

Pax Christi USA's Sexual Misconduct Policy and Procedures

Section One: Theological Statement

As disciples of the nonviolent Jesus, our work as an organization aspires to be the peace of Christ in the world today. Christ's peace is rooted in compassion, justice, reconciliation, hope and equality. We are called to bear witness to Christ's peace by working to overcome violence, including the violence of sexual abuse. And we are called to witness to the values of Christ's peace by creating an environment where all feel welcomed and safe. Leaders within our movement are accountable to God and to the Pax Christi USA community as we undertake this work for peace with justice together. The character and reputation of those in leadership is to be above reproach.

PCUSA recognizes that carrying out its programs involves people and relationships, which presents the possibility for people to abuse their power by exhibiting inappropriate conduct (i.e. harassment or abuse). All staff, board members, volunteers, and participants will be held accountable to this policy and are expected to interact in appropriate and respectful ways.

The objective of PCUSA in implementing and enforcing this policy is to define and prohibit sexual misconduct, including sexual harassment, discrimination, and abuse. This policy provides procedures for identifying instances of misconduct, lodging complaints about conduct that violates this policy, investigating claims of misconduct, and carrying out appropriate disciplinary measures in the case of violations.

This policy applies to all employees of PCUSA and National Council members, regardless of their location. All PCUSA volunteers and individuals participating in PCUSA-sanctioned events and activities are expected to comply with the code of conduct and they serve in their capacity at the discretion of the National Council Chair and/or Executive Director.

Section Two: PCUSA Code of Conduct

PCUSA strives to maintain a workplace that is free from discrimination, abuse, harassment, and sexual misconduct. Any form of abuse of or by PCUSA staff, Council, or volunteers is not permitted. While discrimination and harassment are used as legal terms with legal remedies, PCUSA is committed to a work environment and community free of all forms of sexual misconduct. It is sexual misconduct for a staff or board member to engage in sexualized behavior with a person with whom they have a professional relationship at PCUSA. The staff or Council member is always responsible to prevent and to stop such behavior. While all forms of abuse and harassment are prohibited, this policy refers to the organization's prohibition on sexual abuse, harassment, and misconduct.

Section Three: Expectations for Staff

Each PCUSA employee shall be responsible for:

- Acting professionally and with respect for others in their work with PCUSA;
- Becoming familiar with the provisions of this policy, complying with all requirements of the policy, and cooperating with any inquiry under this policy; and
- Promptly reporting any incident of harassing conduct that he/she/they experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment.¹

Any employee found in violation of the Code of Conduct is subject to the disciplinary measures described below.

Any instances of abuse should be reported to the proper authorities.

Section Four: Expectations for Council Members

Council members are expected to:

- Uphold PCUSA's code of conduct and act with respect for others at all times while acting on behalf of PCUSA;
- Become familiar with the provisions of this policy, complying with all requirements of the policy, and cooperating with any inquiry under this policy; and
- Promptly report any incidents of harassment or sexual misconduct pursuant to this policy and report any instances of abuse to the proper authorities.

Any Council member who engages in discriminatory or harassing conduct is subject to removal from the Council pursuant to the process described below and may be ineligible for reappointment or subject to other penalties as deemed appropriate.

Section Five: Expectations for volunteers and community members

Volunteers are expected to:

- Read and then sign to acknowledge receipt of this Policy;
- Act professionally and with respect for others in their work with PCUSA;
- Promptly report any incidents of harassment or sexual misconduct to the Executive Director or a National Council Member and report any instances of abuse to the proper authorities.

Section Six: Definitions

Terms used in PCUSA's code of conduct are defined here.

Abuse: physical or nonphysical misuse or maltreatment or treatment so as to injure, hurt, or damage.

¹ DOL/EEOC

Child abuse: child abuse is the ill treatment of a person under the age of 18. Abuse of a child is any action (or lack of action) that causes injury, endangers, or impairs a child's physical, mental, or emotional health and development. Child abuse includes physical abuse, sexual abuse, emotional abuse and neglect.

Discrimination: discrimination refers to the treatment or consideration of, or making a distinction in favor or against, a person or thing based on the group, class, or category to which that person belongs rather than on individual merit.

