



## POLICIES AND PROCEDURES MANUAL

### IV – 2 MPCC Anti-Bullying and Anti-Harassment

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### IV – 2 MPCC Anti-Bullying and Anti-Harassment

#### Policy Statement

Markham Peoples Community Church (MPCC) believes that each person has the right to learn, work and worship in an environment that is free from discrimination and harassment and protects human rights, and where all individuals are treated with respect and dignity. All members of the church are expected to maintain a respectful attitude at all times. We follow what the Bible says:

***“Show proper respect to everyone, love the family of believers” 1 Peter 2:17a (NIV)***

The Church is committed to meeting its obligation under the *Canadian Charter of Rights and Freedoms*, The *Human Rights Code*, and the Occupational Health and Safety Act. The Church is a welcoming place of respect, safety, care, and inclusivity. As such, all members of the church are expected to uphold these values to the highest standard. Discrimination and harassment will not be tolerated.

It is not the intent of this policy to inhibit normal interpersonal relations among workers, nor is it intended to eliminate humour or light-hearted fun from the church environment, since these can have positive effects on members’ relationships and team building, provided the humour or fun does not become offensive, inappropriate or unwelcome.

The Church is committed to addressing human rights concerns, and providing a safe environment for worship of God, and complaints will be handled in a fair, inclusive, collaborative, and timely manner.

#### Definitions

1. Harassment is behaviour, including comments and/or conducts, which is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive, inappropriate or unwelcome to an individual or group of individuals, or which creates an uncomfortable environment. It is engaging in a course of vexatious comment or conduct against an individual in a premise, in this context – MPCC - a comment or conduct that is known or ought reasonably to be known to be unwelcome.
2. “MPCC” is defined as
  - the physical sites of MPCC
  - locations associated with the delivery of programs, services and activities
  - off-site training, conferences, meetings and retreats
  - social gatherings, informal meetings after church services and functions, social media sites or any place that may have implications for the MPCC and its staff, congregations, students, participants, and volunteers where behaviour could reflect on MPCC
3. Church members: students, instructors, staff, facility users, participants, parents/guardians, volunteers, deacons, congregants
4. Community members: anyone who uses the facilities on a regular basis such as for cell group, church meetings, members of Markham Wesley Centre, contractors, vendors, community partners
5. Bullying: Bullying is regarded as a form of harassment
6. Harassment may be one incident or a series of incidents and may also exist systemically as part of the MPCC

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environment.

7. Directed and intentional harassment are offensive behaviours, gestures, comments or conduct which are directed specifically at an individual are often quite obvious, and consequently readily detectable, such as:
  - written or verbal insults, abuse or threats including verbal assault
  - insults, abuse or threats sent through social media, e-mail or other electronic means
  - racial or ethnic slurs including racially derogatory nicknames
  - unwelcome remarks, jokes, innuendoes or taunting about a person's body, age, marital status, gender, ethnic/racial, origin, religion, accent or disabilities
  - practical jokes which cause awkwardness or embarrassment, endanger an individual's safety or negatively affect their feeling or work performance
  - persistent leering (suggestive staring) or other obscene/offensive gestures
  - unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, brushing up against a person
  - unwelcome sexually oriented remarks, invitations, jokes or requests whether indirect or explicit
  - inquiries or comments about a person's sex life/sexual preferences
  - misuse of authority towards another person which is based on irrelevant factors (e.g. unfair delegation or assignment of work, unwarranted transfers)
  
8. Undirected and Unintentional Harassment are behaviours, conduct, comments or activities, which are not directed specifically at an individual but which nonetheless create a degrading or offensive "poisoned" work and worship environment. Examples of this type of harassment are much more subtle and may include:
  - displaying of materials or graffiti, which are sexist, sexually explicit, homophobic racist or which degrade or offend ethnicity or religion
  - having degrading or offensive material on a workplace computer
  - sending e-mails with degrading or offensive jokes, pictures, materials or links to such sites
  - patronizing behaviour, language or terminology, which reinforces stereotypes and undermines self-respect or adversely affects an individual's emotion, or work performance or working conditions

### **Responsibilities**

Staff members, which include members of the pastoral team and deacon board, are responsible for:

- Creating and maintaining a church environment that is free from harassment, and respect the rights of each other. This includes being sensitive to the climate in the church groups and addressing potential problems before they become serious.
- Reviewing the Anti-Harassment Policy regularly
- Encouraging church members to report any incidents of harassment by following the complaint procedures. There will be no negative consequences for reports made in good faith
- Being self-aware of how their actions and language influence the Church members
- not to allow, condone or ignore harassment in the church group and may be considered party to the harassment if they fail to take corrective action.
- Setting a good example for the Church community
- Reviewing the complaint to determine the appropriate investigation in accordance with the Anti-Harassment Policy

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The Deacon Board or its designate must investigate and deal with all concerns, complaints, or incidents of harassment happen in the church premises in a fair and timely manner while respecting members' privacy as much as possible. Any person who has authority to prevent or discourage harassment will be held responsible for failing to exercise this authority. The Senior Pastor is responsible for addressing and recommending positive measures to deal with discrimination and harassment issues.

