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EEOC v. Grace Episcopal Church of Whitestone, INC. and The Episcopal Diocese of Long Island

Edward R. Korman

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EEOC v. Grace Episcopal Church of Whitestone, INC. and The Episcopal
Diocese of Long Island

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

ECFCASE

Plaintiff,

and

No. 06-CV-5302 (ERK/WDW)

MILDRED SPENCER,

Plaintiff-Intervenor,

-against-

**GRACE EPISCOPAL CHURCH OF
WHITESTONE, INC. and THE EPISCOPAL
DIOCESE OF LONG ISLAND,**

Defendants.

CONSENT DECREE

1. Plaintiff Equal Employment Opportunity Commission ("EEOC") and Defendants Grace Episcopal Church of Whitestone, Inc. ("Grace Church") and the Episcopal Diocese of Long Island (the "Diocese") have agreed to resolve this action by the terms of this Consent Decree ("Decree") as set forth below.

2. EEOC filed this action on September 28, 2006 against Grace Church and the Diocese under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex. EEOC's complaint alleges that Defendants sexually harassed female employees and unlawfully retaliated against an employee by firing her when she objected to the sexual harassment. Defendants deny these allegations and nothing in this Decree is to be construed as an admission by Defendants to any of EEOC's allegations, including EEOC's allegations that Defendants constitute an integrated enterprise or that the Diocese was the employer of the claimants.

GENERAL PROVISIONS

3. The parties, defined as EEOC, Grace Church, and the Diocese, desire to fully and completely settle this action, and therefore stipulate and consent to the entry of this Decree as final and binding.

4. This Decree resolves all allegations against Grace Church and the Diocese raised in EEOC Charge Number 160-2004-00657, which served as the jurisdictional prerequisite in this case, and all allegations against Grace Church and the Diocese raised in the Complaint filed by EEOC. This Decree does not resolve any charge of discrimination currently pending before EEOC, or any charge that may be filed in the future, other than the charge listed above.

5. The terms of this Decree represent the full and complete agreement of the parties. The parties agree that this Decree may be entered into without Findings of Fact and Conclusions of Law being made and entered by the Court.

6. Nothing in this Decree may be construed to limit or reduce Defendants' obligations to comply with the statutes enforced by EEOC: Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e, *et seq.*; Title I of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*; the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*; and the Equal Pay Act, 29 U.S.C. § 206(d).

7. The parties agree that this Court has jurisdiction over the subject matter of this litigation and the parties for the duration of this Decree, venue is proper, and all administrative prerequisites have been met. Defendants will not contest the validity of this Decree or the jurisdiction of the federal district court to enforce this Decree and its terms.

8. The Court will retain jurisdiction over this action for all purposes including, but not limited to, the entering of all orders, judgments, and decrees as necessary to implement the relief provided herein.

9. The effective date of the Decree will be the date it is signed by and receives final approval from the Court ("date of entry"). The Decree will not expire while any enforcement action is pending.

10. Except as otherwise provided for in this Decree, all notifications, reports and communications to the parties required under this Decree must be made in writing and will be sufficient as hand-delivered, faxed, or sent by certified, registered or overnight mail to the following persons (or their designated successors):

For EEOC:

Konrad Batog
Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor
New York, NY 10004
Tel: (212)336-3700
Fax:(212)336-3623
konrad.batog@eoc.gov
decreemonitor.nydo@eoc.gov

For Grace Church:

James Weller
Nixon Peabody LLP
50 Jericho Quadrangle, Suite 300
Jericho, NY 11753-2728
Tel: (516) 832-7543
Fax: (866) 947-2089
iwelier@nixonpeabody.com

For the Diocese:

James D. Lynch
Lynch & Lynch
250 Old Country Road, Suite 102
Mineola, NY 11501
Tel: (516) 873-0100
Fax:(516)873-0108

jlynch@ny1ynchlaw.com

Any party may change such address by written notice to the other parties that sets forth a new address for this purpose. The parties may, under a separate agreement memorialized in writing, send each other such notifications, reports and communications by email.

