ON DEVELOPING A SEXUAL HARASSMENT AND MISCONDUCT POLICY

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Preface

The idea for this paper came after I read "Accountable Leadership" by Paul Chaffe. I realized that my congregation, like many others, was vulnerable if an incident of workplace sexual discrimination or misconduct were to occur. The leadership of Temple Beth-El soon realized that they would have to develop their own policy because a suitable model was not available. It is hoped that other congregations will utilize the ideas in this paper to implement a sexual harassment and misconduct code for their own congregations.

I want to thank all those who helped develop Temple Beth-El's policy and to those who encouraged me with this paper. Thanks to Rabbi Samuel Stahl, Rabbi Barry Block, Rabbi Janet Marder, Gary Cohn, and Doris Markoff. These rabbis and administrators were in one way or another very influential during both stages. Thanks to Lee Rosenberg, former President of Temple Beth-El, who let me write the first draft of Temple Beth-El policy and thanks to Tomas Diaz, a member of the Temple board, who provided practical materials for me to use at the NATA Convention in 1994.

A special thanks to my wife, Iris, who has always encouraged me to pursue lofty goals. She was with me for my BA and MA, now she is encouraging me on the way to the FTA.
Introduction

A survey conducted by Newsweek Magazine reported that twenty-one percent of women polled indicated they had been harassed at work and forty-two percent knew someone who had been harassed.\(^1\) Paul Chaffe reports that one in three girls and one in seven boys are abused by the age of eighteen.\(^2\) He further states that eighty-six percent of women have been harassed in the workplace.

These reports and anecdotal news accounts show an alarming incidence of sexual harassment in the workplace. The majority of these cases involve men, in positions of authority, harassing subordinates (primarily women). The Newsweek poll showed that thirteen percent of women have filed or know someone who has filed a sexual harassment complaint.\(^3\)

A high profile complaint can result in large punitive damages awarded to the complainant. A jury awarded seven million dollars to a former secretary of a large law firm who had been sexually harassed.\(^4\) Benjamin Chavis, former executive director of the NAACP, was fired because of allegations of sexual misconduct when he authorized a three hundred thousand dollar payment to a former female employee.\(^5\)

Sexual harassment can occur wherever more than two people work together, including the synagogue. Protecting the synagogue from allegations and acts of workplace sexual discrimination and harassment is no easier nor more difficult than any other place of employment. Organizations need to make the work environment free from sexual harassment. This includes the synagogue.

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Procedures and policies must be established to insure that sexual harassment is prevented; and when sexual harassment does occur, the synagogue must follow established grievance procedures.

Social organizations, such as synagogues, counseling groups, and schools, need to recognize that sexual harassment (workplace discrimination), and/or sexual misconduct (exploitation) can occur. Without policies and procedures there is a greater chance these acts will happen. What can a synagogue do to foster an environment that will minimize the likelihood that these acts will not happen? Specifically, what policies and procedures will reduce the likelihood that these acts will not occur in the synagogue; and if they do occur, what mechanisms are in place to address the situation?

Risk management involves two areas; one is policies and operating procedures of an organization, and the other is insurance protection. While this paper will primarily deal with policy development, a few comments about insurance are warranted.

Insurance coverage reduces the financial risk. Exposure to lawsuit exists, and to a much larger degree than many believe. The *Non-Profit Times* reports that seventy-six percent of nonprofit organizations do not have Directors and Officers Liability insurance. Even organizations that have D & O insurance may not have proper coverage. Some policies contain Sexual Action Exclusion clauses. The best advice is to verify, in writing, with the insurance company the type and limits of sexual action coverage.

Insurance coverage without proper policies in place will not provide financial security. Philip Glick, VP of The Clair Odell Group, said "In Order to get coverage a company has to have a sexual harassment policy in place." Even when coverage exists, the costs of legal defense and investigations may or may not be within the liability limits of the policy.

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7. Ibid.
Problem

What are sexual harassment and sexual misconduct? How does a synagogue implement a sexual harassment and misconduct policy (hereafter referred to as "the policy") to protect itself from incidents of sexual harassment and misconduct? What is the process that leads to the implementation of a policy?

Recognition of the Problem

The leadership of the synagogue should be aware that sexual harassment and misconduct can occur in the workplace. They have a duty to develop policies, procedures, and programs that influence all aspects of synagogue management. Sexual harassment and misconduct are issues that should concern the leadership, in the same manner as music selection, hiring a rabbi, raising funds, operating a school and erecting a new building. The development of a sexual harassment and misconduct policy is an issue that didn't concern Temple leadership only a few short years ago. Today, it is front page news.

Susan Webb, President of Resource Development Group, says, "Everything you can do to prevent sexual harassment before a lawsuit occurs is worth every penny." 8 Joan Engstrom, General Mills E.O. Director, believes it is almost a legal requirement to have a policy. 9 Sometimes the recognition of the need comes before a problem presents itself. Occasionally, it is a reaction to a problem. This scenario can cause immeasurable harm to a synagogue.

Development of a Policy

The process of developing and implementing a policy is a linear one; there is a definite beginning, subsequent intermediate steps and conclusion. A committee consisting of members of the synagogues

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9 "Striking a Nerve," p.36.
professional staff, knowledgeable lay leaders, and possibly paid consultants would develop a policy. The lay involvement could consist of lawyers, business professionals, human resources specialists, and congregants-at-large. They should be involved in leadership positions of other organizations (non-profit or profit, Jewish and non-Jewish).

Having a broad based committee will insure the inclusion of a variety of ideas, experiences, and expertise. The committee members should be able to discuss differences of opinions and be able to reach a consensus on the final policy presented for adoption.

At each step there could be a variety of methods and individuals involved. It was decided at Temple Beth-El one individual would present a rough draft to be reviewed by the Rabbis, Executive Committee and two attorneys (one current and one former Board member). This varied from the suggested broad based committee and in retrospect may have been less than ideal. What is important, is the process listed below was followed.

Process

1. Contact various agencies to gather information, legal guidelines, and sample policies.
2. Review and analyze all materials.
3. Draft a model policy for review.
4. Incorporate comments in a model policy.
5. Submit model for open discussion at board level.
6. Submit final model for legal review.
7. Implement policy. (Disseminate, train, and publicize)
8. Review and modify after policy has been in force some period of time, or after policy has been actually tested.

Rather than describe each step a general overview of the definitions, situations, and concepts will be presented. Each organization will proceed according to its own needs and interpretation of the issue and process. Implementation and review will be discussed later in this paper.
Definitions

What is sexual harassment, and what is sexual misconduct? What are differences? The Civil Rights Act of 1964 provides that it is unlawful for an employer to discriminate against workers because of sex. This covers hiring, working conditions, and termination. By 1980, the Equal Employment Opportunity Commission (EEOC) expanded the definition to cover uninvited sexual advances.

The EEOC guideline for sexual harassment follows:

"Unwelcome sexual advances, requests for favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."¹⁰

Sexual harassment is also defined as, "Unwelcome sexual advances, requests for favors, and other verbal or physical contact of a sexual nature."¹¹ Court action (Harris vs Forklift 1993) expanded the definition to include the concept of a "reasonable person standard." The Supreme Court held that, in addition to offensive behavior, the creation of a hostile environment can constitute sexual harassment. Court decisions continue to redefine the definition of sexual harassment.

Susan Webb offers a simple definition of sexual harassment, "Deliberate and/or repeated sexual or sex-based behavior (including, of course, remarks) that is not welcome, not asked for or returned."¹²

There are many definitions of sexual harassment, each of them with

¹¹ Ibid., p. 299.
¹² Aburdene and Naisbitt, p. 87.
value and merit. Future court cases and new EEOC guidelines make it difficult to develop a universally accepted definition. The final definition will include the following items: *quid pro quid* consideration, address matters of retaliation, and real or perceived hostile environment.

Later guidelines and court rulings apply the "reasonable person standard." Consideration of the reasonable person standard requires that any definition or policy established needs to be broad and inclusive of many possibilities. Various EEOC documents and sample policies that detail the definition are included in the addendum to this paper.

The synagogue is subject to another problem, that of sexual misconduct (exploitation). What is sexual misconduct? Rabbi Janet Marder suggests it is sexual contact between a professional and someone who seeks help from and trusts that professional. This misconduct (exploitation) occurs when clergy or other counselors become sexually involved with individuals seeking help. Several states classify this conduct as illegal.

