

## UNITARIAN UNIVERSALIST CHURCH OF LITTLE ROCK SAFE CONGREGATION POLICY AND PROCEDURES

The Unitarian Universalist Church of Little Rock is committed to promoting a safe and welcoming environment supportive of personal and spiritual growth. This Church recognizes the right of its ministers, employees/contractors, members and friends to have an environment free of interpersonal violence such as harassment and abuse. Violations would include abuse or harassment of a physical, psychological or sexual nature.

We believe that harassment and abuse are not the fault of the victim. A person who has been harassed or abused needs support, empowerment, and a structure which provides an effective, safe and prompt response to his or her complaint. We understand that harassment and abuse may not be intentional, but may in fact arise through miscommunication or lack of awareness. When uncomfortable and/or unacceptable behaviors occur, individuals can sometimes resolve the situation themselves through direct discussion with the responsible party. Since this direct approach is not always appropriate, a Safe Congregation Committee shall be formed to provide the Church with a means of safely and effectively resolving such situations. We recognize the right of an individual who is accused of inappropriate behavior to respond to the allegations and to receive a fair hearing. Along with this policy statement are Safe Congregation Procedures that include guidelines for the formation and functioning of the Safe Congregation Committee.

This Church also supports the Policies of the Unitarian Universalist Association and its Ministerial Fellowship Committee, as well as the official Guidelines of the Unitarian Universalist Ministers Association, regarding professional behavior, which are part of this document. *The provisions of the Constitution of the Unitarian Universalist Church of Little Rock "UUCLR Constitution" are superior to this document and no provision contained herein which conflicts with the UUCLR Constitution is valid.* This Safe Congregation Policy Statement and the Safe Congregation Procedures are also considered to include prohibitions against all criminal behaviors.

### SAFE CONGREGATION PROCEDURES

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#### **1. Safe Congregation Committee: Formation and Functioning**

The Board of Directors shall appoint a Safe Congregation Committee of five members, consisting of the minister, a board member, and three members of the congregation to serve for one year. The five will include at least two women and two men, and replacements will be appointed by the Board as necessary or as terms expire. The Committee shall handle complaints according to the following guidelines:

- a) The Committee will appoint a chairperson and a vice-chairperson who will preside in the absence of the chairperson.
- b) Decisions of the Committee must reflect a quorum of at least three persons, one of whom must be the minister or the Board member.
- c) A complaint may be made in writing, ***signed by the complainant***, to any member of the Safe Congregation Committee. That person will then contact the chairperson who will arrange for the formation of a Safe Congregation Panel of three Committee members to address the complaint. The Panel will include at least one man and one woman and must also include either the minister or a Board member. The complainant, ***the accused***, or any Panel member can request that additional members of the Safe Congregation Committee be on the Panel, thus increasing the Panel size to five members.
- d) Except under extenuating circumstances, the Panel shall meet within ten days of receipt of a complaint, and shall issue its decision within ten days of the Panel's first meeting. ***The Panel shall have the right to declare continuances and to grant continuances at the request of either the complainant or the accused when not to do so would result in unfairness to either party.*** (At any point in this process, the Panel may determine that the Panel is not the appropriate body to address or deal with the complaint.)
- e) A written record shall be kept using a standard form developed by the Safe Congregation Committee; the Panel shall not be required to keep a written record if the complaint is resolved informally. Unless otherwise required ***by the Board of Directors***, this confidential record shall be accessible only by the Safe Congregation Committee members, the Board of Directors and the minister. Access shall be ***denied*** if the complaint involves any of these persons. ***Such records shall be maintained in secured files and shall be destroyed after five (5) years.*** [NOTE: With respect to the kinds of misconduct contemplated hereunder, the Statutes of Limitation are either one year or three years. ARK. STAT. ANN. 16-56-104, 16-56-105, and 5-1-109.]
- f) All complaints shall be given prompt and fair consideration. ***In all matters, respect for the inherent worth and dignity of every person shall be the guiding principle. The Safe Congregation Committee and any Panel(s) appointed by it shall act with sensitivity, objectivity, and the utmost fairness in hearing complaints. Persons presenting complaints and accused persons, equally, shall be free of coercion, restraints, interference, or reprisal by the adverse party.***