11. Defendants deny that they engaged in sexual harassment or retaliation.

SYSTEMIC RELIEF

Prohibition of Discrimination and Requirement to Comply with Title VII

12. Grace Church and the Diocese, their clergy, officers, and agents will not sexually harass or retaliate against any individual because that individual is a beneficiary of this Decree, has filed a complaint, or has provided information, assistance, or participated in any other manner in the investigation or litigation of this matter, and will not retaliate against any individual because that individual has engaged in protected activity under Title VII.

Posting and Distribution of Notices

Posting of Notice of Resolution

13. Within ten days of the date of entry of this Decree, Grace Church will conspicuously post and maintain a "Notice of Resolution" regarding this lawsuit (attached as Exhibit A) in prominent places where employee notices are posted. Grace Church will notify EEOC that it has complied with this provision within ten days after posting the Notice of Resolution. The Notice of Resolution will remain posted during the term of the Decree.

Posting of EEO Posters

14. Within ten days of the date of entry of this Decree, Grace Church and the Diocese will post and maintain EEO posters in prominent places where employee notices are posted as required by federal regulations.

Nondiscrimination Policy and Complaint Procedures

Issuance of Policies and Procedures

15. Grace Church will provide each of its employees, clergy, vestry members, or volunteers with a copy of Grace Church's Nondiscrimination Policies and Procedures (Exhibit B) along with a memo stating that the Defendant is committed to complying with Title VII within ten days of the date of entry of this Decree. Grace Church will include its updated Policies and Procedures in any Employee Handbook. Grace Church will provide all new employees, clergy, vestry members, and volunteers with copies of the Policies and Procedures within five days of the commencement of their employment or service.

16. The Diocese will provide each of its employees, clergy, and volunteers with a copy of the Diocese's Nondiscrimination Policies and Procedures (Exhibit C) along with a memo stating that the Diocese is committed to complying with Title VII within 30 days of the date of entry of this Decree. Within ten days of the date of entry of this Decree, the Diocese will also provide each church and parish within the Diocese with a copy of the Nondiscrimination Policies and Procedures (Exhibit C) and a memo stating that the Diocese is committed to complying with Title VII. The memo also will instruct the churches and parishes to provide the Nondiscrimination Policies and Procedures to all of their officers, employees, clergy, vestry members, and volunteers. The Diocese will include its updated Policies and Procedures in any

Employee Handbook and will make the Policies and Procedures available in a prominent location on its website.

17. The Diocese will make all efforts to have the Diocesan Council adopt the Nondiscrimination Policies and Procedures (Exhibit C) within 30 days of approval of the Decree. If adoption has not been achieved within 60 days of the approval of the Decree, the Diocese will notify EEOC in writing and the parties will confer regarding how to resolve the issue. If the parties cannot resolve the issue, the parties will inform the Court and the Court will set a date and time for the parties to appear before the Court to attempt to resolve the issue.

Training

Initial Training

18. Grace Church will provide training for all of its (a) nonsupervisory lay employees, including, but not limited to, parish administrators, treasurers, sextons, housekeepers, nursery school employees, (b) supervisory and management lay employees, (c) vestry members, and (d) rectors, assistant rectors, or other clergy. The training must be no fewer than three hours in duration and cover the rights and responsibilities of employees under federal antidiscrimination laws and how such laws define unlawful discrimination with a focus on sexual harassment and sex discrimination. The training will include examples of unlawful conduct. The training also will cover antidiscrimination policies and procedures with particular emphasis on the internal complaint, investigation and remediation process and an employee's right to file with EEOC and state or local agencies. The training will be conducted by the Mercer School of Theology.