This type of behavior, while not universally illegal and not addressed by some professional organizations, is potentially more harmful to the synagogue. Rabbi Marder and Rachel Adler both expound the idea of a "boundary" between the professional and the congregant being counseled.

Rachel Adler lists four characteristics of exploitive behavior. First, it violates the roles of client and counselor, secondly, there exists an imbalance of power. Thirdly, genuine consent is impossible; and finally, it violates the original goals of the counseling. The differences between misconduct and harassment are greater than the definition. Are the cases handled the same way, by the same grievance procedure? Are the consequences and sanctions different? The EEOC views harassment as a labor issue, while

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misconduct involves violation of civil and criminal laws and some professional codes of ethics.

A wrongly discharged worker may return to his or her position, with back pay; the perpetrator of misconduct could face termination of employment and even criminal prosecution. The two situations may be covered by separate policies or by separate sections of the same policy. The priority is to establish policies to protect the Synagogue, the congregants, and the employees (both support and professional).

Many professionals have contracts that outline the relationship between the Synagogue and the Professional employee. It is important to remember that the contract cannot have elements that are contrary to law. Professional contracts should include the obligation to follow existing Synagogue policies. These policies may include recognition of contract clauses pertaining to dismissal, suspensions or reprimands.

The grievance procedure should outline general procedures, while giving the ruling body wide latitude for action. This may seem logical, but it leaves the Synagogue open for criticism for non-uniform application of rules if there are several pending cases or previous rulings. Allegations of unfair rulings can be avoided if the cases are handled promptly, fairly, and without personal hostility by the grievance body. Diligent investigation and the final determination publicly announced also reduce criticism.

The structure of the synagogue elevates the institution and rabbi. Congregants often have idealized and unrealistic views of their clergy. This may cause susceptible individuals to be inappropriately influenced when they are in crisis situations or during vulnerable times in their lives. While, the newspapers are not full of allegations of rabbinic misconduct, they do detail alleged and actual misconduct in the Christian religious institutions.

The Catholic Diocese of San Angelo, Texas in 1987 developed a sexual abuse policy to cover priests and expanded it in 1994 to
include all church workers. The Diocese's policy includes churches and facilities in 29 counties in West Texas. While the Union of American Hebrew Congregations (UAHC) is a parent organization for Reform congregations, individual Reform congregations are liable for their own actions. The UAHC has model policies and programs for member congregations to use; however, each temple must officially adopt policies and programs based on their own needs and desires.

Both Adler and Marder approach the question of sexual misconduct primarily from the perspective of rabbinic misconduct. The synagogue is open to other manifestations of wrongdoing. Sexual misconduct can occur between any two individuals in the synagogue. Misconduct can occur between a teacher and student on a weekend retreat, the administrator with a congregant after a late meeting, a cantor with a choir member while working evening rehearsals and almost any other combination.

Temple Beth-El's policy includes in its definitions the term "position of trust." The term "position of trust" implies reliance on the person asked to provide help, not to harm individuals seeking help from him or her. The giver of aid should not mislead or use the situation for his or her own gratification. There is an expectation of integrity and ability to help the individual seeking help. It places an obligation on the giver of aid to refrain from activities that violate the "position of trust."

The policy includes all employees, including clergy. Unsolicited sexual contact between various individuals connected with the temple is prohibited. The policy adopted by Temple Beth-El uses general terms to cover a variety of potential problems. As new EEOC guidelines and guidelines from professional organizations are developed it is expected Temple Beth-El's policy will be revised

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Prevention Checklist

The Manual of Personnel Practices proposes a checklist for organizations to prevent sexual harassment and a grievance process. This checklist can be used during the policy development, implementation and evaluation stages.

1. Has a written policy been adopted and communicated to all employees?

2. Has a specific individual or group been identified to receive the complaint? Is the reporting process clearly stated, designed to maintain confidentiality, and does it encourage the reporting of incidents? How is the issue of retaliation and fear of retaliation addressed?

3. Are incidents handled promptly, thoroughly, and in an unbiased manner?

4. Does the complaint constitute the elements defined as harassment? Can the behavior be reasonably construed as unwelcome, offensive, or intimidating? Is the behavior of a harassing nature? Is there an element of abuse of power? Are there implied or expressed conditions of or for sexual favors? What is the behavior of all parties involved?

5. Is there documentation, or witnesses? Is there an investigation, a gathering of facts?

6. Has corrective action been taken? Does the policy suggest actions that can be taken?

7. Have the complainant or others involved been notified of the investigation and any resultant action taken?

This check list can be used along with the definitions of prohibited behaviors as a tool for writing a sexual harassment policy. Specifically, it is a guide for setting up a grievance procedure. It can be used as a measuring tool for testing the effectiveness of the grievance process.

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16 Levesque, p. 304.
Evaluation

A simple test of the effectiveness of a policy can be determined by asking the following questions:

1. Are the employees and congregants aware of the policy's existence?
2. Do the employees and congregants know how and to whom to submit a complaint?
3. Does the policy promote the lodging of complaints?
4. Are complaints handled promptly and equitably?
5. Are policies being followed?

Policies that are publicized, and employees that are educated are two chief factors that insure a policy will work, assuming that the policy has merit and is well written.

Causes of Exploitation

Rachel Adler suggests seven causes of sexual exploitation by professionals involved with counseling or other professional duties. Knowledge of these can assist the leadership of a synagogue in evaluating its current situation before incidents occur or can be used in analyzing incidents that do happen.

The following list of causes of sexual exploitation can be applied to administrators, educators, teachers, and cantors, in addition to the rabbis as emphasized by Adler. The author of this paper maintains that these causes of exploitive behavior are also the causes of discriminatory behavior.

1. Deficiencies in training and education.
2. Poor assessment skills.
3. Lack of supervision.
5. Power of position.
6. Personality flaws.
7. Synagogue culture.

17 Adler, p.32.
Six of these causes are simple concepts and self-explanatory; the last, synagogue culture, is harder to define. Adler uses the term transference in her definition. It is the level of separation between the rabbi (authority figure) and the congregation. It includes the transference of attitudes and feelings about God and religious teachings to the rabbi. This coupled with the other causes can lead to acts of misconduct.

Synagogue culture is the attitude of the lay leadership concerning the appearance of misdeeds. They make the leadership look bad; they need to be covered up, kept quiet or denied. Does the atmosphere encourage complaints or does the fear of retaliation suppress complaints? Prohibition of retaliatory acts is an essential part of a model policy; its absence is a serious flaw.

Implementation

Implementation of a Sexual Harassment and Misconduct Policy is an educational process. The staff and congregation need to be aware of its existence and content. The approval by the Board of Trustees needs to be included in the official minutes, included in personnel manuals, and reported in the Temple bulletin. Periodic reminders in subsequent bulletin editions reinforce the knowledge of the policy's existence.

Copies of the policy should be included in informational materials given to each new employee, and copies given to veteran employees. An initial staff meeting should present the policy to staff. Periodic staff meetings should be held to review this and all other policies as a matter of good administrative procedures. The policy will not act as a tool to protect the individual and the institution from acts of harassment or misconduct without education or the encouragement of reporting of violations. Obscure references in a personnel manual will not protect an organization from legal action.18

Conclusion

Sexual harassment and misconduct policies need to be adopted by all synagogues. Education and training of the professionals should include emphasis on counseling skills; including assessment of problems, and realization of the limits of their roles and abilities.

The CCAR, UAHC, NATA, NATE, and ACC need to include guidelines for sexual conduct in their professional standards. The local congregations ought to be able to rely on these organizations to hold their members to high standards. When these standards are not met how is this fact transmitted? How are congregations protected from receiving other congregations' problems without warning? The education of the managers and staff in the work place must continue with the goal of zero tolerance for misdeeds and the fear of retaliation eliminated. The lay leadership of congregations should not consider how misdeeds are perceived by others. Instead, they should act according to established policies and feel comfortable that they are doing the "right thing" when prohibited behaviors occur.

