

Policy Against Racial, Sexual and Other Harassment

A. Scope

This policy is intended to apply to the following persons in the working environment and anywhere else as a result of employment responsibilities or employment relationships:

- paid and appointed employees at all levels
- volunteers elected or appointed to Mennonite Church Canada positions
- persons from other organizations or individuals who are employed for specific tasks or services by Mennonite Church Canada

No employee or volunteer may harass and abuse another employee, volunteer or visitor. In addition to employee, volunteer and visitor relationships within the Mennonite Church Canada 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 Mennonite Church Canada employees and volunteers working from remote locations, traveling together, as well as staff relationships with other people. The same standards and expectations apply to these situations as apply within the office among employees, volunteers and visitors.

Any individual within or outside of the organization can use these guidelines to register a complaint of harassment against a person falling under the jurisdiction of Mennonite Church Canada as listed above.

Mennonite Church Canada also recognizes that its employees and volunteers may be subject to harassment by vendors, constituents and office visitors. In these cases Mennonite Church Canada recognizes their responsibility to support the complainant and assist them in resolving these situations wherever possible.

In all cases involving a member of the pastoral community, the Ministerial Sexual Misconduct Policy and Procedure (2000) will be applied in addition to this policy.

B. Philosophy

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.

C. Definitions

Harassment

According to the Manitoba Human Rights Code [S.19(2)], harassment “is a course of abusive and unwelcome conduct or comment that is directed at an individual because of a group to which they belong or appear to belong”. Harassment is a type of discrimination and, for the purposes of this policy, may include the following:

1. threats, intimidation or verbal abuse;
2. 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;
3. displaying or circulating sexist, racist or other offensive pictures, posters or written jokes;
4. unnecessary physical contact, such as touching, patting, pinching or punching;
5. physical assault.

Bullying – Bullying behavior may involve

- repeated humiliation or intimidation that adversely affects a worker’s psychological or physical well-being
- a single instance so serious that it has a lasting, harmful effect on a worker.

Reasonable actions by supervisors or managers to help manage, guide or direct workers in the workplace are not harassment. Appropriate employee performance reviews, counseling or discipline by a supervisor or manager is not harassment.

Racial harassment - Mennonite Church Canada recognizes that racism is a system of social, political and economic domination that oppresses people belonging to a particular racial or ethnic group. As a church comprised of many different peoples and engaging the worldwide church, we further recognize that racism has no place in the Christian community. Even as we seek to dismantle the racism found in our structures, policies and practices, we will work to create ministry environments and relationships that are anti-racist and culturally sensitive in which all people are respected and welcomed.

Sexual harassment - Mennonite Church Canada recognizes two areas of sexual harassment:

1. A quid-pro-quo¹ type of harassment where sexual favours are expected or requested from or offered to a staff or community member in exchange for some benefit, or where discrimination or discipline is threatened if expectations or the requests are not met. This kind of conduct generally involves a person in a position of authority.
2. Maintaining, condoning or contributing to an offensive work environment which may include, but is not limited to, a variety of unwelcome behaviors (listed below) which may create a hostile or intimidating atmosphere. The initiator of the action is expected to change her or his behavior upon notification that it is offensive. Any repeated unwelcome behavior is harassment regardless of whether or not it is intended as such.

Sexual harassment, for the purposes of this policy, may include the following:

1. Unusual and overly friendly attention, including such things as gifts, frequent social telephone calls, letters, private visits, etc.;
2. Persistent shadowing or following; repeated or prolonged staring;
3. Sexual talk and innuendo, dirty jokes and offensive gestures;

¹ **Quid pro quo** is a Latin phrase meaning "something given or received for something else."