19. The Diocese will provide training for all employees within the Diocese, including supervisory and non-supervisory employees. The training must be no fewer than three hours in

duration and cover the rights and responsibilities of employees under federal antidiscrimination laws and how such laws define unlawful discrimination with a focus on sexual harassment and sex discrimination. The training will include examples of unlawful conduct. The training also will cover antidiscrimination policies and procedures with particular emphasis on the internal complaint, investigation and remediation process and an employee's right to file with EEOC and state or local agencies. The training will be conducted by the Mercer School of Theology.

Scheduling and Confirmation of Initial Training

20. Within thirty days of the date of entry of this Decree, Grace Church and the Diocese will complete all initial training programs, if not previously trained. All nonsupervisory lay employees, vestry, clergy, and supervisory or management employees are required to attend the appropriate initial training session. Within ten days of any training session, Grace Church and the Diocese will provide EEOC with written confirmation that the training was conducted and will maintain an attendance sheet that includes the date and the names of those in attendance.

Continuing and New Employee Training

21. On an annual basis, Grace Church and the Diocese will provide at least three hours of training covering the topics described above for all new employees, vestry, and clergy. The training will be conducted by the Mercer School of Theology. Continuing employees will be provided with training every three years.

22. At least thirty days before any training session, Grace Church and the Diocese will provide EEOC notice of the date, time and location of the scheduled training. EEOC, with the consent of the Bishop of the Diocese, may attend and observe one or more of the training sessions.

Reporting Requirements for Discrimination Complaints

23. On an annual basis beginning one year after the date of entry of this Decree, each Defendant will provide a written report to the Legal Unit of the EEOC, New York District Office, with information regarding any verbal or written complaints of sexual harassment that were received from or regarding employees during the preceding year except for those complaints protected by the confessional privilege. The report must include the name of the complainant, the name of the alleged harasser, a list of each step taken during the investigation, a summary of the complaint, the location of the alleged harassment, the results of any investigation of the complaint, and whether any remedial action was taken.

Compliance with Record-keeping Requirements

24. Defendants agree to maintain such records as are necessary to demonstrate its compliance with this Decree and 29 C.F.R. § 1602.

MONETARY AND OTHER RELIEF

Monetary Payment to Claimants

25. Within thirty days of entry of this Decree, Grace Church will pay the total gross sum of one hundred ninety two thousand five hundred dollars (\$192,500) to Charging Party Mildred Spencer and claimant Robin Mooney on the terms provided for below.

26. Defendant Grace Church will pay Mildred Spencer the total sum of one hundred eighty thousand dollars (\$180,000) as nonpecuniary compensatory damages within thirty days of entry of this Decree. Grace Church will send the check to Linda Cronin, Ms. Spencer's attorney, via certified mail, made payable to Cronin and Byczek, LLP as attorneys for Mildred Spencer to be deposited in the firm's IOLA account, via certified mail, return receipt requested, and will forward a copy of the check to EEOC immediately upon issuance of the check.

27. Defendant Grace Church will pay Robin Mooney the total sum of twelve thousand five hundred dollars (\$12,500) as nonpecuniary compensatory damages within thirty days of entry of this Decree. Grace Church will send the check via certified mail, return receipt requested, to Ms. Mooney and will forward a copy of the check to EEOC immediately upon issuance of the check.

DURATION OF DECREE

28. The Decree will remain in effect for three years from the date of entry. The Decree will not expire while any enforcement action is pending.

29. Upon the entry of this Decree, the matter will be immediately closed, but the Court will retain jurisdiction to enforce this Decree.

30. In any action to enforce the terms of this Decree, the Court will have full authority to order any remedy the Court deems appropriate.

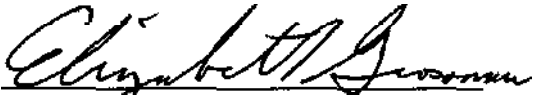
SIGNATURES

31. Each signatory to this Decree represents that each is fully authorized to execute

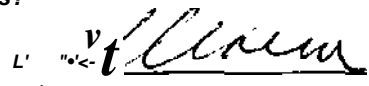
this Decree and to bind the parties on whose behalf each signs.