Sexual harassment and misconduct policies need to be adopted at all levels of the Jewish religious institutional spectrum. Each organization is responsible for the writing and implementation of policies that govern its actions. It can not rely on others to do so. However, institutions can coordinate programs and increase idea sharing that will help the individual organizations develop programs and policies that will fit their own needs.
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Addendum

Sexual Harassment Policies
Temple Beth-El (San Antonio)
Congregation Beth Israel (San Diego)
Congregation Emanu-El (San Francisco)
Congregation B'nai Israel (Rockville)
F.A.C.T. (Medical research company in San Antonio)
UAHC Policy Against Discrimination

EEO News (1 page)
 Illegal Workplace Harassment

EEOC documents (12 pages)
 Definitions
 Resources
 EEOC Publication list

Document from Center for the Prevention of Sexual and Domestic Violence
 (6 pages) List of videos, books, etc.
Temple Beth-El

SEXUAL HARASSMENT AND MISCONDUCT POLICY
(Adopted April 5, 1994)

Temple Beth-El is committed to providing an environment that is free from sexual harassment and sexual misconduct. Temple Beth-El does not tolerate, condone nor allow any sexual harassment, intimidation, or sexual misconduct.

Sexual harassment and sexual misconduct may violate various federal and state laws. The terms, definitions, and procedures set forth in this document are established to educate and protect the employees, prospective employees, congregants, prospective congregants, visitors, and volunteers of Temple Beth-El. This policy in no way supersedes any applicable federal or state law.

Prohibited Behavior and Definitions

The definitions and behaviors listed below apply to all persons, employees (full or part-time), prospective employees, clergy, congregants, prospective congregants, visitors, volunteers, and others acting for the Temple, or at any other location while engaged in normal or specifically sanctioned Temple activities.

Prohibited sexual harassment, intimidation, or sexual misconduct includes unsolicited or unwelcome verbal or physical contact that has sexual overtones. This can include, but is not limited to:

* Sexually suggestive, obscene or derogatory comments, gestures, threats, slurs, jokes, or sexual propositions.
* Physically coercive behavior, or unwelcome or unsolicited touching, hugging, rubbing, fondling or any contact of a sexual nature.
* Suggestive letters, notes or other statements.
* Conditioning benefits, employment, services, or favors on exchange of sexual favors or acts.
* Use of position of trust, authority, or perceived position of trust to coerce, persuade, or intimidate another to engage in a sexual relationship.
* Unwelcome conduct is conduct not solicited or incited by the individual. Participation in the conduct does not imply acquiescence, since such participation may have been prompted by fear, coercion, or threats.

Sexual harassment or sexual misconduct is prohibited between employees, and between employees, visitors and congregants. Sexual
contact is also prohibited between consenting individuals while in the Temple and may include sexual contact while engaged in any off-premise Temple sponsored activity (ex: retreats, conclaves, conventions etc).

**Grievance Procedure**

Complaints, verbal or written, related to sexual harassment or sexual misconduct shall be directed to the Temple President, Senior Rabbi, or Administrator. Incidents and complaints may be reported to other members of the Board of Trustees or Professional staff if the complainant so desires because of individual involvement or gender issues that may arise. Any employee, congregant, visitor, or any other individual that is aware of sexual harassment or sexual misconduct should also report any incident(s) about which they are aware of to one of the above mentioned officials.

All grievances and complaints shall be promptly and confidentially reported, verbally or in writing, by the above mentioned officials or others to the Executive Committee. If all members of the Executive Committee are of a single gender, an additional Board of Trustee (of the appropriate gender) shall be added in order to have persons of both genders serving on the Executive Committee for the purpose of the investigation of the complaint(s). The Executive Committee shall investigate the complaint(s) and shall make a report and recommendations to the Board of Trustees at its next regular meeting. All investigations and reports shall be handled promptly and confidentially. All parties to the complaint shall be informed of the status of the investigation.

Any involved party shall have the right to meet with the Executive Committee and Board of Trustees at the appropriate meetings. The Executive Committee and Board of Trustees may request that only the involved parties, Professional staff, and witnesses be present. Guests may be excluded from any proceedings in order to insure confidentiality. The Executive Committee and Board of Trustees can meet in executive session for deliberations and final decision.

**Discipline**

Any Temple employee or member found to have violated this policy shall be subject to the appropriate disciplinary action determined by the Board of Trustees, including, but not limited to: warnings, reprimands, suspension or discharge.
Implementation

The policy shall take effect upon action of the Board of Trustees. A copy of this policy shall be given to all employees and available to any congregant who requests one. Notice shall be posted in the Temple bulletin notifying the congregation that this policy is in effect and that copies of the policy are available to any congregant who requests one.
CONGREGATION EMANU-EL
SEXUAL HARASSMENT POLICY
CONGREGATION EMANU-EL
SEXUAL HARASSMENT POLICY

Temple Emanu-El is committed to providing an environment where women and men can worship and work together comfortably and productively, free from sexual harassment and coercion. Sexual harassment is unacceptable under law and will not be tolerated at Temple Emanu-El. Accordingly, the Board of Directors of Temple Emanu-El adopted the following policy at its June, 1992 meeting, for the benefit of all Temple employees and congregants:

Prohibited Behavior

As stated in the "Personal Responsibility" section of the Rabbinic Code of Ethics of the Central Conference of American Reform Rabbis, adopted July, 1991:

"As human beings, we are tempted by yetzer ha-ra, particularly in the area of...sexuality. However, our position as rabbis, teachers of moral standards, and models of moral behavior, demands of us adherence to an exemplary moral code. We must therefore not engage in exploitative practices which destroy our moral integrity. We are expected by others, and we expect of ourselves and each other, to be scrupulous in avoiding even the appearance of sexual misconduct, whether by taking advantage of our position with those weaker than ourselves or dependent upon us, or succumbing to the temptation of willing adults."

In recognition of this Rabbinic Code and applicable laws, Temple Emanu-El prohibits sexual harassment by (or of) any Temple employee of (or by) any other Temple employee, congregant, candidate for employment, or prospective congregant. For purposes of this policy, each reference to "Temple employees" is intended to include the Temple clergy. Prohibited sexual harassment includes unsolicited or unwelcome verbal or physical contact that has sexual overtones. This can include, but is not limited to:

- sexually suggestive, obscene or derogatory comments, threats, slurs, epithets, jokes about gender-specific traits, or sexual propositions;
- physically coercive behavior;
- sexually suggestive or obscene letters, notes, invitations or advances; or
- conditioning a benefit on exchange of sexual favors.
All grievances of sexual harassment by any Temple employee reported to any one of the above-referenced persons must be presented by that person promptly to the Executive Committee of the Temple's Board of Directors (without disclosure to any third party, to protect the confidentiality of the complaint) for intervention and investigation.

The Executive Committee will promptly investigate, or make arrangements for the investigation of, each complaint related to this policy. Upon completion of its investigation the Executive Committee will present to the Temple's Board of Directors a recommended action for approval. All complaints of sexual harassment shall be treated seriously, with discretion, and as confidentially as possible. Each complainant will be kept informed of the status of the investigation pertaining to his or her allegation. All investigations will be conducted impartially and without presumption of guilt or innocence.

**Discipline of Employees**

Any Temple employee found to have violated this policy shall be subject to appropriate disciplinary action, possibly including, but not limited to, warnings, reprimand, suspension or discharge, as determined by the Temple's Board of Directors in accordance with the recommendations of its Executive Committee.

**Protection Against Retaliation**

Temple Emanu-El will not tolerate in any form retaliation against an individual who makes a complaint of sexual harassment or against any participant in the investigation, nor permit any Temple employee to do so. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to the same disciplinary action provided for other forms of sexual harassment under this policy.

**Duties of Congregants**

In addition, the Temple will not tolerate sexual harassment of a Temple employee by any congregant. Any Temple congregant found to have violated this policy shall be subject to appropriate action with respect to Temple privileges, as determined by the Temple's Board of Directors in accordance with the recommendations of its Executive Committee. The grievance procedure for allegations of sexual harassment of any Temple employee shall be identical to the procedure set forth above for allegations of sexual harassment by any Temple employee.
CONGREGATION BETH ISRAEL OF SAN DIEGO
SEXUAL HARASSMENT INFORMATIONAL MEETINGS OF EMPLOYEES
Script for Department Heads

As mandated by Federal Law, a Sexual Harassment Policy is included in our Employee Handbook. Today I will be reviewing the Policy with you and answering any questions you may have. In addition, you will be asked to sign a statement that you have attended this meeting and are now aware of the Sexual Harassment Policy of the Temple.

Here is a copy of the Policy. (Take the time to read it out loud after distributing it.)

It is important for all Temple employees to know that you have the right to a work environment free of conduct that can be considered sexually harassing, abusive or offensive. If you believe you have been the subject of sexual harassment during your employment at the Temple, whether by a supervisor, co-worker or non-employee contact, I hope you will feel free to report the alleged act to me as soon as possible. If you are not comfortable in talking with me, you should report the problem to our Executive Director, Stuart Simmons. I can assure you that either way a thorough, confidential investigation of all complaints will be undertaken immediately and that no employee will be subject to any form of retaliation or discipline for reporting a sexual harassment complaint.

