

The Florida Annual Conference of The United Methodist Church

CONDUCT POLICY FOR EMPLOYEES AND CLERGY APPOINTED TO OR EMPLOYED BY A LOCAL CONGREGATION

DISTRIBUTION: All Clergy Members and Employees of a Local Church or The Florida Conference of The United Methodist Church

ORIGINATING DEPARTMENT: Personnel Committee of the Council on Finance and Administration in conjunction with the Cabinet of the Florida Annual Conference.

EFFECTIVE DATE: July 1, 2008

REVISION DATE: April 30, 2015

ADOPTED BY: CFA Personnel Committee & Cabinet

I. Introduction

The Florida Conference of The United Methodist Church is committed to fostering and building a culture of diversity and inclusion. "For just as the body is one and has many members, and all the members of the body, though many, are one body, so it is with Christ." (1 Corinthians, 12:12) "If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it." (1 Corinthians 12:26)

As a United Methodist Church, there will be times when employment preferences based on religion are appropriate and should be a factor with respect to one's employment. Subject to this consideration and the requirements of our denomination's *Book Of Discipline*, we are mindful of our social obligations with respect to fair employment practices. We strive to create and maintain a work environment in which people are treated with dignity, decency and respect. We encourage differences among our leaders, employees and local congregations as embraced in the "Social Principles" contained in *The Book Of Discipline Of The United Methodist Church*.

This passion for reaffirming the relationship of God among all of God's people guides our desire that every congregation be welcoming to all persons. The environment of the Church, in its many settings, should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. We believe that each employee has the right to work in an environment free of harassment; therefore, the Conference, as an employer, has adopted this Employee Conduct Policy. Anyone violating this policy will be subject to disciplinary action, up to and including termination.

This policy is adopted by the Personnel Committee of the Council on Finance and Administration, the body responsible for overseeing personnel matters, for the staff of the Florida Annual Conference and the Cabinet of the Florida Annual Conference. In addition to covering direct employees of the Conference, this policy is intended to cover appointed clergy to local congregations. While the Conference expects its entire staff, clergy and lay, to abide by the terms of this Employee Conduct Policy as set forth below, the Conference recognizes *The Book of Discipline of The United Methodist Church* provides the exclusive methods for bringing

complaints against appointed or ordained United Methodist clergy and the sanctions that may be applied.

II. PROHIBITED CONDUCT UNDER THIS POLICY

The definition of harassment is when an employee is subjected to unwelcome verbal or physical conduct or other offensive behavior, especially where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment.

It is the Conference's policy that no employee may engage in any form of sexual abuse or sexual misconduct, racial or sexual harassment, or harassment based upon any other characteristic protected by law. Through enforcement of this policy and by education of leaders, employees, and volunteers, the Conference will seek to prevent, correct and discipline behavior that violates this policy. All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

A. Racial Harassment

The Florida Conference will not tolerate any acts or communications intended to intimidate, demean, annoy, or insult an individual on the basis of his/her race, national or ethnic origin.

The Conference prohibits any abusive and or derogatory language, behavior, print or visual documents, that in a subtle or overt manner belittles, humiliates, defames, or demeans a person or group of persons based on race, nationality, or ethnic traits or characteristics of their heritage.

B. Sexual Harassment

The Conference prohibits all forms of sexual harassment. The Conference will not tolerate any offensive physical, written or spoken conduct, including the use of a computer, regarding any of the following subjects:

- (1) Unsolicited and unwelcome or unwanted written, verbal, physical and/or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes and unwelcome invitations). Verbal examples: derogatory comments, slurs, jokes and epithets. Physical examples: assault, touching, impeding or blocking movement. Visual examples: leering, gestures, display of sexually suggestive objects or pictures, cartoons, posters or magazines.);
- (2) Unwelcome requests or demands for sexual favors. This includes either subtle or blatant solicitations, pressures or requests for any type of favor, including unwelcome requests for dates, when it is known they are unwelcome, and whether or not they are

accompanied by an implied or stated promise of preferential treatment or negative consequence concerning employment;