Harassment: Unsolicited annoying, alarming, or abusive conduct or words which are threatening and which are prohibited by law.²

Sexual abuse: Sexual violence refers to harmful behaviors that use sex or sexuality to control, intimidate or violate others. Behaviors can include harassing jokes and comments, inappropriate touching, rape, incest, assault, date rape, sexual exploitation, misconduct and abuse. Sexual violence occurs in public and private places: in homes, workplaces, schools and religious communities.³

Sexual harassment: It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.⁴

Quid Pro Quo Sexual Harassment: Quid pro quo sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following criteria is present:

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 individual.⁵

² Abuse through Harassment from MMN

³ Faith Voices

⁴ EEOC

⁵ Washington, D.C. policy

Hostile Environment Sexual Harassment⁶: Other conduct – if severe or sufficiently pervasive as to alter working conditions – may create a “hostile environment” and is also prohibited. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Unless the conduct was particularly severe or pervasive, where no warning or admonition is necessary, the person creating such an environment must have been told that the conduct is unwelcome or must stop.

The following are examples of unwelcome conduct that may create an intimidating, hostile or offensive work environment and that are not acceptable at PCUSA, including during work related travel and virtual connections, such as Zoom meetings, phone conversations, and texts:

1. sex acts;
2. display of sexual organs;
3. giving a preference to a third party who is engaged in a sexual or romantic relationship, to the disadvantage of an employee who is not engaged in a sexual relationship with a supervisor, hiring official, or person exercising authority over the disadvantaged party, (described legally as a “paramour preference”);
4. using sexually oriented or sexually degrading language describing an individual or their body, clothing, hair, accessories or sexual experiences;
5. sexually offensive comments or off-color language, jokes, or innuendo that a reasonable person would consider to be of a sexual nature, or belittling or demeaning to an individual or a group's sex, sexual orientation, or gender identity;
6. “sexting” or seeking or sending pictures of intimate body parts, or taking or displaying pictures of body parts meant to be covered up (such as “upskirting” pictures), including by sending messages of a suggestive nature on self-destructive messaging apps where documentation of the written word or images is difficult to document;
7. displaying or disseminating sexually suggestive objects, books, screensavers, magazines, photographs, music, cartoons, or computer internet sites or references;
8. unnecessary and inappropriate touching or physical contact, such as intentional and repeated brushing against a colleague's body, touching or brushing a colleague's hair or clothing, massages, groping, patting, pinching, or hugging, that a reasonable person would consider to be of a sexual nature;
9. leering, ogling, or making sexually suggestive gestures or sounds, such as whistling or kissing noises;
10. making inquiries about someone's private sex life or describing one's own sex life;
11. workplace sexual comments, conduct, displays and suggestions between two willing parties that would cause a reasonable third party to be offended;
12. any unwanted repeated contact, including, but not limited to in-person, or telephonic, for romantic or sexual purposes; and

⁶ Washington, D.C. policy

13. sexual assault, stalking, trapping someone such that they are not free to leave and a sexual encounter is expected or threatened, threats of bodily harm relating to sex or the refusal to have sex, or other crimes related to egregious acts of sexual harassment.

Sexual misconduct: sexualized behavior with a person with whom they have a professional relationship at PCUSA; this includes unwanted sexual advances and behavior that does not meet any legal or criminal definition, as well as behavior otherwise described as harassment or assault.

Section Seven: Human Resources Committee

This Policy establishes the Human Resources (HR) Committee as the body to make decisions about complaints of harassment and sexual misconduct against PCUSA staff, Council, and volunteers. The HR Committee will be a standing committee of the National Council although not limited to National Council members. The ED or the HR Committee may place an employee on suspension pending the outcome of the investigation by the HR Committee. The HR Committee will follow the process outlined below, unless amended by the National Council.

Section Eight: Making a Complaint

Any person who is the victim of inappropriate or unwelcome behavior is urged to report the inappropriate behavior. Sexual misconduct that constitutes abuse or assault should be reported to the appropriate legal authorities. PCUSA does not handle investigations of crimes. Upon notice of a criminal investigation PCUSA may choose to take action as described below.

Any staff member, Council member, or volunteer who observes behavior that could be interpreted as harassment, discrimination or abuse is responsible for reporting the situation immediately. In the case of misconduct against children, it is the responsibility of adults to protect children. PCUSA mandates that any employee who suspects child abuse must report that abuse to the authorities.

Immediate supervisors, the Executive Director, and the Chair of the Human Resources Committee must take all complaints of sexual harassment, discrimination, and sexual misconduct seriously no matter the severity or who is involved. They must report all incidents to the Human Resources Committee that are brought to their attention so that a prompt investigation can occur. This will help prevent retaliation or prohibited conduct from recurring during and after any investigations of complaints.