Allow time for questions. Answer questions. (If you, as a Department Head, don’t know the answer to a question, say so; and then we will get you the answer to give the employee.)

Distribute Acknowledgment Sheets and then collect them individually.

(Stress again the importance of reporting any possible incidents immediately, so they can be documented and handled justly.)
Sexual Harassment Policy of Congregation Beth Israel

All Temple employees have the right to a working environment free of conduct that can be considered sexually harassing, abusive or offensive. Sexual harassment of any kind will not be tolerated. Sexual harassment is defined as a continual pattern of unwelcome sexual advances, requests for sexual favors or physical contact of a sexual nature under any of the following conditions:

1. When submission to the conduct involves a condition of the individual’s employment, stated or implied.

2. The individual’s submission or refusal is used, or might be used, as the basis of any employment decision which affects the individual.

3. The conduct unreasonably interferes with the individual’s job performance or creates a work environment that is intimidating, hostile or offensive.

An employee should report any incident he/she construes as being sexually harassing immediately to their Supervisor or the Executive Director. The Executive Director is responsible for handling all complaints of sexual harassment and for insuring that all are investigated fully and fairly, regardless of the manner in which they are made or the individuals involved. It should be noted that both parties are insured fair treatment and that no employee will be subject to any form of retaliation or discipline for reporting a sexual harassment complaint.
I acknowledge that I have attended an Informational Meeting on the Sexual Harassment Policy of Congregation Beth Israel. At this Meeting I was given a copy of the Policy which I read and understand. I further understand that the Temple prohibits all types of sexually harassing conduct by any and all of its employees and, I am aware of the process to be taken to report such an incident.

A copy of this Acknowledgment will be kept in my personnel file.

Signature ___________________________________ Date __________________
SEXUAL HARASSMENT POLICY

B'Nai Israel (B'Nai) does not tolerate sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission is made a term or condition of an individual's employment or when submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual or when the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may involve, among other things:

- "Quid pro quo" harassment. Quid pro quo harassment means conditioning job benefits or detriments on submission or resistance to sexual advances.
- "Hostile environment" harassment. Hostile environment harassment involves behavior that creates an intimidating, hostile, or offensive working environment that interferes with job performance, even if it leads to no tangible job loss (e.g., a work area littered with pornographic materials or a steady stream of vulgar, obscene language).

Sexual harassment can come from a supervisor, fellow employees or professional staff. Men as well as women can be victims of sexual harassment. We cannot stress enough that B'Nai will not tolerate any sexual harassment.

While it is not the purpose of our policy to regulate an employee's personal morality, B'Nai considers harassment to be an act of misconduct and grounds for appropriate disciplinary action, including suspension or termination.

In addition, because even the appearance of impropriety would be detrimental to the best interests of B'Nai, we expect all employees, including our part-time professional staff, to conduct themselves in a professional, objective manner free from obscene, lewd or sexually suggestive activity of any kind. A violation of this policy may result in disciplinary action, suspension or termination of employment at the sole discretion of B'Nai.

If you believe that you have been the subject of sexual harassment, you should immediately avail yourself of the following procedure which has been adopted by B'Nai. To commence such procedure, you should file a written complaint with either or, if you desire, the President of B'Nai, . An investigation will be made into your allegations and following the conclusion of the investigation, a determination will be made and appropriate sanctions shall be imposed at the sole discretion of B'Nai.
The filing of a written complaint under B'Nai's sexual harassment policy is encouraged if you feel that you have been the subject of sexual harassment. B'Nai will not punish or otherwise retaliate against an employee for filing a sexual harassment complaint. For confidentiality purposes, all parties and witnesses who are interviewed in the course of an investigation should refrain from discussing any complaint or matters related thereto except with B'Nai officers conducting the investigation. B'Nai will make every reasonable effort to keep each investigation, including any complaint and the complainant's name or identity, strictly confidential except to the extent disclosure becomes necessary or proper in the course of conducting an investigation and resolving each complaint filed or raised by an employee.
Policy 40.1 - SEXUAL HARASSMENT

A. General Policy:

F.A.C.T. strongly disapproves of and does not tolerate sexual harassment of any kind. All employees must avoid offensive or inappropriate sexual behavior at work and are responsible for assuring that the workplace is free from sexual harassment at all times. Violation of this policy is grounds for discipline, up to and including termination.

F.A.C.T. policy prohibits:

(1) Unwelcome sexual advances;

(2) Requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; and

(3) Other verbal or physical conduct of a sexual nature made to an employee when:
   ◆ submission to such conduct is made, either explicitly or implicitly, a condition of an individual's employment;
   ◆ submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
   ◆ such conduct has the purpose or effect of substantially interfering with an individual's work performance; or
   ◆ such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

B. Examples of Prohibited Conduct:

Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's gender; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

C. Reporting Sexual Harassment:

If you have a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors, you are urged to bring the matter to the attention of your supervisor or manager so we may investigate and deal with the problem. If the complaint involves someone in your direct line of supervision, or if you are uncomfortable discussing the matter with your direct supervisor, you are urged to go to another supervisor with the complaint or to a Human Resources Representative.

The Company will investigate all complaints in accordance with Policy 50.2 ("Conflict Resolution Procedures") and will endeavor to handle these matters expeditiously in a professional manner so as to protect the offended individual.

If it is felt that the normal reporting procedures have not been implemented, an employee may, at any time, send a sexual harassment complaint directly to the Office of the President.
UAHC Policy Against Discrimination, Harassment and Offensive Conduct Based on Legally Protected Status

Policy Statement
All decisions affecting employment, promotion, compensation, assignment and other aspects of the UAHC’s work environment shall be made on the basis of qualification, performance and other pertinent work-related factors, and without discrimination against any person on the basis of race, sex, age, religion (except where it constitutes a bona fide occupational qualification), national origin, disability, marital status, sexual orientation or any other legally protected status.

The UAHC shall not tolerate any harassment of, or other offensive conduct toward, any individual based upon race, sex, age, religion, national origin, disability, marital status, sexual orientation or any other legally protected status. Discriminatory harassment and other offensive conduct includes any conduct, whether verbal, visual or physical, which creates an abusive and hostile work environment and which has the purpose or effect of interfering with an individual’s work performance or development. The work environment encompasses all work-related settings, including business trips and business-related social events.

This policy applies to all employees and to all volunteers working on behalf of the UAHC. Should this policy conflict with any collective bargaining agreements with the UAHC, the terms of the collective bargaining agreement shall govern.

Prohibited Conduct
Preventing harassment and other offensive conduct requires increased awareness by everyone at the UAHC of the impact that one’s actions may have on others. In determining whether harassment or other offensive conduct has occurred, it is not a sufficient excuse that the alleged offender “meant no harm” or was “just kidding.” Instead, the standard to be applied is the perspective of a reasonable recipient of the alleged harassing or offensive conduct.

Because sexual harassment has been recognized as more prevalent in our society than other forms of harassment, special attention is given to sexual harassment in this policy. Sexual harassment includes, among other things, unwelcome sexual advances,
unwelcome requests for sexual favors, and other unwelcome verbal, physical or visual conduct of a sexual nature when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or

(2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the person, whether or not such decisions have direct economic consequences; or

(3) such conduct has the purpose or effect, intentionally or unintentionally, or unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Behavior defined in the policy as sexual harassment may occur between people of the opposite or the same gender.

Consensual personal relationships between individuals in the UAHC are not prohibited by the Policy. Those who engage in such relationships, however, should be aware that questions may later arise regarding the actual freedom of choice of one of the parties, particularly when a superior/subordinate relationship exists between them.

Harassment is not limited to regular business hours on the work site. Instances in which it can occur may include functions or work-related meetings or social events, ceremonies, or other non-work related occasions.

**Education and Prevention**

The UAHC firmly believes that prevention is the best tool for the elimination of harassment. An employer should take all necessary steps to prevent harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval and developing methods to sensitize all concerned.