Instructors are responsible for:

- Implementing and operationalizing the Anti-Bullying and Anti-Harassment Policy
- Enforcing and maintaining a respectful workplace and learning environment in accordance to Church policy and values
- Being self-aware of how their actions and language influence the Church members
- Setting a good example for the Church community
- Assisting staff with complaint investigations, where applicable

Students and all congregations including children and youth are, responsible for:

- Observing the Anti-Bullying and Anti-Harassment policy
- Maintaining a respectful, inclusive, caring, and collaborative attitude at all times
- Not using foul language e.g. swearing, insults

Volunteers are responsible for:

- Maintaining a respectful, inclusive, caring, and collaborative attitude at all times
- Not using foul language e.g. swearing, insults

### **Procedure**

1. All persons involved in a complaint are expected to treat the matter as confidential.
2. An individual who is experiencing harassment is encouraged to make it known that the behaviour is offensive and contrary to the Ontario Human Rights Code and MPCC's Anti-Bullying and Anti-Harassment Policy. Silence can be misinterpreted as acceptance. If the individual feels he or she cannot confront the harasser directly, or if after doing so the harassment continues, the individual can follow the complaints process.
3. An individual who is experiencing harassment and needs clarification can contact any of the following people for assistance and/or advice:
  - the supervisor (for staff)
  - the pastors
  - any member of the Deacon Board
  - the instructor of the class
  - the group leader of the Life Group
  - a staff member

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### Only Coaching Requested

4. A person may choose to deal with the harassing behaviour and not identify the harasser. He or she can ask those persons stated in #3 for advice or get information about options on how to productively confront the offending behaviour, without disclosing information about the situation. Often a person who is accused of harassment is really unaware that their behaviour was creating a serious problem. Identifying this at an early stage could very well lead to a resolution without a need to conduct an investigation. The individual who is experiencing harassment could:
  - a) Tell the harasser to stop. Confront the harasser personally, informing them that the behaviour is unwanted and must stop. If possible, have another person witness this action.
  - b) Write a note or e-mail to the person, explaining their behaviour is unwelcome, it must stop and if it continues it will be considered harassment, and keep a copy.
  - c) Make informal notes about the intervention and include the following information:
    - Time, date and place of the alleged offence
    - Name of the alleged offender and witnesses
    - Details about the incident: what was said, what was done, and how the behaviour was confronted and objected to
  - d) Inform the supervisor for incidents of employment-related harassment (for staff).

### Informal Intervention Requested

5. The complainant would like to name the alleged harasser but does not seek an admission, apology or that the alleged harasser be disciplined. Rather the complainant seeks an agreement with the alleged harasser that he or she will not engage in certain types of offensive behaviour.
  - a) Have an informal discussion with one of the persons in the list in #3 (herein regarded as the mediator) designated by the Board and agreed by the two parties.
  - b) If there is no agreement by the two parties on the appointed mediator, the formal intervention process will be kicked off.
  - c) The mediator will have an informal discussion with the respondent to discuss the complaint
  - d) With the agreement between both parties, the mediator will arrange a meeting between the complainant and the respondent
  - e) The mediator may encourage the complainant to file a formal complaint where the matter complained about:
    - poses a serious threat to others' health and safety
    - is criminal in nature
    - where the circumstances lead the mediator to suspect that informal discussions or facilitated mediation will not be effective in preventing the harassment from recurring

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An informal complaint need not be in writing. As no formal investigation or admission is required, there is no record of the complaint or the agreement kept on either the complainant's personnel file or the harasser's file. Also, an agreement should not be viewed as an admission that the alleged harasser engaged in harassing behaviour. Everyone involved in an informal complaint (the complainant, alleged harasser, witnesses, persons taken into confidence and meeting facilitator) is obligated to respect the confidentiality of all others.

However, a briefing note about the incident and resolution will be kept at the confidential church file for future reference in case the related parties want to review the case.

### **Formal Complaint**

6. If the informal process was not successful or was not appropriate, then a formal complaint can be filed directly with the person listed in #3 (or the Senior Pastor if it is about the supervisor) using the MPCC Anti-Bullying and Anti-Harassment Incident Form. Anonymous complaints will not be accepted.

A formal complaint is one where the complainant makes a written allegation of harassment against a named alleged harasser, which:

- requires formal reporting of the incident,
- may result in a finding that harassment has taken place,
- imposes an obligation on the Church to take action to stop the harassment and prevent its recurrence.

A formal complaint must be made in writing and include a description of the incident, witnesses if any, and any steps that were taken.

### **Investigation**

7. Within 2 working days of receiving a formal complaint, the person receiving the complaint will determine whether it falls under this Policy. If it is a bullying or harassment the person receiving the complaint will proceed to Step 1.