4. Sexual or intrusive questions about the individual's personal life;
5. Use of familiarities or diminutive such as "honey," "baby," "dear," etc.;
6. Whistling, catcalls, leering;
7. Unsolicited or unwelcome flirtations, romantic gestures, advances, propositions, manner of dress or display of body;
8. Graphic, degrading, excessive or unwelcome comments about another individual's appearance, dress or anatomy;
9. Display of sexually suggestive objects or pictures;
10. Explicit descriptions of the employee's own sexual experiences;
11. Unnecessary, unwanted physical contact such as touching, hugging, pinching, patting, kissing;
12. Verbal and emotional manipulation and control;
13. Exposing genitalia;
14. Physical or sexual assault;
15. Sexual intercourse or rape.

Retaliation – 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.

D. General Principles

Every employee and volunteer of Mennonite Church Canada is entitled to work free of harassment and has a responsibility to ensure that the workplace is free from harassment. Persons who observe such incidents should discuss the problem with their supervisor, the Human Resources Director or any person at the executive staff level of the denomination. Such supervisors will take appropriate steps to investigate or make further reports to other managers on the problem, keeping the information as confidential as is reasonably possible. Mennonite Church Canada will ensure, so far as is reasonably practicable, that no worker is subjected to



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harassment in the workplace. Mennonite Church Canada will take corrective action respecting any person under its direction who subjects another person to harassment in the workplace.

Persons who choose to follow the procedures outlined in this policy will not be discriminated against in any way. The goal is to address and rectify problems rather than to deny them or cover them up. It is the policy of Mennonite Church Canada to promote diversity in the workforce and maintain an environment free of intimidation, insult, hostility, harassment and abuse. This harassment prevention policy does not discourage or prevent anyone from exercising their legal rights. All employees have the right to file a complaint with the Manitoba Human Rights Commission or other provincial body.

Those who offer to facilitate dialogue between parties and those who formally investigate are expected to (a) excuse themselves from either role if there is a conflict of interest or a perceived conflict of interest; and (b) avail themselves of any training opportunities that will sharpen their skills regarding conflict mediation, investigation procedures, and other related areas.

E. Processing Complaints

Informal Direct Contact

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.

Facilitation Assistance

It will not always be possible for the offended person to directly confront the offender, often because of power dynamics. In such a case, consultation with another member of Mennonite Church Canada staff may be helpful in facilitating 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 nor should not promise complete



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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.

Formal Investigation Team

The investigation team shall consist of a primary investigator and a recorder. Mennonite Church Canada will work to seek gender balance in designating a two-person investigation team which will act together in responding to any complaint. Normally the primary investigator will be the Human Resources Director unless there is a conflict of interest situation or the perception of a conflict of interest while investigating the allegation. If the complaint is against the Human Resources Director, a suitable, trained investigator will be selected from outside of the Mennonite Church Canada staff pool. The name or names of suitable persons to act as the team recorder or primary investigator will be suggested by the Director, Human Resources and approved by the Executive Director. The recorder of the team may be found from within or outside of the Mennonite Church Canada staff pool and will be invited to participate by the Human Resources Director at the time an investigation is initiated. The team may consult with a professional from outside the organization if necessary.

Throughout the investigation, communications between the investigators and the concerned parties will be conducted in a balanced and impartial manner. Care will be taken on the part of the investigators 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 (i.e., one who works in the same office with them versus the other party, who might be separated by a greater geographical distance).

Anyone who believes the acts or comments of a Mennonite Church Canada employee or volunteer constitute harassment is encouraged to communicate with that person's immediate supervisor, executive staff person or with a member of the investigation team. Formal complaints must be presented in writing. The investigation process should begin within five working days of receiving the complaint and be concluded as quickly as the assembling and proper dissemination of reasonable and necessary information allows.



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Confidentiality

All complaints of harassment will be investigated with reasonable confidentiality. A lack of confidentiality can lead to the damage of reputations, and the investigative team will consider the impact of a formal complaint on those in the workplace and attempt to avoid any preventable negative circumstances during the process.

Mennonite Church Canada will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is necessary to investigate the complaint, a part of taking corrective action or required by law.

