

Appendix C

Guidelines for Handling Allegations of Sexual Misconduct against a CRCNA Employee

I. Introduction:

The Code of Conduct, which applies to all employees states,

In keeping with the mission of the Christian Reformed Church in North America (CRCNA), all staff members are expected to uphold their commitment to professional ethics and Christian values in their relationships and assigned responsibilities. We seek to assure that all persons are treated with dignity, respect, kindness, fairness, and impartiality. Staff members must operate with honesty, integrity, and diligence, and are to remain in compliance with all personnel policies outlined in the Employee Manual.

Each staff member is expected to act as a representative of the CRCNA in their professional and personal conduct on the job and off the job.

The CRCNA, as an employer, affirms that employees must not engage in any form of sexual impropriety. It is recognized that there is unequal power or authority in some relationships and, when such is the case in a misconduct situation, any form of assumed consent is less meaningful. It is the responsibility of the person with the greater power or authority to maintain healthy boundaries in the relationship.

The CRCNA is committed to providing a just response, within the limits of the employer-employee relationship, to any allegation of sexual misconduct by its employees with the intention of protecting those who are most vulnerable, as well as providing a fair process for the accused employee. The CRCNA understands the importance of maintaining trustworthy, respectful relationships as members and representatives of the Lord and of His church.

II. Definition

Sexual misconduct refers to all forms of sexual assault, behaviors of a seductive or exploitive sexual nature, unwanted sexual attention or contact, inappropriate emotional intimacy, unsuitable demands, displays of offensive material, or other related intimidating behavior. Sexual contact refers to all forms of sexual activity such as touching, kissing, fondling, or intercourse.

CRCNA employee sexual harassment policies, which have been designed to pertain explicitly to the work environment, can be applied to many situations involving employees. For the purposes of the protocol outlined below, sexual misconduct takes place between the accused employee and the claimant while the accused employee is acting as a representative of the CRCNA, within the scope of his or her duties, and apart from meaningful consent of the claimant.

III. Complaint

Officially filed complaints should be directed to the Executive Director of the CRCNA. If the Executive Director is implicated in the allegation, the Deputy Executive Director will act on behalf of the Executive Director in responding to the allegation. The Executive Director will determine whether the complaint is of sufficient substance to invoke a formal process of response, and if so, will inform and consult with the employee's agency or department supervisor, the director of Human Resources, and with the director of Safe Church Ministry in responding to the complaint.

IV. Processes

A. Complaint by CRCNA employee against another employee:

If the claimant is an employee of the CRCNA, the protocol established in the CRCNA Employee Handbook for handling misconduct or harassment complaints will be followed. Church order guidelines will also apply for ordained ministers of the Word.

B. Complaint by a non-employee against a CRCNA employee

- 1) If the employee is a Christian Reformed Church leader, the allegation shall be forwarded to the executive committee of council of the employee's church, which will be advised to handle the matter according to the "Guidelines for Handling Abuse Allegations against a Church Leader". The church will be advised to include on the advisory panel, as an observer, a representative of the employer. If the church declines to handle the matter appropriately, the matter will be handled by the employer according to the protocol outlined in C. below.

An employee is determined to be a CRC church leader when the person is an ordained minister of the word, ministry associate, elder, or deacon.

- 2) If the employee is not a CRC church leader but was determined to be acting in a leadership role as a representative of CRCNA then the protocol outlined in C. below will apply.
- 3) If the employee is not a CRC church leader and was not acting in a leadership role representing the CRC then a determination will be made of whether or not the complaint has any bearing on the employment relationship. If so, the protocol established in the employee handbook will be followed.

C. Protocol

This protocol anticipates that the claimant's allegations will be disclosed to certain entities or individuals at certain times during the process of responding. All those involved, including the claimant, the one accused, team members, the Safe Church Advocate and designated representatives of the CRCNA must agree to strict confidentiality regarding information relating to the complaint.

1) Claimant

- a. The claimant will be notified that the complaint was received.
- b. The claimant will be referred to the office of Safe Church Ministry for information and guidance regarding the upcoming process.
- c. A Safe Church advocate will be offered to the claimant by the office of Safe Church Ministry.
- d. The claimant will be invited to communicate with a team designated to hear the complaint.
- e. The claimant and the Safe Church advocate will not incur any financial costs to meet with the team.

2) Employee

The employee will be notified that a complaint was received, which includes the name of the claimant and the general allegations in the complaint.

3) Team

- a. An appropriate team will be selected by the Executive Director, in consultation with the Director of Safe Church Ministry and the Director of Human Resources, to hear and respond to the allegations. Any potential conflict of interest will be avoided.
- b. The team shall include a member from outside of the administrative structure of the CRCNA.
- c. The team shall include, as an observer, a representative of the employing agency or department.
- d. The team will meet with the claimant first and determine whether the allegations have merit, i.e. are probable and serious. The Safe Church advocate will be present at the meeting.
- e. If the allegations have merit, the team will contact the accused with the specific charges in writing and request a meeting.
- f. The accused person is invited to communicate with the team designated to hear the complaint and is permitted a support person to participate in that communication; the support person may not be a former or practicing lawyer.
- g. The team will write a report which includes the team process, the findings of the team, and suggestions for any action to be taken, or not, on the part of the employer. A copy of the report will be given to the Executive Director; only those approved by the Executive Director will have opportunity to review the report.
- h. A written summary that gives an outline of the team process and summarizes the team's findings will be drafted by a team member and the Executive Director to be given to both the claimant and the accused employee.

- i. Team members will incur no financial costs to meet with the claimant and with the accused.

4) Adjudication

- a. Consultation with the agency or department supervisor, the Executive Director, the director of Human Resources and with the director of Safe Church Ministry will take place prior to any action taken regarding the employee's status.
- b. Any action taken is the responsibility of the Executive Director. The decision of the Executive Director is final and binding on all the parties involved.
- c. The employee will sign a limited waiver of confidentiality, which will allow the Executive Director (or his/her designee) to contact the claimant regarding any action taken toward the employee resulting from the conclusions of the written report.
- d. The employee may appeal the action according to the CRCNA Employee Manual.
- e. If the claimant believes that the allegation was not taken seriously, or that the process was not followed, a request for a review of the process may be submitted in writing to the Executive Committee of the Board of Trustees.