APPROVED IN FORM AND CONTENT:

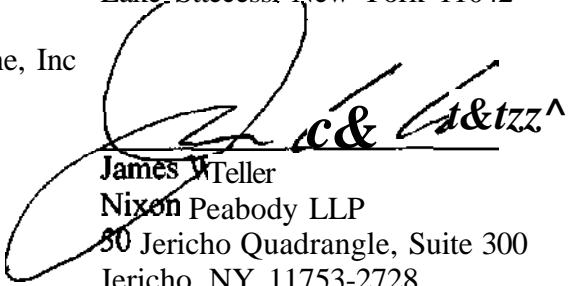
By Plaintiff EEOC:

 **A&**
Elizabeth Jr Grossman
Regional Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York, 10004

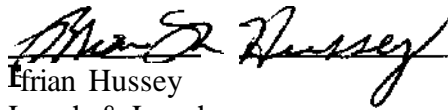
By Plaintiff-Intervenor Mildred Spencer:

s?

Linda Cronin
y 'Cronin & Byczek, LLP
1983 Marcus Avenue, Suite CI20
Lake^Sttecessr-New York 11042

By Defendant Grace Episcopal Church of Whitestone, Inc


James W Teller
Nixon Peabody LLP
50 Jericho Quadrangle, Suite 300
Jericho, NY 11753-2728
Tel: (516) 832-7543
Fax: (866) 947-2089
iweller@nixonpeabody.com

By Defendant the Episcopal Diocese of Long Island


Efrin Hussey
Lynch & Lynch
250 Old Country Road, Suite 102
Mineola, NY 11501
Tel: (516) 873-0100
Fax:(516)873-0108
jlynch@nylynchlaw.com

S ^ RDERED *4k* ^ V *t-l* __,2013.

/s/ Judge Edward R. Korman

United States District Judge

EXHIBIT A



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office**

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800) 669-6820

NOTICE TO ALL EMPLOYEES OF GRACE CHURCH

This Notice has been posted pursuant to a Consent Decree entered in resolution of a lawsuit brought by the U.S. Equal Employment Opportunity Commission ("EEOC") against Grace Church and the Episcopal Diocese of Long Island in federal court in the Eastern District of New York. In its lawsuit, EEOC alleged that Grace Church and the Diocese, through their interim rector, sexually harassed female employees, and unlawfully retaliated against one of the employees when she objected to the sexual harassment. Grace Church and the Diocese denied these allegations.

Federal law prohibits discrimination or harassment based on an employee's sex, race, color, national origin, religion, age, or disability status. Federal law also prohibits retaliation against any employee who files a charge of discrimination, who opposes unlawful activity, or who cooperates in the investigation of a charge or otherwise exercises her or his rights under the law.

Under the terms of the Consent Decree, Grace Church and the Diocese agree that:

1. They will not engage in any sex discrimination, sexual harassment, or retaliation against any person who exercises his or her rights under federal anti-discrimination laws;
2. They will provide training on federal laws prohibiting employment discrimination to all current and future employees;
3. They will maintain and distribute written policies and procedures prohibiting discrimination and enabling employees to file discrimination complaints;
4. They will permit EEOC to monitor Grace Church's and the Diocese's compliance with the Consent Decree;
5. They will provide periodic reports to EEOC regarding any harassment or discrimination complaints made by employees; and

Should you have a complaint of discrimination or harassment you may contact:

U.S. Equal Employment Opportunity Commission
33 Whitehall Street

New York, NY 10004
Phone: 800-699-4000
TTY: 800-669-6820
Website: <http://www.eeoc.gov>

Dated:

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE ALTERED OR DEFACED BY ANYONE OR COVERED BY ANY OTHER MATERIAL

This Notice must remain posted for three years from the date shown above and must not be altered, defaced, or covered by any other material. Any questions concerning this Notice or compliance with its provisions may be directed to the U.S. Equal Employment Opportunity Commission at the number listed above.