The investigation team will determine what information and documents obtained through the investigation will be shared with the parties involved. Throughout the process, the investigation team will ensure that the complainant and the respondent receive timely updates about the progression 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 jeopardized, a summarized form of the information may be given.

During the proceedings of the investigation team, no party should make any public comment. In addition the complainant and the accused are requested to have no contact or communication with each other during the process.

Personal Support

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.

"For no one can lay any foundation other than the one that has been laid; that foundation is Jesus Christ." 1 Cor. 3:11

Acknowledging that the investigation of harassment is a stressful event, Mennonite Church Canada 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.

Procedures

Upon receiving the complaint, the investigation team will:

1. Inform the Executive Director, unless the complaint is against that individual.
2. Meet in person with the complainant to discuss the details of the incident(s), record in writing the allegations, the parties involved and the names of any witnesses, determine whether further investigation is warranted and review the Mennonite Church Canada Policy Against Sexual and Other Harassment.
3. Inform the person against whom the complaint is lodged of the allegations, advise them whether there is enough evidence to lead to the complaint being investigated, request a response to the allegations where investigation is warranted, and review the Mennonite Church Canada Policy Against Sexual and Other Harassment.
4. Separately interview in person the parties to the complaint and any witnesses. Witnesses may include those who have direct knowledge of the conduct or behavior complained of, or those who may have knowledge or experience of similar conduct from the accused. Past employees and volunteers may also be interviewed, where necessary.
5. The team members will investigate the incident(s) as they see fit, in their discretion, in as confidential manner as possible. The team will attempt to determine the validity of the complaint, and will make a written report of their findings. The written report and options for further proceedings will be submitted to the Executive Director and the appropriate executive staff person for action.
6. After the conclusion of the investigation, written details of the investigation and the evidence will be compiled by the investigation team, placed in a sealed, confidential file

and forwarded to the Human Resources Director for storage. Files will be kept for 10 years in the archives, unless new circumstances dictate that the files should be retained for a longer period of time. Access to them will be restricted to the Human Resources Director or the Executive Director. Only the outcome of the investigation will be made available in written form in files that are available to the complainant and the accused.

The Executive Director or the Moderator of the General Board will review whether there is reason to suspend the employment or volunteer relationship during the investigative phase, using the procedures provided in the Guidelines for Ministerial Sexual Misconduct Policy.

Findings

Following these meetings and any other investigation deemed necessary by the team, the Executive Director or the accused's Executive Minister will inform the employee or volunteer orally and in writing of the results of the team's recommendation and what, if any, discipline is forthcoming. The Executive Director or the Executive Minister will inform the complainant when the investigation is completed, and advise the individual that appropriate action has been taken.

Disciplinary Action

Any employee or volunteer found to have engaged in harassment of another person will be subject to disciplinary action. The Executive Minister of the employee, the Executive Director and the chairperson of the council or board involved will determine the disciplinary action. Factors such as severity, persistence, multiplicity of the offensive behavior and any recommendations from the investigative team will weigh in the disciplinary decision. Disciplinary actions will be recorded in writing and may include:

1. a written apology to the complainant,
2. an oral or written warning or reprimand,
3. temporary suspension of employment with or without pay,
4. termination of employment or volunteer duties,
5. other appropriate discipline not mentioned.



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A copy of the disciplinary action taken will be filed in the employee or volunteer's personnel file. Depending upon the nature and severity of the offensive behavior, a report may be filed with legal authorities.

F. Appeals

After a formal investigation has been completed, any interested party may choose to use the appeal process as outlined in the Problem-Solving Procedure in this Policy Manual.

G. Other

The above procedure may be altered, amended or modified in any manner by Mennonite Church Canada at any time. For the purposes of fulfilling this policy, if the Executive Director or the CAO or the responsible Executive Minister is the complainant or the accused, their normal duties according to this policy and procedure will be assigned to the chairperson of their board or council. Conversely, if a council or board member is either the complainant or the accused, a suitable replacement will be sought.