***Violations of this provision may be immediately referred to the Board of Directors by the Safe Congregation Committee or any Panel appointed by it, for any of the remedial actions set forth in Section 7, below, and in the case of a complaint against the minister, for action consistent with the provisions of the Contract for Employment between the Church and the minister, which Contract is incorporated herein by reference, as if set forth here word for word.***

- g) The complainant shall have the right to have the support and advice of one (1) other person of their choosing in hearings before the Safe Congregation Panel. Persons presenting complaints shall have the right to request one continuance of any hearing pertinent to the complaint when there is a manifest need to gather evidence or to secure the participation of witnesses. However, such a continuance and any additional continuances shall be granted at the discretion of the Panel charged with the case. The process of reaching a decision may include a meeting between the complainant, the accused, and the Panel, but the advisability of such a meeting shall be left to the discretion of the Panel.***
- h) Persons accused shall have the right to receive, from the assigned Safe Congregation Panel, written notice that a complaint has been received, along with an exact copy of the signed complaint, at least one week in advance of any hearing pertinent thereto, and to have the support and advice of one (1) other person of their choosing in hearings before the Safe Congregation Panel. Persons accused shall have the right to request one continuance of any hearing pertinent to the accusation when there is a manifest need to gather evidence or to secure the participation of witnesses. However, such a continuance and any additional continuances shall be granted at the discretion of the Panel charged with the case. The process of reaching a decision may include a meeting between the complainant, the accused, and the Panel, but the advisability of such a meeting shall be left to the discretion of the Panel.***
- i) If the Panel's decision involves any remedial action, the Panel shall make that recommendation to the Board of Directors, pursuant to Section 7, below. If no remedial action is involved, the Panel's decision will close the complaint process, after the complainant and the accused are notified, in writing, of the Panel's decision.***
- j) If the complaint is proposed to be dropped at the request of the complainant, or if the accused refuses to appear, the Panel may nevertheless, in its discretion, take such further action as it deems just, including recommending to the Board of Directors that it take any of the remedial actions set forth in Section 7, below, against either party. Under***

such circumstances, the Panel shall *furnish written notification to both the complainant and the accused that the matter has been referred to the Board of Directors and the notice shall state what recommendations for further action, if any, the Panel has made to the Board of Directors.*

- k) A complaint against the minister shall be handled by a Special Safe Congregation Committee Panel consisting of the President of the Board of Directors, another Board member (to be selected by lot), a member of the Committee on Ministry (to be selected by lot from among the elected members), and two members of the congregation (members of the Safe Congregation Committee, if possible (selected by lot), otherwise, two members of the congregation at large (to be elected by the Board of Directors). Except for the President of the Board, any person selected who feels she/he has a conflict of interest shall recuse, and another person shall be selected as provided herein. *The Special Safe Congregation Committee Panel shall report its findings to the Board of Directors; remedial action shall be within the province of the Board. In the case of a complaint against the minister, any action taken by the Board shall be consistent with the provisions of the Contract for Employment between the Church and the minister, which Contract is incorporated herein by reference, as if set forth here word for word.*

#### **a. Definitions of Harassment and Abuse**

Two principal forms of interpersonal violence are harassment and abuse, which are defined below. If an individual feels his/her personal safety has been violated in this congregation by a behavior or form of misconduct that is not specified here, s/he may, nevertheless, file a complaint with the Safe Congregation Committee.

#### **Harassment**

Harassment includes unsolicited and unwelcome conduct that in the case of sexual harassment has sexual overtones. All forms of harassment can feel intrusive, intimidating, hostile, offensive and/or humiliating to the victim. This includes physical, psychological and sexual harassment. Stalking is also a type of harassment. We consider these three areas to overlap, but the focus is on the primary complaint. Unwelcome physical touching with sexual overtones would be considered sexual harassment.

- a. Physical – pertaining to unwanted touching, contact, or other physical intrusions upon another’s space
- b. Psychological – pertaining to emotional and mental levels of pestering, intrusion, stalking, etc.
- c. Sexual – pertaining to unwanted sexualized behaviors, which may take the form of:
  - c1. physical conduct – touching, pinching, brushing against,

impeding or blocking movement, assault, coercing sexual contact, etc.

- c2. verbal conduct – sexually suggestive or obscene comments, sexual propositions, threats (including threat of job loss or other punishment unless victim engages in sexual relations), jokes about gender-specific traits or sexual orientation, etc.
- c3. written conduct – sexually suggestive or obscene written material.