The UAHC will conduct an initial orientation and periodic educational programs on harassment with all current staff. Similar programs will be conducted with staff from time to time. All existing and new staff will be provided with a copy of this UAHC Policy and requested to read and sign a receipt for the UAHC’s policy so that they are informed of the standards of behavior expected.
The program(s) shall include:

- an explanation of the problem, and of the UAHC’s position and Policy;
- the names, addresses and telephone numbers of people designated by the UAHC with whom complaints should be lodged;
- discussion of what behavior constitutes harassment under the Policy;
- the review of legal options available to those who believe they have been harassed.

The UAHC will also take reasonable steps to inform volunteers of its opposition to harassment in all forms.

**EO Committee**

To implement these policies the UAHC has developed procedures that enable all employees and volunteers to raise concerns about harassment and offensive conduct based on legally protected status. These procedures include an Equal Opportunity Committee ("EO Committee") which will be available to assist employees and volunteers who wish to raise such concerns and to advise the UAHC in responding to these concerns. The members of the EO Committee are appointed by the President and shall number two employees (one of each gender) and two volunteers (one of each gender). One of these individuals shall be designated by the President to be the EO Chair.

In the Procedures described below, where it is indicated that a matter will be referred to the President, it shall pertain to employees of the UAHC and where it is to be referred “where appropriate to the Chair of the Board.” it is understood to apply to matters involving volunteers. If both an employee and a volunteer are involved, the President shall consult with the Chair of the Board.

It is implicit that the procedures described below will be implemented on a timely and expedited basis.

**Procedures for Raising Concerns Regarding Harassment and Offensive Conduct**

The Procedures described below are available for and applicable to all employees of and volunteers for the UAHC.

1. Selecting a Procedure
The UAHC encourages those who believe they have encountered conduct that violates the Policy to take responsive action. The UAHC understands that, depending on the nature of the conduct involved and the personal preference of the recipient of that conduct, different responses may be appropriate. The following procedures are available: self-help, informal intervention and requests for a factual review of alleged policy violations. In determining which alternative to pursue, the individual should feel free to consult with any members of the EO Committee. Please note that, in general, commencing one alternative does not mean that the individual cannot also pursue another alternative later. An employee represented by a labor organization, if permitted by the labor agreement, may pursue a matter using the labor agreement's grievance procedure in addition to or instead of this procedure.

2. Self-Help
A person may feel that the appropriate response to particular offensive conduct is either to stop it while it is happening, or to speak to the offending person later and explain that the conduct was offensive. This approach may be most appropriate when it appears that the offending person may not be aware that the conduct is offensive or is operating on the mistaken assumption that the conduct is not unwelcome. Self-help can be an effective means for stopping offensive behavior in a firm yet tactful manner. As an alternative, a person may choose to send a note to the offending person that informs him or her of the person's concern.

3. Informal Intervention
In some instances, an individual may not want to approach the offending person directly on her or his own. In that case, members of the EO Committee are available to provide assistance, either by advising that individual on how to proceed or by serving as an intermediary in dealing with the offending person. A memo of the discussion will be kept by the EO Committee. In most instances, requests for intervention can be handled by the EO Committee directly. When the same offending person is identified in a number of situations or where the nature of the specific situation is significant, the Chair of the EO Committee (“EO Chair”) may report the circumstance to the President, or where appropriate to the Chair of the Board, so that appropriate action may be taken.

4. Factual Review of Alleged Policy Violations
Anyone who decides that she or he wants the EO Committee to review allegations of a violation of this Policy should notify the EO Chair. Following such notice, the following steps will usually be taken:
   
   a. If, after considering the allegations, the EO Chair believes that the allegations, if true, would involve a violation of the Policy, the EO Chair shall notify the EO
Committee. The EO Chair shall appoint one or more persons to review the allegations. The EO Chair shall notify the person requesting the review, the alleged recipient of the conduct (if different) and the alleged offender of the commencement of a review and the name(s) of the person(s) conducting the review. Except in exceptional circumstances, such as when the person making the complaint specifically requests confidentiality and the request is honored, as discussed below, the name of the person requesting the review will be disclosed to the alleged offending person at this point.

If, after considering the allegations, the EO Chair does not believe that the allegations, if true, would involve a violation of the Policy, the EO Chair shall notify the person requesting the review and the President, or where appropriate, the Chair of the Board.

b. The person(s) conducting the review shall interview the person making the allegations, the alleged recipient of the conduct (if different), the alleged offender and any witnesses deemed appropriate. All interviews shall be conducted privately.

c. The alleged offender may suggest witnesses for interview by those conducting the review.

d. Upon completion of the review, the person(s) conducting the review shall make a written report to the EO Chair and the President, or where appropriate the Chair of the Board. The report shall be treated with the maximum degree of confidentiality consistent with these procedures.

e. The President, or where appropriate the Chair of the Board, in consultation with the EO Chair, shall determine whether a violation of the Policy occurred. The person making the allegations and the accused shall be advised of the results of the review.

5. Remedies
The President, or where appropriate the Chair of the Board, in consultation with the EO Chair shall determine the appropriate remedy for violations of the Policy. In an egregious case, the President, and/or where appropriate the Chair of the Board, may take appropriate action pending resolution under these guidelines or legal proceedings. The remedies available range from counselling to discharge (consistent with applicable procedures) or, in the case of a volunteer, requiring one to relinquish all positions with the UAHSC, and will vary appropriately with the circumstances presented.

6. Disqualifications

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If a review is requested, the person requesting the review, the person who was subject to the harassing conduct (if different) and the person who is alleged to have violated the Policy shall all be disqualified from participating in the process, other than as witnesses, or from making any decisions regarding the merits of the allegations or the appropriate remedy.

7. Confidentiality
All actions taken in response to requests for review will be undertaken with the maximum possible confidentiality, subject to the requirements inherent in conducting a fair review. A person making allegations may request that her or his name be kept confidential and, except in exceptional circumstances (e.g., where doing so would be inappropriate based on the nature of the allegations), that request will be honored. If such a request is honored, however, it may make it impossible to conduct a factual review. Such a request may also limit the UAHC's ability to impose certain remedies. All parties contacted in the course of the review will be required to respect the confidentiality of both the person making the allegations and the accused.

8. Protection Against Retaliation
Retaliation is a very serious violation of the Policy and should be reported immediately to the President, where appropriate to the Chair of the Board, or the EO Chair. Retaliation against any individual for reporting violations of the Policy or for participating in the process — whether by the object of the allegations or someone else — will not be tolerated and will be subject to strict discipline. Each retaliation offense will be reviewed and remedied separately.

9. False accusations
The UAHC recognizes that the question of whether a particular course of conduct constitutes a violation of the Policy requires a factual determination. The UAHC also recognizes that false accusations have serious effects on innocent persons. If, after investigation, it is clear that a person who has accused another of violating the Policy has maliciously or recklessly made a false accusation, the accuser will be subject to appropriate remedies as set forth in Section 5 above. It is important to note, however, that the fact that allegations are not substantiated or are determined not to constitute a violation of the Policy does not mean that the allegations were made falsely.

10. UAHC-Initiated Investigations
If the President, the Chair of the Board, or the EO Chair has reason to believe that a violation of the Policy has occurred (other than as a result of allegations made under the Policy) he/she may initiate his/her own review.
11. Allegations to Outside Agencies

If an allegation of unlawful conduct is made to an outside agency or court, the UAHC reserves the discretion to suspend any of the procedures set forth above and to rely instead on the processes of the agency or court to determine the merits of the allegations. The UAHC, of course, respects the right of individuals to raise such allegations and acknowledges the legal obligation not to retaliate against individuals who exercise that right.
Illegal Workplace Harassment
Based on Race, Color, Religion, Gender, National Origin, Age & Discrimination

Most employers are aware of sexual harassment, however other forms of harassment are also prohibited. The Equal Employment Opportunity Commission (EEOC) has determined that there is a need for new guidelines emphasizing that harassment based on race, color, religion, gender, age, or disability is discriminatory.

Harassment is currently addressed in separate guidelines. EEOC recognizes the need to consolidate the guidelines for determining whether conduct in the workplace constitutes illegal harassment under the various anti-discrimination statutes: Title VII of the Civil Rights Act, the Age Discrimination in Employment Act (ADEA); the Americans with Disabilities Act (ADA); or the Rehabilitation Act of 1973.

EEOC Defines Harassment as:

- Verbal or physical conduct that demonstrates or shows hostility or aversion towards an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends or associates, and that:

  - Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
  - Has the purpose or effect of unreasonably interfering with an individual's employment opportunities;
  - Otherwise adversely affects an individual's employment opportunities.