EXHIBIT B

Policy on Sexual Harassment

Grace Episcopal Church of Whitestone, Inc. ("Grace Church") prohibits sexual harassment of any applicants or employees by anyone (including clergy, supervisors or decision-makers, co-workers, consultants, vendors, and other non-employees). Such sexual harassment is prohibited. The behavior of individuals engaging in such conduct or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated.

All clergy, vendors, contractors, volunteers, interns, vestry members, and employees, whether supervisory or no-supervisory, are prohibited from engaging in the conduct prohibited by this policy.

A. PROHIBITED BEHAVIOR

As noted above, Grace Church prohibits all forms of sexual harassment. Specific definitions and examples of sexual harassment are set forth below.

1. Sexual Harassment

Sexual harassment is prohibited by this policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

a. Verbal:

- repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
- propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;
- inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person's sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the "forward" button instead of "reply," or forgetting that a particular individual or worker is on one of your group lists.

b. Visual/Non-Verbal:

- derogatory posters, cartoons or drawings (for example, cartoons and

calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.);

- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, screensavers, or other electronic displays of a sexual nature);
- graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, "shooting the finger," kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

c. **Physical:**

Unwanted physical contacts (including touching, interference with an individual's normal work movement, unwelcome displays of romantic or sexual affection; aggressive physical contact or assault); and

d. **Other:**

Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in Grace Church or its display, duplication, or transmission.

The verbal and physical conduct specified in sub-sections a-d above may constitute harassment when:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Grace Church work;
- ii. Submission to or rejection of such conduct by an individual is used as a basis for employment or other Grace Church work decisions affecting such individual; or
- iii. 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.

2. Retaliation

Grace Church will not take any action in retaliation against anyone who brings or voices a complaint pursuant to this policy or who participates in an investigation of a complaint or otherwise opposes sexual harassment. In addition, Grace Church will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Grace Church policy and violation of the law. If you

believe you have been subjected to retaliation in violation of this policy, you should report your complaint immediately in the manner specified in Section B below. Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual.

B. PROCEDURE FOR REPORTING SUSPECTED SEXUAL HARASSMENT AND/OR RETALIATION

If you believe that the actions or words of a supervisor/manager, clergy member, vestry member, co-worker, consultant, vendor, volunteer, or any other individual in Grace Church constitute prohibited sexual harassment, you should promptly report that behavior. Prompt behavior enables Grace Church to stop the sexual harassment before it becomes severe or pervasive.

If you believe that you have been the victim of any form of sexual harassment or retaliation by clergy, you should promptly give notice of your concern to one or more of the following:

- a. Your supervisor;
- b. A warden of the congregation
- c. The bishop; and/or
- d. The Canon to the Ordinary.

If you believe that you have been the victim of any form of sexual harassment or retaliation by non-clergy, you should promptly give notice of your concern to one or more of the following:

- a. Your supervisor;
- b. The rector or clergy person in charge of the congregation; and/or
- c. A warden of the congregation.

You are not required to complain to your supervisor or within your chain of command.

You may formally or informally complain to any of the above personnel via any of the following:

- a. A telephone call
- b. A letter
- c. An e-mail

d. An in-person meeting

In addition to the procedures set forth above, you also have the option of consulting with an attorney and/or you may also be able to file a complaint with the Equal Employment Opportunity Commission (EEOC) and/or any state or local agency(ies) responsible for processing employment discrimination matters, as well as pursuing any other remedies permitted by law.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent sexual harassment and retaliation against those who complain of sexual harassment or those who participate in an investigation of a complaint or otherwise oppose sexual harassment.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially. Complaints may be made orally or in writing. If it is determined that a fact-finding investigation is necessary, it will be promptly initiated. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the confidentiality of the allegations will be protected to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those individuals with a need to know in order to carry out the purpose and intent of this Policy.

Corrective remedial or disciplinary action will be taken against any individual found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including immediate termination from employment or removal from volunteer position, as applicable.