### **Abuse**

Abuse is a pattern of behavior that is used to control and/or dominate another person. Abuse can be physical, psychological and/or sexual.

*Physical* – includes actual or threatened harm, such as hitting, shoving, kicking, or throwing things. The harm or threat of harm may also be against family members, pets or treasured belongings.

*Psychological* – includes being mistreated mentally and emotionally, such as being insulted, ridiculed or threatened verbally.

*Sexual* – includes any of the behaviors above. Three major areas of concern are:

1. Sexual relating or contact between an adult and a minor;
2. Sexual relating or contact between minors that violates one of them because of the other's role or position of power;
3. Sexual relating or contact between adults that violates one of them because of the other's role or position of power.

### **b. Policy Regarding Behavior of Church Minister**

[UUMA GUIDELINES: Section 3, Congregation, provide, in pertinent part:

“I will respect absolutely the confidentiality of private communications of members.

I will remember that a congregation places special trust in its professional leadership and that the members of the congregation allow a minister to become a part of their lives on the basis of that trust.

I will not invade the private and intimate bonds of others' lives, nor will I trespass on those bonds for my own advantage or need. In any relationship of intimate confidentiality, I will not exploit the needs of another person for my own.

I will not engage in sexual activities with a member of the congregation who is not my spouse or partner, if I am married or in a committed relationship. If I am single, before becoming sexually involved with a person in the congregation, I will take special care to examine my commitment, motives, intentionality, and the nature of such activity and its consequence for myself, the other person, and the congregation.”]

The minister will recognize the power the ministry gives him/her and refrain from practices which are harmful to others and which endanger his/her integrity or professional effectiveness.

Such practices include, but are not limited to, sexual activity with a child, with an adult in the congregation who is not his/her spouse or partner, with a counselee, with the spouse or partner of a person in the congregation, with an intern, and with an employee/staff member. If the minister is a single person, before becoming sexually involved with a person in the congregation, the minister will take special care to examine his or her commitment, motives, intentionality, and the nature of such activity and its consequences for the minister, the other person and the congregation.

The minister will not invade the private and intimate bonds of others' lives, nor trespass on those bonds for the minister's own advantage or need. In any relationship of intimate confidentiality, the minister will not exploit the needs of another person.

Sexual misconduct is a violation of the ministerial relationship in which a person in a position of religious leadership takes advantage of a vulnerable person instead of protecting him/her. It covers a wide range of activity, and the harm caused by this misconduct is related to the degree of seriousness. The range below is from (1) the least degree of seriousness to (5) the greatest degree of seriousness.

- (1) Sexual innuendoes
- (2) Inappropriate touching
- (3) Unwelcome advances or requests for sexual favors
- (4) Sexual relations with an adult under inappropriate circumstances
- (5) Sexual relations with a minor under any circumstances

#### **Procedure to Handle Complaint Against Church Minister**

The complainant shall make a confidential statement, in a writing that is signed by the complainant, to a member of the Safe Congregation Committee. That member will then contact the chairperson, who will arrange for a Special Safe Congregation Committee to be formed. This Special Committee shall include the President of the Board of Directors, another Board member (to be selected by lot), a member of the Committee on Ministry (to be selected by lot from among the elected members), and two members of the congregation (members of the Safe Congregation Committee, if possible (selected by lot)), otherwise, two members of the congregation at large (to be elected by the Board of Directors). Except for the President of the Board, any person selected who feels she/he has a conflict of interest shall recuse, and another person shall be selected as provided herein.

The Special Safe Congregation Committee will meet within ten days of receipt of the complaint. A written record of the complaint shall be made at the time of the meeting. In the event a complaint alleges that sexual relations occurred, the Special Safe Congregation Committee Panel must immediately report it to the UUA Ministerial Fellowship Committee in Boston, Massachusetts.

The Special Safe Congregation Committee Panel shall issue a *report of its findings to the Board of Directors* within ten days after the first meeting of the Panel *unless a continuance is granted, in which case the report shall be issued within ten days of the expiration of the continuance(s)*. *The process of reaching a decision may include a meeting between the complainant, the minister, and the Special Safe Congregation Committee Panel, but the advisability of such a meeting shall be left to the discretion of the Panel.*

#### **4. Policy Regarding Behavior of Staff**

The staff shall be held to standards similar to those that apply to the minister. Staff members, if single, shall not be prohibited from a dating relationship with another staff member or a person in the congregation. Before becoming sexually involved with another staff member or a person in the congregation, a staff member will take special care to examine his/her commitment, motives,

intentionality, and the nature of such activity and its consequences for himself/herself, the other person and the congregation.