- (3) Verbal abuse or kidding that is sexually oriented and considered unwelcome such as telling "dirty jokes" or any tasteless, sexually oriented comments, innuendo or actions that offend;
- (4) Creating a work environment that is intimidating, hostile, abusive or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions related to a prohibited form of harassment;
- (5) Continuing to express sexual or romantic interest after being informed that the interest is unwelcome. (Reciprocal or mutual attraction is not considered sexual harassment);
- (6) Making reprisals, threats of reprisals, or implied threats of reprisals following a negative response to efforts to establish relationship, where the reprisal relates to compensation, promotion, discipline, tenure or job assignments;
- (7) Engaging in coercive sexual behavior which is used to control, influence or affect the career, salary, and/or work environment of another employee; or which may have that effect;
- (8) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications in return for sexual/romantic favors;
- (9) Offering sexual favors in exchange for employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications; and
- (10) Sending pornographic, sexually explicit, or sexually erotic material through the computer or other means.

Normal courteous, mutually respectful, pleasant, non-coercive interaction among employees, both men and women, that is acceptable to both parties, is not considered to be harassment, including sexual harassment.

C. Sexual Abuse and Misconduct

As an employer the Conference prohibits all forms of sexual abuse and misconduct by an employee. It is the Conference's policy that no employee may engage in any form of sexual abuse or misconduct. Anyone violating this policy will be subject to disciplinary action, up to and including termination.

All employees are expected to create an atmosphere free of sexual abuse and misconduct. Furthermore, all staff leaders and members are expected to immediately report any knowledge of sexual abuse or misconduct.

III. Computer Use and Electronic Communications Policy

This Conference is committed to providing an environment that encourages the use of computers, telephones, fax machines, and other electronic communications as essential tools to support the Conference's ministry. In utilizing either your own personal computer or the Conference's computers and electronic communications systems (and applicable to systems owned or supplied by congregations to which clergy are appointed or employed) including, but not limited to, electronic mail and access to the Internet, it is important for all employees and users (hereinafter sometimes referred to collectively as "User" or "Users") to be aware of the Conference's policy regarding responsible use. It is the responsibility of each User to ensure that this technology is used for proper purposes and in a manner that 1) is responsible, professional, and legal; 2) does not compromise the confidentiality of proprietary, or other sensitive information, or confidential communications within the clergy/parishioner privilege; 3) does not compromise the security of the Conference's computer resources or those of a local congregation to which clergy are appointed; and 4) is consistent with good stewardship and the mission and ministry of the Conference and local congregations to which clergy are appointed.

All computers, electronic and telephonic communications system, all email systems created and maintained by the Conference or created and maintained by local congregations to which clergy are appointed or employed, and all communications and information transmitted by, received from, or stored in these systems or a computer or service made available to a User, is the property of the Conference. E-mail messages and Internet access are not private, and Users should not consider their e-mail messages and Internet access to be private. An employee's or User's access code or password does not give her or him any right to privacy.

The Conference and congregations to which clergy are appointed or where they are employed, reserve the right to monitor and review your computer and the e-mail system, without prior notice, in order to ensure that it is being used for appropriate purposes. Additionally, the Conference and congregations to which clergy are appointed or where they are employed also reserve the right to monitor and review your own personal computer and e-mail when brought onto Conference property and/or when used for Conference or congregation business. Employees and Users do not have a personal right to privacy in any matter created, received or sent from the e-mail or internet.

Expectations regarding the use of e-mail in conducting business include the following:

- (1) All employees and Users should be sensitive to the fact that e-mail can create a permanent written record. Therefore, no text should be included in an e-mail message that would not be included in any other written communication.
- (2) Great caution should be used when distributing any material marked "confidential" "not for distribution" or "internal use only" when transmitted via e-mail.

