limitations will be set for that person's involvement in the congregation. The perpetrator(s) will be notified of these limitations in writing by the Safe Church Caring Team.

2. If a person coming into Berkeley (or already involved in the congregation) has a prior record of sexual assault or rape or similar charge, the Safe Church Caring Team will conduct its own investigation and go through the same steps noted in D.I. above. Any action taken by the Safe Church Caring Team will be in the interests of the personal safety of members of Berkeley.

In situations described in this document, it is easy for those in the congregation who sense something is wrong, but don't have any information to engage in speculation, gossip and questioning. While we respect the confidentiality of both the alleged victims and the accusers, it may necessary to make a public statement. When some in the congregation know about the incident and some don't know, but sense that something is wrong, and tends to eat away at the health of the congregation. The public announcement states that there has been an incident, we are following our policies and are in conversation with conference in order to keep us accountable as leaders. During this time, we call on the congregation to pray regularly and refrain from speculation and gossip and to direct any questions they have to the leaders of the congregation. We, as a congregation, want to provide the best care possible to all involved.