Supervisors, including the Executive Director, and Council members who knowingly allow or tolerate sexual harassment or retaliation, including failure to immediately report such misconduct to the Human Resources Committee, are in violation of this policy and subject to discipline, which may include termination or dismissal from the Council.

Staff may report to any of the following (contact information for the people currently serving in this role will be made available on the website):

- Immediate Supervisor
- Executive Director
- Chair of the Human Resources Committee

Council members may report to:

- Executive Director if the matter involves staff or volunteers
- Chair of the Human Resources Committee if the matter involves a Council member or the Executive Director

Community members and volunteers may report to:

- The Executive Director
- The Chair of the Human Resources Committee if the complaint is against the Executive Director

If a person finds it too difficult to report the harassment, discrimination, abuse, or sexual misconduct on these lists, they should find a person they trust who can help them report, or who can report for them, to an appropriate person listed above.

PCUSA has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation. Because of the damaging nature of harassment, discrimination, and sexual misconduct to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. While reporting can be difficult and upsetting, PCUSA encourages employees to report any incident in a timely manner.

A written complaint containing the sufficient details of a policy violation should be submitted per the list above and that person will initiate the complaint process. The Chair of the Human Resources Committee is available should the complainant have questions when completing their written statement.

Report of misconduct of person acting on behalf of PCUSA. A person who believes that an employee, staff member, or person acting on behalf of Pax Christi USA has engaged in misconduct should contact either their immediate supervisor, the Executive Director, or the Chair of the Human Resources committee with a report of misconduct. See the list above if you have questions.

Disclosure of legal complaints of misconduct. Any staff member, Council member or volunteer who is the subject of a legal complaint is required to disclose to the Human Resources committee and may be removed from active leadership until the matter is resolved. If the HR Committee becomes aware of a credible complaint of egregious conduct outside of PCUSA, the HR Committee can take any of the actions listed below for the resolution of complaints. Because the matter did not originate at PCUSA, PCUSA will not conduct a separate investigation but refer to the findings of any other investigative body and conduct an interview of the subject of the complaint. If any staff member, Council member, or volunteer is aware of a legal complaint against a PCUSA staff member or Council member, they should notify the

Human Resources Committee if he/she/they believe it would reflect on their ability to serve or represent PCUSA.

Once received, the supervisor, Executive Director, or Human Resources Chair will:

1. Report to governmental authorities any child abuse or other violation that requires reporting according to the laws of the state in which the abuse took place.
2. Give the complainant this Policy and walk through these Procedures.
3. Depending on the circumstance, encourage the complainant to seek medical and/or legal assistance. If there is a concern that the complainant is in physical danger or that a crime has been committed, immediately contact the police. This Policy and Procedure is not the complainant's only source of redress.
4. Ask the complainant if they have a contact person that should receive communications on their behalf.
5. Contact the Human Resources Committee to call a meeting within 10 days.

The complaint should include:

1. The name of the person responsible for the misconduct.
2. The name of the complainant.
3. The nature of the alleged misconduct.
4. Sufficient information about date, time, place and circumstance to specifically inform each incident of complaint. (Describe multiple incidents of alleged misconduct in separately numbered paragraphs.)

Jurisdiction for the purposes of this policy will exist in Washington, D.C., or the location of the PCUSA headquarters.

Section Nine: Investigating a complaint

Upon receiving a complaint that alleges misconduct by a PCUSA staff member, board member, or volunteer acting on behalf of PCUSA, the Executive Director, or the Chair of the Human Resources Committee if the Executive Director is the subject of the complaint, will do the following:

1. Start a confidential file to make a record of the complaint at the national office.
2. Notify the Committee and determine if any conflicts of interest exist between the complainant and the committee members.
3. Take steps to prevent any interaction between the accused person and the complainant.
4. Ensure confidentiality by not sharing the name of the complainant outside of the committee and any reporting required to the relevant authorities.
5. Determine if immediate action is needed, such as suspension of duties.
6. Notify the accused person that a written complaint alleging misconduct has been filed and an investigation will be conducted. The accused may be informed of the identity of the complainant, unless there is a concern for safety of the complainant, and the

accused shall be directed not to communicate with the complainant about the complaint either directly or indirectly.