### **Procedure to Handle Complaint Against Staff**

The complainant shall make a confidential statement, in a writing that is signed by the complainant, to a member of the Safe Congregation Committee. That member will then contact the chairperson, who will arrange for the three (or more) person panel formed from the Safe Congregation Committee to meet within ten days of receipt of the complaint.

The Panel from the Safe Congregation Committee shall issue a decision within ten days of the Panel's first meeting *unless a continuance is granted, in which case the report shall be issued within ten days of the expiration of the continuance(s). The process of reaching this decision may include a meeting between the complainant, the staff member the complaint is directed against, and the Panel, but the advisability of such a meeting shall be left to the discretion of the panel.* As is deemed appropriate by the Panel, the Panel may report the nature of the complaint and the Panel's decision regarding the complaint to the Personnel Committee. *If the facts warrant such action, the Safe Congregation Committee or any Panel appointed by it may refer the matter to the Board of Directors for any of the remedial actions set forth in Section 7, below.*

## **5. Policy Regarding Sexual Harassment of Employees**

(Pursuant to Title VII of the Civil Rights Act of 1991)

All employees and persons who have been contracted with for their labor have the right to an environment free from sexual harassment. Sexual harassment is illegal under Title VII of the Civil Rights Act of 1991. When a person is sexually harassed, s/he is afforded the same protection and redress as a victim of any other form of discrimination.

Sexual harassment is defined by the U. S. Equal Employment Opportunity Commission (EEOC) as the use of one's authority or power, either explicitly or implicitly, to coerce another into unwanted sexual relations or to punish another for his/her refusal of same; or the creation of an intimidating, hostile or offensive working environment through verbal or physical conduct of a sexual nature.

It prohibits unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 5.1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; and/or
- 5.2) Submission to or rejection of the conduct is used as the basis for a decision or decisions affecting such individual; and/or
- 5.3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; and/or
- 5.4) Such conduct has the effect of creating an intimidating, hostile, or offensive working environment, and the supervisor knows or should know of the existence of the harassment and fails to take timely and appropriate action.

All individuals in positions of supervision are responsible for their own conduct and for the conduct of individuals whom they supervise, and will take affirmative steps to stop sexual harassment by subordinates when it is brought to their attention, including warning or disciplining the offending

individual. Such discipline may include any legally acceptable means, to be decided with the assistance of the Safe Congregation Committee, and if deemed advisable, the Board of Directors.

### **Procedure to Handle Complaint of Church Employee**

When an employee has an unresolved complaint about another employee or anyone s/he encounters in the context of the church work environment, the employee shall first discuss the complaint with the minister or the Personnel Committee. If the employee would like further assistance in resolving the complaint, the employee can submit the complaint in a signed writing to the Safe Congregation Committee, along with an explanation of actions taken to date. If the minister and/or the Personnel Committee have been involved in any attempts at resolution, they shall also submit documentation. (If the complaint is against the minister, see Item 3, above, for procedure.)

The Safe Congregation Committee will, within ten days of receipt of the complaint, have the Safe Congregation Panel meet to review all written materials relating to the complaint and meet with all relevant parties. *The process of reaching a decision may include a meeting between the complainant, the accused, and the Panel, but the advisability of such a meeting shall be left to the discretion of the Panel.*

Except under extenuating circumstances, the panel will issue a decision within ten days of the panel's first meeting *unless a continuance is granted, in which case the decision shall be issued within ten days of the expiration of the continuance(s).*

Issuance of the decision will close the complaint process. *If the minister and/or the Personnel Committee have been involved in efforts to resolve the complaint, the Panel's decision should be reported to either the minister or the Personnel Committee or both (depending upon their prior involvement), as well as to the complainant and the accused. If the facts warrant such action, the Safe Congregation Committee or any Panel appointed by it may refer the matter to the Board of Directors for any of the remedial actions set forth in Section 7, below.*

### **6. Policy Regarding Behavior of Member or Friend**

We believe our Church needs to have clearly communicated standards. Misconduct on the part of a member or friend can have harmful effects on any individual as well as on the rest of the congregation. This policy is intended to protect the welfare of all individuals, including the Church staff and the minister.