The complaining party will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

EXHIBIT C

Policy on Sexual Harassment

The Diocese of Long Island (the "Diocese") prohibits sexual harassment of any applicants or employees by anyone (including clergy, supervisors or decision-makers, co-workers, consultants, vendors, and other non-employees). Such sexual harassment is prohibited. The behavior of individuals engaging in such conduct or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated.

All clergy, vendors, contractors, volunteers, interns, vestry members, and employees, whether supervisory or non-supervisory, are prohibited from engaging in the conduct prohibited by this policy.

A. PROHIBITED BEHAVIOR

As noted above, the Diocese prohibits all forms of sexual harassment in the Diocese. Specific definitions and examples of sexual harassment are set forth below.

1. Sexual Harassment

Sexual harassment is prohibited by this policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

a. Verbal:

- repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
- propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;
- inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person's sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the "forward" button instead of "reply," or forgetting that a particular individual or worker is on one of your group lists.

b. Visual/Non-Verbal:

- derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual

language, etc.);

- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, screensavers, or other electronic displays of a sexual nature);
- graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, "shooting the finger," kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

c. **Physical:**

Unwanted physical contacts (including touching, interference with an individual's normal work movement, unwelcome displays of romantic or sexual affection; aggressive physical contact or assault); and

d. **Other:**

Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the Diocese or its display, duplication, or transmission.

The verbal and physical conduct specified in sub-sections a-d above may constitute harassment when:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Diocesan work;
- ii. Submission to or rejection of such conduct by an individual is used as a basis for employment or other Diocesan work decisions affecting such individual; or
- iii. 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.

2. Retaliation

The Diocese will not take any action in retaliation against anyone who brings or voices a complaint pursuant to this policy or who participates in an investigation of a complaint or otherwise opposes sexual harassment. In addition, the Diocese will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Diocesan policy and violation of the law. If you believe you have been subjected to retaliation in violation of this policy, you should report your complaint immediately in the manner specified in Section B below.

Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual.

B. PROCEDURE FOR REPORTING SUSPECTED SEXUAL HARASSMENT AND/OR RETALIATION

If you believe that the actions or words of a supervisor/manager, clergy member, vestry member, co-worker, consultant, vendor, volunteer, or any other individual in the Diocese constitute prohibited sexual harassment, you should promptly report that behavior. Prompt behavior enables the Diocese to stop the sexual harassment before it becomes severe or pervasive.

If you believe that you have been the victim of any form of sexual harassment or retaliation by clergy, you should promptly give notice of your concern to one or more of the following:

- a. Your supervisor;
- b. A warden of the congregation
- c. The bishop; and/or
- d. The Canon to the Ordinary.

If you believe that you have been the victim of any form of sexual harassment or retaliation by non-clergy, you should promptly give notice of your concern to one or more of the following:

- a. Your supervisor;
- b. The rector or clergy person in charge of the congregation; and/or
- c. A warden of the congregation.

You are not required to complain to your supervisor or within your chain of command.

You may formally or informally complain to any of the above personnel via any of the following:

- a. A telephone call
- b. A letter
- c. An e-mail
- d. An in-person meeting

In addition to the procedures set forth above, you also have the option of consulting with an attorney and/or you may also be able to file a complaint with the Equal Employment Opportunity Commission (EEOC) and/or any state or local agency(ies) responsible for processing employment discrimination matters, as well as pursuing any other remedies permitted by law.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent sexual harassment and retaliation against those who complain of sexual harassment or those who participate in an investigation of a complaint or otherwise oppose sexual harassment.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially. Complaints may be made orally or in writing. If it is determined that a fact-finding investigation is necessary, it will be promptly initiated. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the confidentiality of the allegations will be protected to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those individuals with a need to know in order to carry out the purpose and intent of this Policy.

Corrective remedial or disciplinary action will be taken against any individual found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including immediate termination from employment or removal from volunteer position, as applicable.

The complaining party will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.