Harassing Conduct

Includes, but is not limited to:

- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, national origin, age, or disability, and
- Written or graphic material that demonstrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

Reasonable Person Standard

The standard for determining whether verbal or physical conduct relating to race, color, religion, gender, national origin, age, or disability is sufficiently severe or pervasive to create a hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile, or abusive. The "reasonable person" standard includes consideration of the perspective of persons of the alleged victim's race, color, religion, gender, national origin, age, or disability. It's not necessary to make additional showing of psychological harm.

An employer, employment agency, joint apprenticeship committee, or labor organization has an affirmative duty to maintain a working environment free of harassment on any of these bases. Harassing conduct may be charged even if the complaining employee(s) are not specifically intended targets of the conduct.

In determining whether the alleged conduct constitutes harassment, the Commission will look at the record as a whole and at the totality of the circumstances, including the nature of the conduct and the context in which it occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.

An employer is liable and must take immediate and appropriate corrective action for harassment in the workplace relating to race, color, religion, gender, national origin, age or disability.

This includes the conduct: a. of supervisors and agents acting in an "agency" capacity, b. between co-workers or, c. by non-employees who harass employees in the workplace.

To prevent harassment, employers should have an explicit harassment policy that is clearly conveyed to all employees. An effective complaint procedure should also be provided. Call or write Project Equality for a sample policy and complaint procedure.
QUESTIONS AND ANSWERS ABOUT SEXUAL HARASSMENT

IDENTIFYING SEXUAL HARASSMENT

WHAT IS SEXUAL HARASSMENT?
Sexual harassment is a form of sex discrimination which is a violation of Title VII of the Civil Rights Act of 1964. The EEOC’s guidelines define two types of sexual harassment: "quid pro quo" and "hostile environment."

WHAT IS "QUID PRO QUO" SEXUAL HARASSMENT?
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "quid pro quo" sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

WHAT IS "HOSTILE ENVIRONMENT" SEXUAL HARASSMENT?
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "hostile environment" sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

WHAT FACTORS DETERMINE WHETHER AN ENVIRONMENT IS "HOSTILE?"
The central inquiry is whether the conduct "unreasonably interfered with an individual’s work performance" or created "an intimidating, hostile, or offensive working environment." The EEOC will look at the following factors to determine whether an environment is hostile: (1) whether the conduct was verbal or physical or both; (2) how frequently it was repeated; (3) whether the conduct was hostile or patently offensive; (4) whether the alleged harasser was a co-worker or supervisor; (5) whether others joined in perpetrating the harassment; and (6) whether the harassment was directed at more than one individual. No one factor controls, rather, an assessment is made based upon the totality of the circumstances.

WHAT IS UNWELCOME SEXUAL CONDUCT?
Sexual conduct becomes unlawful only when it is unwelcome. The challenged conduct must be unwelcome in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive.

HOW WILL THE EEOC DETERMINE WHETHER CONDUCT IS UNWELCOME?
When confronted with conflicting evidence as to whether conduct was welcome, the EEOC will look at the record as a whole and at the totality of the circumstances, evaluating each situation on a case-by-case basis. The investigation should determine whether the victim’s conduct was consistent, or inconsistent, with his/her assertion that the sexual conduct was unwelcome.
QUESTIONS AND ANSWERS ABOUT SEXUAL HARASSMENT

IDENTIFYING SEXUAL HARASSMENT (cont.)

WHO CAN BE A VICTIM OF SEXUAL HARASSMENT?
The victim may be a woman or a man. The victim does not have to be of the opposite sex. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

WHO CAN BE A SEXUAL HARASSER?
The harasser may be a woman or a man. He or she can be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

CAN ONE INCIDENT CONSTITUTE SEXUAL HARASSMENT?
It depends. In "quid pro quo" cases, a single sexual advance may constitute harassment if it is linked to the granting or denial of employment or employment benefits. In contrast, unless the conduct is quite severe, a single incident or isolated incidents of offensive sexual conduct or remarks generally do not create a "hostile environment." A hostile environment claim usually requires a showing of a pattern of offensive conduct. However, a single, unusually severe incident of harassment may be sufficient to constitute a Title VII violation; the more severe the harassment, the less need to show a repetitive series of incidents. This is particularly true when the harassment is physical. For example, the EEOC will presume that the unwelcome, intentional touching of a charging party's intimate body areas is sufficiently offensive to alter the condition of his/her working environment and constitute a violation of Title VII.

CAN VERBAL REMARKS CONSTITUTE SEXUAL HARASSMENT?
Yes. The EEOC will evaluate the totality of the circumstances to ascertain the nature, frequency, context, and intended target of the remarks. Relevant factors may include: (1) whether the remarks were hostile and derogatory; (2) whether the alleged harasser singled out the charging party; (3) whether the charging party participated in the exchange; and (4) the relationship between the charging party and the alleged harasser.

WHAT SHOULD A SEXUAL HARASSMENT VICTIM DO?
The victim should directly inform the harasser that the conduct is unwelcome and must stop. It is important for the victim to communicate that the conduct is unwelcome, particularly when the alleged harasser may have some reason to believe that the advance may be welcomed. However, a victim of harassment need not always confront his/her harasser directly, so long as his/her conduct demonstrates that the harasser's behavior is unwelcome.
The victim should also use any employer complaint mechanism or grievance system available. If these methods are ineffective, the victim should contact the EEOC as soon as possible (see Filing a Charge, below).
QUESTIONS AND ANSWERS ABOUT
SEXUAL HARASSMENT

PREVENTING SEXUAL HARASSMENT

WHAT SPECIFIC STEPS CAN AN EMPLOYER TAKE TO PREVENT SEXUAL HARASSMENT?
Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take all steps necessary to prevent sexual harassment from occurring. An effective preventive program should include an explicit policy against sexual harassment that is clearly and regularly communicated to employees and effectively implemented. The employer should affirmatively raise the subject with all supervisory and non-supervisory employees, express strong disapproval, and explain the sanctions for harassment.

SHOULD AN EMPLOYER HAVE A GRIEVANCE PROCEDURE?
The employer should have a procedure for resolving sexual harassment complaints. The procedure should be designed to encourage victims of harassment to come forward and should not require a victim to complain first to the offending supervisor. They can do so by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains. It should ensure confidentiality as much as possible and provide effective remedies, including protection of victims and witnesses against retaliation.

WHAT IF AN EMPLOYER ASSERTS THAT IT HAS ELIMINATED THE HARASSMENT?
When an employer asserts it has taken remedial action, the EEOC will investigate to determine whether the action was prompt, appropriate and effective. If the EEOC determines that the harassment has been eliminated, the victims made whole, and preventive measures instituted, the Commission normally will administratively close the charge because of the employers' prompt remedial action.

FILING A CHARGE

HOW DO I FILE A CHARGE OF DISCRIMINATION?
Charges of sex discrimination may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field Offices are located in 50 cities throughout the United States and are listed in most local telephone directories under U.S. Government. To reach the nearest EEOC field office, dial toll free on 800-669-4000. More information on sexual harassment and information on all EEOC-enforced laws may be obtained by calling toll free on 800-669-EEOC. EEOC's toll free TDD number is 800-800-3302.
QUESTIONS AND ANSWERS ABOUT SEXUAL HARASSMENT

FILING A CHARGE (cont.)

WHAT ARE THE TIME LIMITS FOR FILING A CHARGE OF DISCRIMINATION?
A charge of discrimination on the basis of sex must be filed with EEOC within 180 days of the alleged discriminatory act, or within 300 days, if there is a state or local fair employment practices agency that enforces a law prohibiting the same alleged discriminatory practice. However, to protect legal rights, it is recommended that EEOC be contacted promptly when discrimination is believed to have occurred.

WHAT TYPES OF EVIDENCE WILL THE EEOC LOOK AT TO DETERMINE WHETHER SEXUAL HARASSMENT HAS OCCURRED?
When investigating allegations of sexual harassment, EEOC will look at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. The EEOC recognizes that sexual conduct may be private and unacknowledged, with no eyewitnesses. Corroborative evidence of any nature will be explored.

EEOC also will investigate whether any complaints or protests occurred. However, while a complaint or protest is helpful to a charging party's case, it is not a necessary element of the claim. Victims may fear repercussions from complaining about the harassment and such fear may explain a delay in opposing the conduct. If the victim failed to complain or delayed in complaining, the investigation must ascertain why.