- (3) Any questions about a specific item to be e-mailed should be directed to the department Director or her/his designee, and to the District Superintendent for clergy appointed to or employed by a congregation.
- (4) No computer, electronic or telephonic communications system is to be used for the purpose of accessing pornography, sexually explicit or sexually erotic material, or any site for a purpose to be immoral or against the law.

IV. PROCEDURES FOR REPORTING VIOLATIONS OF THIS EMPLOYEE CONDUCT POLICY

If any employee or clergy appointed or employed by a congregation feels he/she has been subjected to racial, sexual, or other harassment or sexual misconduct, the employee or clergy should

- (1) If the circumstances permit, state firmly and clearly to the alleged violator that this behavior is unwelcome and must stop. This action, in many cases, will resolve the issue.
- (2) If the issue cannot be resolved through personal discussions with the alleged violator, the employee must inform his/her immediate supervisor or, if the immediate supervisor is the alleged harasser, must contact the Director of Human Resources and clergy must inform her/his District Superintendent. In the case of sexual harassment, sexual abuse or sexual misconduct, if an employee feels uncomfortable reporting the issue using the above procedure, the employee may bring the complaint directly to the Director of Human Resources or the Conference Treasurer. Employees should report any incident of abuse or misconduct in writing, if possible.

Any ministerial or managerial employee who receives a complaint of harassment or sexual misconduct or who otherwise becomes aware of or suspects a violation of this Employee Conduct Policy should immediately report the violation to the Director of Human Resources if a conference employee and to the District Superintendent if serving a local congregation under appointment or employment.

If a complaint regarding harassment or sexual misconduct is made, an investigation will be conducted as promptly as possible. The investigation of the complaint involving a non-ministerial employee will be conducted by Human Resources and will be completed within thirty (30) days from the submission of the complaint, provided there are no extenuating circumstances. If the complaint involves a ministerial employee, the matter will be referred to the appropriate supervising clergy for investigation and appropriate action under *The Book of Discipline*.

If the complaint involves a violation of the Computer Usage Policy, report the alleged violation to the Director of Human Resources immediately if a conference employee and to the District Superintendent if clergy appointed to or employed by a local congregation.

If an individual is found to have violated the Conference's Employee Conduct Policy, or if a complainant is found to have intentionally made false or malicious allegations, disciplinary action may be taken, up to and including termination of employment. All actions taken in connection with a violation of the Conference's Employee Conduct Policy will comply with any applicable law or procedure under *The Book of Discipline*.

The Conference will not retaliate against an employee or appointed or employed clergy who in good faith files a complaint alleging a violation of this Employee Conduct Policy, nor will the Conference retaliate against an individual for cooperating in good faith in an investigation of harassment.

Clergy misconduct is subject to the procedures contained in *The Book Of Discipline* and any complaint against clergy must follow the applicable provisions contained therein. Clergy, and those who have a grievance against clergy, whether or not the complainant or the violator is lay or clergy, are encouraged to address any concerns directly with the other person as a means of resolving the issues. If the issues are between two clergy and the two cannot resolve the issues among themselves, the one claiming a violation is encouraged to seek the assistance of her/his Superintendent as a means of resolving the issues. If the clergy person's complaint involves her/his Superintendent, or if either is a Superintendent, the complainant is encouraged to invoke the guidance of a member of the Conference staff, another Superintendent, or the Bishop to assist in resolving the grievance prior to filing a formal complaint.

I have received and read the Florida Annual Conference of The United Methodist Church's Employee Conduct Policy.

| |
|----------------------|
| Date: |
| Print Employee Name: |
| Employee Signature: |
| Department Name: |

*For purposes of this policy only, the term "Conference" shall refer collectively to the Florida Annual Conference of the United Methodist Church, its district offices, camp & retreat and campus ministries within the geographical bounds of the Conference, and related entities of the above, but not to local congregations, and applies to the Conference as an employer. The publication and promulgation of this common policy is not intended to imply that an employee of one entity is an employee or agent of any other entity.