#### **Step 1: Investigation**

The person receiving the complaint:

- reviews the complaints procedure with the complainant;
- provides a copy of the written complaint to the alleged harasser and reviews the complaints procedure with the alleged harasser;
- determines whether there are resolution options other than investigation, that are available and acceptable to the complainant and alleged harasser;
- recommends an investigation where one is required and reports to the Senior Pastor and the Deacon Board; and
- Where an investigation is required, the Senior Pastor appoints an investigator. Where the complainant or alleged harasser objects to the appointment of an investigator on the basis of bias or conflict of interest, the Senior Pastor will appoint another investigator.

The investigator conducts an investigation in accordance with the following guidelines:

- The investigation commences and concludes as soon as reasonably possible.
- Both the complainant and the alleged harasser are entitled to be informed of all the allegations made against them, and allowed the opportunity to make a full answer and defence.

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### **Step 2: Resolution**

Upon completion of the investigation, the investigator will deliver the report to the Senior Pastor, the complainant and the alleged harasser. The report will indicate one of the following:

- a) Complaint is proven. The recommended action could include:
  - Training and education
  - Review of policy and practices for appropriate adjustments
  - Continuous monitoring; and/or
  - Referral to Senior Pastor, or the Chair of the Deacon Board if appropriate, for corrective action, up to and including: suspension from attending church service and/or programs for a period as deemed appropriate by the Supervisor/Instructor/Senior Pastor; and staff may lead to dismissal
- b) Complaint is unfounded. There will be no further action. No record of the incident or investigation will be placed in the alleged harasser's file. However, a briefing note about the incident and resolution will be kept at the confidential church file for future reference in case the related parties want to review the case.
- c) Complaint has mitigating circumstances and a systemic investigation is required. If there is an existence of systemic problems that are causing or contributing to the problem including management practices, recommendation may be made for change or further investigation of a systemic nature, which could result in the same recommendations as in a proven complaint.
- d) Complaint was frivolous, malicious or was made in bad faith. The same formal remedies would apply to the complainant as outlined for people who found to harass.

### **Independent/Systemic Investigations**

8. To ensure the environment is free from harassment, the Senior Pastor may decide an investigation is needed in the absence of a specific complaint from a church member, in order to address, resolve or prevent harassment in the workplace/church premises. The situations that would support this conclusion are:
  - a focused pattern of inquiries and/or complaints over time, which suggests the existence of a specific problem, which has been identified but not corrected.
  - a reason to believe that a broader systemic problem exists in the church environment/premises, which causes, contributes to, or encourages harassment.

The Senior Pastor will prepare a justification for the Chair of the Deacon Board of providing reasonable grounds for conducting an investigation.

### **Third Party Harassers**

9. Contractors, visitors or other people invited to the church premise might engage or participate in the harassment of a worker/individual. MPCC may have limited ability to investigate or control their conduct. However, MPCC shall take reasonably practical action to stop or reduce the risk to its members of being harassed by third parties. This action may include:
  - Posting the Anti-Bullying and Anti-Harassment Policy statement in locations visible to third parties.

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- Requiring contractors and their workers to accept and meet the terms of this Policy. This could include removing workers who participated in harassment from MPCC.
- Requiring a participant/visitor to comply with the Anti-Bullying and Anti-Harassment Policy when receiving services from MPCC. When a participant/visitor has been asked to stop abusing or harassing a church member/community member and does not, staff/instructor may politely decline service and/or ask the participant/visitor to leave the premise.

In situations where participants, visitors, contractors or other people invited to the MPCC might engage or participate in the harassment of a church member, timely consultation with staff/Senior Pastor should be sought as much as possible to identify effective strategies to stop the abuse and/or harassment against the church member.

Formal complaint procedures may be invoked against a contractor and will be handled by the Senior Pastor or designate. The Senior Pastor may:

- appoint a representative to deal with the incident and report findings and recommendations
- formally approach the third party's management and work with it through the MPCC's Anti-Bullying and Anti-harassment procedures to resolve the incident
- request that the contractor's worker, against whom the complaint was made, not be assigned to work at MPCC's premises until the complaint is resolved
- change the location of off-premises meetings, programs, services or activities until a satisfactory resolution is reached

### **Report to Police**

11. In situations where the harassment/bullying is proven and serious hurt/damages (physical and psychological) had occurred or anticipate to occur, the Senior Pastor and the Chair of the Deacon Board (if time allows) will have the discretion and the decision-making power to report to the police. When there is a need to share the case to the congregation, all personal information of all parties involved should not be released.

### **Monitoring**

12. Once a resolution is decided and put into action, a monitoring system will be established which will involve follow-up interviews over a 3-12 months period, and which will identify a person responsible for monitoring.

### **Record Keeping**

Records of a complaint will only be placed in a staff or an individual's personnel file when disciplinary action is taken.

All records pertaining to enquiries and complaints under the Anti-Bullying and Anti-Harassment Policy will be kept in confidential secure storage – separate from the personnel files.

Information that is collected and retained is subject to protection and release under the Human Rights Code or the rules governing court proceedings.