IF I FILE A DISCRIMINATION CHARGE, WHAT TYPES OF RELIEF ARE AVAILABLE?
If you have been discriminated against on the basis of sex, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may also be entitled to hiring, promotion, reinstatement, back pay and other remuneration. You may also be entitled to damages to compensate you for future pecuniary losses, mental anguish and inconvenience. Punitive damages may be available, as well, if an employer acted with malice or reckless indifference. You may also be entitled to attorney's fees.

CAN MY EMPLOYER RETALIATE AGAINST ME FOR FILING A CHARGE WITH EEOC?
It is unlawful for an employer or other covered entity to retaliate against someone who files a charge of discrimination, participates in an investigation, or opposes discriminatory practices. Individuals who believe that they have been retaliated against should contact EEOC immediately. Even if an individual has already filed a charge of discrimination, he or she can file a new charge based on retaliation.
QUESTIONS AND ANSWERS ABOUT SEXUAL HARASSMENT

WHAT LAWS DOES EEOC ENFORCE?
EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal government; sections of the Civil Rights Act of 1991; and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments.

THE ABOVE INFORMATION IS INTENDED AS A GENERAL OVERVIEW OF SEXUAL HARASSMENT AND DOES NOT CARRY THE FORCE OF LEGAL OPINION.

December 1992
FACTS ABOUT
SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

* The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
* The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
* The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
* Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
* The harasser's conduct must be unwelcome.

It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

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FILING A CHARGE

If you have been discriminated against on the basis of sex, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay and other remuneration. You may also be entitled to damages to compensate you for future pecuniary losses, mental anguish and inconvenience. Punitive damages may be available, as well, if an employer acted with malice or reckless indifference. You may also be entitled to attorney’s fees.

Charges of sexual harassment may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most local telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-669-EEOC. EEOC’s toll free TDD number is 800-800-3302. This fact sheet is also available in alternate formats, upon request.

January 1994
Sexual Harassment Resources

The U.S. Equal Employment Opportunity Commission (EEOC) Library has compiled this selective list of materials on the topic of sexual harassment for the convenience of business people, their employees, and the general public who wish to familiarize themselves with this issue. The EEOC in no way endorses any of the commercially available videos or books as being official EEOC guidance. A list of sources for the purchase of the books and videos is included. Members of the public can also inquire at their local libraries and bookstores about the availability of these and other materials on sexual harassment.

**EEOC PUBLICATIONS**

**Facts about sexual harassment.**
A two-page overview which briefly defines sexual harassment and gives examples of the circumstances under which it can occur. Tells how to file a charge with the EEOC.

**Guidelines on discrimination because of sex.**
Located in Title 29 of the Code of Federal Regulations at part 1604. Part 1604.11 deals specifically with sexual harassment.

**Policy guidance on current issues of sexual harassment.** EEOC Notice N-915-050, 3/19/90
"...provides guidance on defining sexual harassment and establishing employer liability in light of recent cases." Although written as guidance for EEOC Field Office and Headquarters personnel, this material is also useful for attorneys or other legal staff who are interested in EEOC's official position on the issue of sexual harassment.

**Questions and answers about sexual harassment.**
An informative two-page leaflet giving EEOC's answers to the most commonly asked questions about sexual harassment.

**VIDEOS**

Costly proposition: sexual harassment at work. BNA Communications Inc., 1986. 31 minutes
Explores the major issues of sexual harassment: hostile work environment, quid pro quo harassment, third party harassment, non-participants' harassment, "gray" areas. Aimed at managers, supervisors, and employees. If the video is viewed by a group, a discussion leader must be present to explain the concepts which are presented using vignettes of workplace scenes.
Handling the sexual harassment complaint (for managers and supervisors). American Media Incorporated, 1990. 15 minutes

Trains managers and supervisors to respond correctly and legally to sexual harassment complaints. Offers specific procedures to follow when receiving, investigating, and taking action on a sexual harassment complaint. Companion to "Sexual Harassment in the Workplace: Identify, Stop, Prevent" video.

Intent vs. impact: recognizing, preventing and resolving sexual harassment. BNA Communications Inc., 1986. Two-tape series. 68 minutes

Shows managers, supervisors, and employees how to recognize the differences between friendly behavior and subtle sexual harassment. Explains the laws and policies that govern sexual harassment and how to resolve such incidents within an organization.

Making advances: what organizations must do about sexual harassment. Coronet/MTI Film & Video, 1988. 30 minutes

Teaches a workable system for recognition, response, and prevention. Trains everyone from top management to line supervisors in how to establish and maintain a harassment-free work environment. Includes interviews with top EEOC officials.

Preventing sexual harassment. BNA Communications, Inc., 1992. 66 minutes

This two-part program, one for managers and the other for employees, is designed to show how to identify and prevent sexual harassment in the workplace. Realistic vignettes depicting workplace and courtroom scenes highlight problems and solutions.


Designed to be shown to all employees. Explains what sexual harassment is, how to stop it, and how to prevent it. Promotes the concept that sexual harassment of any type is a form of discrimination and does not have to be tolerated by either management or employees. Companion to "Handling the Sexual Harassment Complaint" video.


Presented by Susan L. Webb. Segments include: "What are we doing here?" (introductory material); "What is sexual harassment?"; "Why should I worry about it?"; "What does the law say?"; "What am I supposed to do?" Trains all levels of employees in a lecture-style format.

Stopping sexual harassment in the federal workplace. FPMLI Communications Inc.

A two-tape series which includes 1) "Sexual harassment: not government approved", and 2) "Preventing sexual harassment: some practical answers."
BOOKS

Corporate affairs: nepotism, office romance, & sexual harassment; a BNA special report. Bureau of National Affairs, 1988

Good coverage of case law on sexual harassment (and the other topics mentioned in the title), but only through 1987. Sample company policies are useful, but the bulk of the material will be useful only to attorneys or other human resources staff.

Corporate attractions: an inside account of sexual harassment with the new sexual rules for men and women on the job, by Kathleen Neville. Acropolis Books Ltd., 1990

The major portion of the book is devoted to a retelling of the author's personal experience as a victim of sexual harassment. She also offers advice on how to file a complaint and provides information on EEOC procedures and policies.

Federal manager's guide to preventing sexual harassment, by Dennis K. Reischl and Ralph R. Smith. FPMI Communications, Inc., 1989

Aimed at federal government managers, but useful in the private sector as well. Defines sexual harassment and discusses specific case situations. Tells how to recognize sexual harassment and how to deal with it.

Sexual harassment and the federal employee, by Dennis K. Reischl and Ralph R. Smith. FPMI Communications, Inc., 1990

Easy to read and understand, this 31 page booklet presents basic information about sexual harassment: what it is, how to recognize it, and what to do if you are a victim.


This recent treatise on sexual harassment law is a major source of information about leading court cases in this subject area. All subjects receive detailed treatment, making this volume the most comprehensive work on sexual harassment law yet published.


Updates a Merit Systems Protection Board study conducted in 1980 in order to determine what changes, if any, had occurred in the federal government relating to incidents of sexual harassment. In 1987, 42% of all women and 14% of all men working for the federal government reported experiencing some form of sexual harassment.


For managers and supervisors. Offers a comprehensive overview of all major issues in sexual harassment claims.

Nolo Press publications are written for the layperson. This volume describes what sexual harassment is and gives specific strategies to end it, including confronting the harasser, using a company complaint procedure, filing a state or federal sexual harassment claim, and bringing a lawsuit. It also offers guidance to employers who want to create a policy against sexual harassment and procedures for handling complaints.


The author, a well-known lecturer and advocate in this field, gives a history of sexual harassment as well as information for both employees and managers in dealing with sexual harassment. The chapter which outlines six, simple steps to stop sexual harassment is very useful.


Covers all federal legislation relating to job rights. Includes sources of assistance on the federal and state level.

