

Temple Shalom Policy Prohibiting Harassment

July 28, 2016

Introduction

Temple Shalom is committed to an environment in which all individuals are treated with respect and dignity. Each individual has the right to a professional and ethical atmosphere that prohibits any form of unlawful harassment.

Policy Against Harassment

It is therefore the expressed policy of Temple Shalom to provide an environment free of sexual harassment and sexual violence, and harassment based on race, color, religion, national origin, ancestry, age, marital status, disability, sexual orientation, gender identity, citizenship, veteran status or any other characteristic protected by applicable law.

Temple Shalom is also committed to fostering an environment in which members of the Temple community promote an atmosphere that is not hostile, offensive or intimidating on the basis of any characteristic protected by law.

Individuals and Conduct Covered

These policies apply to all Staff Members and Lay Leaders, as well as Temple Volunteers. To the extent applicable, Staff Members' conduct is also subject to the ethics codes and professional procedures of their professional organizations, and the terms of their employment contracts. In the event of a conflict between this policy and the employment contract, the employment contract shall govern.

Staff Members include all Clergy, employees, faculty, youth directors and advisors; and any other person employed by Temple Shalom.

Lay Leaders include Officers of Temple Shalom, members of the Board of Trustees, members of Temple Committees, and volunteers who lead Temple Shalom events or otherwise provide services for or on behalf of Temple Shalom.

Temple Volunteers include individuals while they are providing services for or on behalf of Temple Shalom as part of their participation in the community without remuneration.

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Harassment by members, contractors or visitors of Temple Shalom is also prohibited and should be promptly reported to a Staff Member for investigation and appropriate response.

Conduct prohibited by these policies includes, but is not limited to conduct in the offices or other facilities of Temple Shalom; in any Temple Shalom-related setting outside of the physical facility of Temple Shalom, such as during related trips, meetings and social events; or in the homes or offices of Temple Shalom members where Temple Shalom business is being performed. This policy applies to conduct in person or through electronic or other media.

Retaliation Is Prohibited

Temple Shalom prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or for participating in an investigation of a claim of harassment is a serious violation of this policy and, like harassment itself, will be subject to disciplinary or other corrective action. A person who knowingly makes false allegations of harassment, or who knowingly provides false information in a harassment investigation, will be subject to disciplinary or other corrective action.

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by Temple Shalom or participation by a Temple Shalom member in the communal life of Temple Shalom;
2. Submission to or rejection of such conduct by a Staff Member or Lay Leader is used as the basis for employment decisions affecting such Staff Member or participation in or entitlement to Temple Shalom services by the member of Temple Shalom; or

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3. Such conduct has the purpose or effect of unreasonably interfering with a Staff Member's work performance or limiting participation by a Temple Shalom member in Temple programs and activities, creating an intimidating, hostile or offensive working or learning environment, or creating an environment that is intimidating, hostile or offensive to a Temple Shalom member or guest.

Sexual harassment also includes sexual violence, which consists of physical sexual acts (including, for example, sexual assault) that are perpetrated against a person's will or without a person's consent, or when a person is incapable of giving consent due to their age, family relation to the other person, the ingestion of drugs or alcohol, or the person's intellectual or other disability.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

1. Actual or attempted rape, sexual assault, sexual battery or molestation, without consent or against another's will, whether achieved through force, threat or intimidation, or advantage gained by the aggrieved party's mental or physical incapacity or impairment.
2. Non-consensual or forcible sexual touching.
3. Offering or implying an employment-related reward or an education-related reward in exchange for sexual favors or submission to sexual conduct.
4. Threatening or taking a negative employment action or negative educational action or intentionally making the individual's job or academic work more difficult because submission to sexual conduct is rejected.
5. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is not wanted, unwelcome physical contact of a sexual nature, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality that are so severe or pervasive that they would reasonably be perceived as creating an intimidating,

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hostile or abusive environment. A single incident, if severe, may rise to the level of harassment.

Consensual Relationships

Except as otherwise stated in this Paragraph, relationships that are welcomed by the parties do not entail sexual harassment. Whether a relationship is in fact welcomed will be gauged according to the circumstances; special risks are involved when one party is in a position to evaluate or exercise authority over the other. To be clear, it is prohibited for a member of the Clergy or a teacher to have a sexual relationship with a Temple student. It is similarly prohibited for a Staff Member in a supervisory position to have a sexual relationship with another Staff Member in a subordinate position. Such relationships are prohibited (even if they do not constitute sexual harassment) and appropriate action, as necessary based on the situation, will be taken if such relationships become known to the Board of Trustees.

Even when both parties previously consented to a sexual relationship, a charge of sexual harassment may be based on subsequent conduct that one of them does not welcome. Members of the Temple Shalom community are cautioned that consensual relationships can in some circumstances entail abuse of authority, conflict of interest, or other adverse consequences that may be addressed under this Policy.

Any questions regarding the applicability of this section of this Policy to a specific situation are to be directed to the Temple President who has the authority to approve appropriate arrangements.

Harassment Based on Other Protected Characteristics

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, such harassment is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color,

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religion, national origin, ancestry, age, disability, citizenship, sexual orientation, gender identity, marital status, veteran status or any other characteristic protected by applicable law, and such conduct has the purpose or effect of

- unreasonably interfering with a Staff Member's work performance or
- limiting participation by a Temple Shalom member in Temple programs and activities, or
- that are so severe or pervasive as to create an intimidating, hostile or offensive
 - working environment or
 - learning environment, or
 - an environment that is intimidating, hostile or offensive to a Temple Shalom member or guest.

Reporting Harassment

Any person who is subject to or becomes aware of behavior that may be in violation of this policy should promptly report the incident. A Staff Member should report either to their immediate supervisor (if the supervisor is not the source of the harassment) or to the President of the Temple. A Staff Member is not required to complain to their supervisor first, and may report the matter directly to the President, to the Executive Director or any member of the Executive Committee of the Board of Trustees at any time, who shall notify the President and Temple Counsel.

All other persons should report the matter to the President or to the Executive Director or any member of the Executive Committee of the Board of Trustees, who shall notify the President and Temple Counsel.

Temple Shalom strongly urges prompt reporting of complaints or concerns so that a timely investigation and response can be taken.

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The availability of the process described below does not preclude any individual who believes they are being subjected to harassing conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be stopped immediately.

Incidents involving conduct subject to this policy may be criminal in nature, and, when it is, members of the Temple Shalom community who have been subjected to it are encouraged to report it to the appropriate local law enforcement authorities. Irrespective of whether a report to law enforcement is made, Temple Shalom may conduct its own investigation.

Investigation

Temple Shalom will conduct a prompt, thorough, and objective investigation of any report of harassment or retaliation that may violate this policy. Every effort will be made to maintain confidentiality throughout the investigation process to the extent practical, appropriate under the circumstances, and required by law.

The President, upon the approval of the Executive Committee, may appoint a special committee, or an individual trained in conducting investigations of this nature, to conduct the investigation and make findings and recommendations to the Executive Committee and Board of Trustees.

Responsive Action

Upon receipt of the findings and recommendations from the investigation, the Temple may take all action that it deems necessary and/or appropriate, in the Temple's sole and absolute discretion, including without limitation the termination of employment, the termination of a member's membership in the Temple, the removal of an officer, director or other volunteer from office, from their position, and/or from the Temple's premises, and such other actions as the Temple deems necessary, required or desirable.

A record of the full investigation and responsive actions shall be maintained in a confidential file by the Temple Shalom Legal Counsel.