Gradations of seriousness can apply to all forms of harassment and abuse. For example, the following list applies to sexual misconduct, in which (1) is the least serious and (5) is most serious.

- (1) Sexual innuendoes
- (2) Inappropriate touching
- (3) Unwelcome advances or requests for sexual favors
- (4) Sexual relations with an adult under inappropriate circumstances
- (5) Sexual relations with a minor under any circumstances

Appropriate steps will be taken when the behavior of a member or friend has the effect of interfering with another person's personal safety and/or spiritual growth.

## **Procedure for Complaint Against Member or Friend**

The minister, Church staff and Church officers all have the right to exclude or remove from the Church premises, by any lawful means, any person whose conduct is so disruptive and/or offensive as to impair the functioning of the Church. The conduct may come to their attention by direct observation or by verbal or written (signed) complaint of another member or friend. The objectionable conduct may be in person, by mail, by telephone, or by other means.

If the complainant and/or Church official (such as minister, staff member, etc.) believes the person committing the objectionable behavior is not aware that his/her actions are disruptive or offensive, the complainant and/or Church official can attempt to resolve the situation by:

- 1) Clearly and directly telling the person what action is disruptive and/or offensive.
- 2) State that you expect the person to stop such behavior.
- 3) Firmly tell the person that if his/her actions persist, you will file a formal action with the Safe Congregation Committee whose role includes investigation and resolution of such issues.

If such efforts are ineffective or such an approach is deemed unacceptable or inadvisable, the complainant can make a confidential statement, in a writing signed by the complainant, to any member of the Safe Congregation Committee. A Panel from the Committee will meet within ten days of receipt of the complaint, and attempt mediation and resolution, while respecting the confidentiality of all persons concerned. *The process of reaching a decision may include a meeting between the complainant, the accused whom the complaint is directed against, and the Panel, but the advisability of such a meeting shall be left to the discretion of the Panel.* The Panel shall issue a decision within ten days of the first meeting of the Panel *unless a continuance is granted, in which case the decision shall be issued within ten days of the expiration of the continuance(s).* *If the facts warrant such action, the Safe Congregation Committee or any Panel appointed by it may refer the matter to the Board of Directors for any of the remedial actions set forth in Section 7, below.*

## **7. REMEDIAL ACTIONS**

The Safe Congregation Committee panel may resolve any complaint by recommending to the Board of Directors that it do any of the following:

- 1) Permanently or temporarily bar the offender from Church premises and functions;
- 2) Terminate committee, board, teaching, *staff*, or volunteer positions;
- 3) Require that the offender enter a therapy program to remain a Church member;
- 4) Remove the offender from Church membership;
- 5) File formal charges under state and/or federal law.

## 8. CONFIDENTIALITY

The relationship of a member or friend to our Church is one that inspires confidence, and the sharing of confidences. The sharing of a confidence implies a trust that is entitled to the utmost respect and intentional diligence in protecting both (a) the fact of the confidence and (b) the content of the confidence. Therefore:

- (1) If you occupy a position in the Church in which confidential information, of necessity, is shared with you, you are expected to assume the responsibility for respecting the confidentiality of such information when you assume your office.
- (2) Otherwise, if you are offered confidential information and you do not wish to assume the burden of keeping the information confidential, you have every right to decline, in a respectful way.

The Board of Directors affirms and adopts the official Guidelines of the Unitarian Universalist Ministers Association regarding confidentiality between the minister and members and/or friends. A copy of these Guidelines is included as part of Section 3, above.

The confidentiality of private communications between members of the Board of Directors acting in their official capacity and other members or friends of the Church community shall be respected absolutely.

The Church shall keep on file only personal information specifically provided by members and friends such as directory and pledge information. Records of pledges and other donations will be shared only on a “need to know” basis unless specific permission is given by the donor.

Breaches of confidentiality may also be referred to the Safe Congregation Committee when the breach is committed by those in special positions of responsibility, i.e., minister, staff, officer or member of the Board of Directors, by following the procedures set forth in Section 1, above.

*This Safe Congregation Policy is based upon the work of the UU Church of Eugene, Oregon, and is used with their permission; it has been modified to meet the particular needs of UUCLR.*