SOURCES

Acropolis Books Ltd.
2400 17th St., N.W.
Washington, DC 20009-9964 1-800-451-7771

American Media Incorporated
1454 30th St.
West Des Moines, IA 50265-1390 1-800-262-2557

BNA Communications Inc.
9439 Key West Ave.
Rockville, MD 20850 1-800-233-6067

Bureau of National Affairs
Customer Service Center
9435 Key West Ave.
Rockville, MD 20850 1-800-372-1033

Coronet/MIT1 Film & Video
Simon & Schuster Supplementary Education Group
108 Wilmot Road
Deerfield, IL 60015 1-800-621-2131
Executive Enterprises Publications Co. Inc.
22 W. 21st St.
New York, NY 10010-6904 1-800-332-1105

FPMI Communications, Inc.
3322 So. Memorial Parkway, Suite 40
Huntsville, AL 35801 205-882-3042

MasterMedia Ltd.
16 E. 72nd, Suite 200
New York, NY 10021 1-800-334-8232

Nolo Press
950 Parker St.
Berkeley, CA 94710 1-800-992-6656

Pacific Resource Development Group
4044 NE 58th
Seattle, WA 98105 206-782-7015

U.S. Equal Employment Opportunity Commission
1801 L St. N.W.
Washington, DC 20507 1-800-669-3362 (Voice)

U.S. Government Printing Office
Superintendent of Documents
Washington, DC 20402 1-800-800-3302 (TDD)

This publication is available in alternate formats, upon request. To obtain alternate formats, call EEOC's toll free number: 1-800-669-3362 (Voice) or 1-800-800-3302 (TDD).

April 1993

EEOC-BK-SHR
Educational Resources on Clergy Misconduct

Center for the Prevention of Sexual and Domestic Violence

Award-Winning Video and Training Resources on Prevention of Clergy Misconduct: Sexual Abuse in the Ministerial Relationship

Includes Trainers' Workshop Schedule

Educational Programs for:
- Clergy of all religions
- Religious professionals
- Lay audience
- Pastoral counselors
- Seminary teachers and students
- Denominational leaders

A program series produced by the Center for the Prevention of Sexual and Domestic Violence
1715 North 34th Street, Suite 115
Seattle, Washington 98103-5058
206-634-1063
FAX 206-634-0115
Videos

The Video: "Not in My Church"

The story of one church faced with a betrayal of trust by its minister—a story that could happen in any church. This 45-minute docudrama is designed to help people deal with the problem of clergy misconduct involving sexual abuse in the ministerial relationship.

The Video: "Not in My Congregation"

Intended for Jewish audiences, this version is the same as the docudrama "Not in My Church," but includes an introduction by a rabbi, stressing how the subject affects the Jewish community.

Videos Intended For:
- Clergy, rabbi and other religious professionals
- Denominational leaders
- Lay audiences
- Seminary professors and students

Included With Each Video:
- A study guide for use with all audiences, includes discussion questions and guidelines for presenting materials
- 25 copies of an awareness brochure entitled "What you in the congregation need to know about..."

Peter's friend and mentor, Rev. Tomás Mendoza, District Superintendent, is assigned by the Bishop to investigate the allegations.

An inquiry board is convened, listens to the testimony, and struggles with how to respond.

Ordering Information

"Not in My Church"
To purchase: Cost: $149
Order Number: V-100
To rent: Cost: $60
Order Number: RV-100
Free preview for prospective purchasers:
Order Number: RV-101

"Not in My Congregation"
To purchase: Cost: $149
Order Number: V-101
To rent: Cost: $60
Order Number: RV-101
Free preview for prospective purchasers:
Order Number: RV-101

Awareness Brochures:
"What you in the congregation need to know about..."
Order Number: TC-103
Cost per brochure:
1-100, $0.50 each
101+, $0.40 each

Awareness Brochure Artwork
Camera-ready copy for your own printing. Cost: $100
Order Number: TC-103B
Trainers' Workshop

Clergy Misconduct: Sexual Abuse in the Ministerial Relationship

A 3½-Day Workshop
The Center provides a 3½-day workshop to prepare you to deal with clergy misconduct and to educate others about this problem. The training provides:

- Analysis of sexual abuse by clergy and other religious professionals as a form of clergy misconduct
- Identification of situations of abuse
- Theological and pastoral concerns
- Development of policy and procedures for handling complaints
- Intervention strategies
- Discussion of insurance and legal liability issues
- Prevention strategies
- How to train clergy and lay persons

Participants Receive the Complete Training Curriculum Including:
- Workshop manual
- "Not in My Church," or "Not in My Congregation" video with study guide
- "Once You Cross the Line" training video
- 25 copies of an awareness brochure entitled "What you in the congregation need to know about . . ."
- Tote bag

Those Who Should Attend:
- Persons skilled in training and teaching
- Persons in leadership positions
- Persons willing and able to be an ongoing resource to their denomination

Registration Information
The workshop registration fee is $675 per person. Room and board are extra. Fees are due two weeks in advance of the workshop. A late fee may apply after that date. For more information, call the workshop location, or the Center for the Prevention of Sexual and Domestic Violence:
206-634-1903.

Workshop Dates
October 5-8, 1993
Pittsburgh Theological School
Pittsburgh, Pennsylvania
412-362-5610

October 11-14, 1993
Richmond, Virginia
804-342-0016

October 31 - November 3, 1993
Lutheran School of Theology at Chicago
Chicago, Illinois
312-346-3150

January 9-12, 1994
Center for the Prevention of Sexual and Domestic Violence
Seattle, Washington
206-634-1903

March 20-23, 1994
Scarritt-Bennett Center
Nashville, Tennessee
615-340-7472

Call the Center for future dates or to arrange a Training of Trainers in your area.

Continuing Education Units
The Center grants 2 Continuing Education Units for the completion of this workshop. Certificates are available upon request. For every CEU that is granted, we confirm that a minimum of ten classroom instruction hours have been completed.
Training Curriculum

Clergy Misconduct: Sexual Abuse in the Ministerial Relationship

A comprehensive trainer's curriculum which provides the tools to understand and present workshops on the many issues involved in Clergy Misconduct: Sexual Abuse in the Ministerial Relationship.

Topics Include:
- Background and scope of the problem
- Factors in crossing boundaries
- Ethical analysis of issues
- Prevention: Before the fact
- Intervention: After the fact

Curriculum Includes:
- A detailed trainer's manual with clear directions and extensive background materials
- A workshop manual
- A dramatic video, "Not in My Church," or "Net in My Congregation"
- A study guide for the dramatic video including discussion questions
- A 50-minute training video, "Once You Cross the Line"
- 25 copies of an awareness brochure entitled: "What you in the congregation need to know about...

In the training video, "Once You Cross the Line," two narrators offer background information and analysis of the issue as it affects both Christian and Jewish communities. The video utilizes three different scenarios to teach participants to deal with a variety of situations of potential abuse.

Training Curriculum Ordering Information

Training Curriculum with the video "Not in My Church"
To purchase: Cost: $375
Order Number: TC-100
Free preview for prospective purchasers:
Order Number: PTC-100

Training curriculum with the video "Not in My Congregation"
To purchase: Cost: $375
Order Number: TC-101
Free preview for prospective purchasers:
Order Number: PTC-101

Additional Workshop Manuals
Order Number: TC-102
Cost per manual:
1-10: $20.00 each
11-24: $17.50 each
25-99: $15.00 each
100+: $12.00 each

Awareness Brochures
"What you in the congregation need to know about..."
Order Number: TC-103
Cost per brochure:
1-100: $50.00 each
101+: $40.00 each

Awareness Brochure Artwork
Camera-ready copy for your own printing. Cost: $100
Order Number: TC-103B

Tote Bag
Holds all the training materials. Cost: $10
Order Number: TC-104
Order Form

Ship to:
Organizations Name Title
Address City State/Province Zip/Postal Code
Evening Phone (____) Day Phone (____)

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- Direct Mail ❑ Journal Ad ❑ Other
Center for the Prevention of Sexual and Domestic Violence

Working within Religious Communities
The Center is an educational resource that works primarily with religious communities in the U.S. and Canada to address issues of sexual abuse and domestic violence. Since 1977 the Center has worked with over 50,000 religious, lay and secular leaders in an effort to end sexual and domestic violence.

Professional Ethics for Clergy
Sexual harassment and abuse by clergy and pastoral counselors is a violation of professional ethics. We provide publications and training to clarify the issue, offer consultation on specific cases, and help denominations develop policies for prevention and intervention.

In 1983 the Center received its first call from a survivor of sexual abuse by a member of the clergy. Since that time the Center has dealt with over 1500 cases (averaging three calls per week) from every denomination, and has trained over 3,000 religious professionals in dealing with the issues of clergy misconduct. The Center has trained leaders from all major denominations in the United States and Canada.

Center for the Prevention of Sexual and Domestic Violence
An interreligious, educational ministry
1914 North 34th Street
Suite 105
Seattle, Washington 98103-9058

The Center has developed materials that are:
- Interreligious in perspective
- Multi-cultural and multi-racial
- Multi-media (combining training manuals, video resources, handouts and study guides)

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