7. Give the accused this Policy and Procedure.
8. Ask the accused person if there is a contact person that should be notified on their behalf of communications related to the investigation. Include this information in the investigation file.
9. Recommend that the Executive Director provide a paid leave of absence to the accused.
10. The Executive Director and a sub-committee of 3 people will review the complaint.
11. Notify the complainant and the accused that an investigation/review will begin.
12. Locate relevant personnel files.
13. Notify the insurance carrier and follow required procedures while keeping the integrity to the process outlined in this Policy and Procedure.

A subcommittee of 3 people of the Human Resources Committee will serve as investigators. The investigators will conduct an investigation, following the procedure below:

1. Review the written complaint.
2. Interview the complainant (who may have a personal supporter present), to review any evidence, and request that the complainant give a signed written statement if they believe additional information may be needed to substantiate any of the allegations in the complaint.
3. Interview the accused. Inform them of the nature of the complaint.
4. Advise the accused that the investigators are willing to receive information and any statements. Inform the accused that any statement may be used in disciplinary proceedings. The investigators may, in their discretion, decline to show the signed written complaint if there is concern for safety, or if law enforcement or other civil authorities request that this not occur. If there are no such compelling reasons to not share the written complaint, the accused should receive a copy along with direction that within five days of their receipt of the complaint, the person accused shall deliver to the investigators a statement, responding to each numbered allegation in the complaint stating: a) That the person agrees with the allegation, or b) That the person disputes the allegation and sets forth all the reasons they disagree, as well as their full account of each disputed incident that is alleged.
5. Review any relevant evidence offered by the accused person or the complainant.
6. Interview other persons who may have relevant information. These persons will be informed of the need for confidentiality.
7. Keep accurate records of interviews, including the date, parties present and name of the recorder.
8. If necessary, ask the Committee to extend the time to conclude the investigators' written report.
9. Prepare a written report to the Committee. The report shall be based, as much as feasible, on statements of witnesses with direct knowledge, rather than on secondhand sources or circumstantial evidence. The report shall include:

- a. Evidence that the investigators believe supports the allegation that the accused person, more likely than not, engaged in misconduct or harassment and the evidence that shows the accused person more than likely did *not* engage in sexual misconduct or harassing activity.
- b. Any reasons why the investigators believe they cannot present such evidence.
- c. A recommendation to the Committee: a) To drop the complaint; b) To suspend, place on probation, or terminate.
- d. Signatures and dates of all the members of the investigation team.

Upon receipt of the report with recommendation from the investigators, the Chair of the Committee will convene the committee and either:

1. Drop the complaint and decline to suspend, grant probation, or terminate.
 - a. When the Committee receives the report and accepts the recommendation from the investigators to drop the complaint because there does not seem to be probable grounds to support any allegation of sexual misconduct or harassment, the Chair of the Committee will:
 - i. Inform the accused person in writing.
 - ii. Inform the complainant in writing.
 - iii. Place the decision in the complaint record.
 - iv. Notify any other persons or audiences that were previously notified of the investigation.
2. Suspend with or without/pay
3. Place the person on probation
4. Limitation of one's participation in the PCUSA organization. These measures include but are not limited to:
 - a. Restriction of one's participation in leadership
 - b. Restriction at certain events
5. Terminate the person's connection with PCUSA. These measures include but are not limited to:
 - a. Termination of employment
 - b. Removal from the Council and a declaration of ineligibility to serve in the future
 - c. Restrict one's participation in PCUSA activities, events, or positions of leadership

To the extent any person's connection or interactions with PCUSA is limited or terminated, in the spirit of transparency and accountability, the decision of the Committee will be disclosed to any other Pax Christi group considering the same individual for a leadership position.

Section Ten: Notification of misconduct of a person not acting on behalf of PCUSA

If a staff or Council member is made aware of an incident of sexual harassment, discrimination, abuse, or misconduct outside of PCUSA that may impact someone's ability to represent PCUSA that information should be shared with the Executive Director or the Human Resources Committee Chair. If at any point the Executive Director or the Human Resources Chair becomes

aware of historical or ongoing allegations or investigations, the Human Resources Chair will convene a 3-member subcommittee, and the subcommittee with the Executive Director will:

1. Inform the employee, Council member, or volunteer of the report.
2. Make a decision whether to suspend the individual's employment, Council position, or volunteer engagement until a decision by the Human Resources Committee is made.
3. Solicit and review any available investigative reports or decisions made regarding the allegation.
4. Interview the person accused, referencing the investigation and reports known to the committee.
5. Make a recommendation to the Human Resources Committee to:
 - a. Dismiss the report and notify the person accused and the person providing notice of the report
 - b. Suspend with or without pay
 - c. Place the person on probation
 - d. Limitation of one's participation in the PCUSA organization. These measures include but are not limited to:
 - i. Restriction of one's participation in leadership
 - ii. Restriction at certain events
 - e. Terminate the person's connection with PCUSA. These measures include but are not limited to:
 - i. Termination of employment
 - ii. Removal from the board and a declaration of ineligibility to serve in the future
 - iii. Restrict one's participation in PCUSA activities, events, or positions of leadership

To the extent any person's connection or interactions with PCUSA is limited or terminated, in the spirit of transparency and accountability, the decision of the Committee will be disclosed to any other Pax Christi group considering the same individual for a leadership position.

Section Eleven: Final Decisions

The decision of the Human Relations Committee is final and any report generated by the Committee that does not result in dropping the complaint shall be placed in the employee's file, or if a Council member or volunteer, in the corresponding file. All parties involved can submit a final statement regarding the conclusion to be included in the file. If any new information comes to light, either party may request reconsideration of the decision by submitting a written request to the Human Resources Chair. All records of a follow up procedure will be kept in accordance with the procedures above.

Section Twelve: Non-retaliation

PCUSA prohibits any form of retaliation or intimidation against any person who, in good faith, reports harassment, discrimination, abuse or sexual misconduct or who participates in an

investigation of such conduct. Retaliation is considered a serious violation of this policy and must be reported.⁷ Retaliation includes, but is not limited to, adverse employment actions.

Section Thirteen: Confidentiality

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant will be protected to as great a degree as is possible. The expressed wishes of the complainant for confidentiality will be considered in the context of the organization's legal obligation to act on the charge and the right of the charged party to obtain information.

All information pertaining to a complainant or investigation of harassment, abuse, or discrimination is maintained by the Executive Director in secure files. The Executive Director can answer any questions relating to the procedures for handling information related to harassment, abuse and discrimination complainants and investigations to complainants and respondents.

Section Fourteen: Posting of Code of Conduct and Procedures

This policy shall be made available to all new staff within 3 days of their hire date or 2 weeks from their start date and available to all employees by posting a hard copy in the national office and making an electronic copy available on Pax Christi USA's shared drive. This policy shall be made available to all elected Council members between the time of their election and their first meeting. An electronic copy will be posted publicly on the website and a link shared with all volunteers.

Section Fifteen: Hiring Practices

Find the EEOC policy statement [here](#).

Any past adverse decisions regarding harassment, discrimination, abuse, or sexual misconduct must be disclosed by the applicant at the time of application and failure to do so could be grounds for immediate dismissal or termination.

All applicants, employees, Council members, and volunteers may be subject to a background check.

Section Sixteen: Guidelines for working with children and youth

Pax Christi USA mandates that any employee who suspects child abuse must report that abuse to the proper authorities.

Section Seventeen: Disclosure of consensual relationships

⁷ MMN

Staff members who enter into a consensual relationship must disclose said relationship to the Executive Director or Human Resources Committee chair. The ED or HR Committee chair will decide if the relationship presents any necessary changes in, but not limited to, supervision, continued employment, conflict of interest, etc. Relationships between staff members and Council members are not sanctioned. If such a relationship occurs, the parties must disclose and one or the other resign their position.

Section Eighteen: Flow Chart

Have you been the victim of abuse or assault by a PCUSA staff member, Council member, or volunteer? Harassment? Misconduct?

- Abuse/assault - contact the local authorities, and contact the Executive Director or the Chair of the Human Resources Committee
- Harassment - contact the Executive Director or the Chair of the Human Resources Committee
- Misconduct - Contact the Executive Director or the Chair of the Human Resources Committee

Have you witnessed the abuse or assault of someone by a PCUSA staff member, Council member, or volunteer? Harassment? Misconduct?

- Abuse/assault - contact the local authorities and contact the Executive Director or the Chair of the Human Resources Committee
- Harassment - contact the Executive Director or the Chair of the Human Resources Committee
- Misconduct - contact the Executive Director or the Chair of the Human Resources Committee

Section Nineteen: Policy Review and Revisions

This policy has been approved by the National Council on **MAY 4, 2022**. Amendments to the policy must be approved by the National Council and made available to all Council members and staff and published on the PCUSA website.