

Creating a Sexual-Harassment free environment in your Church

by *Edward Malone*
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The issue of sexual harassment probably peaked as a topic of debate about 20 years ago. In 1991, as Justice Clarence Thomas was about to be confirmed as a United States Supreme Court Justice, a former employee of his, Anita Hill, came forward and claimed that Thomas had sexually harassed her during the 1980s. Although Thomas was confirmed, the feminist movement galvanized politically leading to the “year of the woman” in which Barbara Boxer, Dianne Feinstein, and Carol Moseley-Braun were elected to the U.S. Senate and dozens of other women were also elected to public office. President George Bush, who had nominated Justice Thomas and even said he hoped some of these women lose, was himself defeated. And Oregon Senator Bob Packwood, who had been accused of sexual abuse and assault against former staffers and lobbyists, was forced to resign in 1995.

Back in 1992, a whopping 88 percent of respondents stated they believed sexual harassment was a serious problem in the American workforce; but today, that number has decreased to 64 percent. (See “Sexual Harassment Happens. So what?” in *Forbes*, 11/16/11).

Although the sexual harassment issue is not as prominently discussed as it was two decades ago, accusations of sexual harassment against a U.S. Presidential hopeful in this past election have brought the issue of sexual harassment back into the forefront of national discourse.

Those who think this problem does not affect Christian churches have another thing coming. A new study conducted by NationalChristianPoll.com and published in *Christianity Today* reveals that more than a quarter of self-described "active Christian women" claim they have personally experienced sexually inappropriate behavior, and one fourth of those that experienced it said the misconduct took place in a church setting.

Just last year, Hammond, Indiana megachurch pastor Jack Schaap was sentenced to 12 years in prison for sex crimes involving a 17-year-old female church member he had been counseling. The pastor had arranged for the girl to be transported across state lines for sexual liaisons. The pastor had attempted to cover up his crime, firing a church staff member who wanted to go public with the allegations of sexual misconduct. Another woman claims that Schaap sexually harassed her after Schaap conducted marriage counseling sessions between her and her husband. Also last year, a pastor in Toronto, Canada, was charged with sexually assaulting four female parishioners,, two of whom were minors.

Earlier this year, a female minister at an African Methodist Episcopal church in St. Louis, Missouri, filed a sexual harassment lawsuit against her pastor, alleging that he on different occasions made sexually explicit remarks to her; forced her to view a photo of his genitalia; grabbed her; attempting to kiss her; and reached under her skirt, exclaiming, "saying "I'm going to f--- you right up in this church."

Not only did this woman sue the pastor personally, but she sued the local church as well as the entire AME denomination, alleging that they both were aware that the pastor had sexually harassed other women within the denomination and had failed to inform her and others of the pastor's propensity to sexually harass and assault women.

Last summer, a 58-year-old pastor in Sumter, South Carolina, was charged with having sexual relations with three different teenage girls during various "private prayer sessions". During these sessions, the pastor allegedly performed sex acts on these victims to "heal" them from conditions such as "liking females, contracting sexual diseases or becoming pregnant early". Because of the manner in which this preacher lured his victims, police suspected there was a possibility there could be additional victims. Lo and behold, another alleged victim came forward in March 2014 and the pastor was charged with two additional counts of criminal sexual conduct.

Most recently, Bill Gothard, the founder of an Illinois-based Institute in Basic Life Principles, was forced on March 6, 2014 to resigned as president of the Christian ministry he founded over 50 years ago amid allegations that he had sexually harassed multiple women over a period of decades and failed to report allegations of child abuse within his organization. The 79-year-old ordained minister, who for years advocated home schooling for children and dressing in conservative and warned against the dangers of rock music and financial debt, allegedly recruited attractive young women for administrative positions within the organization,only to make unwanted and inappropriate physical contact with them while also manipulating them emotionally.

Please note that sexual harassment is not limited to man-on-woman harassment. A woman can harass a man; a man can harass a man, a woman can harass a woman; and – as we are painfully aware – an adult can victimize a child. Three years ago, Bishop Eddie Long, the pastor of a 25,000 member mega-church in Atlanta was sued by three underage male members of his congregation who claimed that Long used his prominent position as pastor to coerce them into sexual relationships with him. Bishop Long denied these allegations, but he settled each lawsuit out of court, paying each accuser an undisclosed sum of money.

And after coming under fire from victims' groups for its perceived lack of attention to the sexual abuse of children, the Roman Catholic under Pope Francis I appointed a special commission on sex abuse a few days ago, consisting of women and even of a person who was assaulted by a priest as a child.

Sexual harassment is also a growing problem in non-mainstream Christian denominations. Young ladies within these socially isolated congregations have been victimized by men who have too aggressively pursued relationships with them. This behavior may be caused by prohibitions within these non-mainstream churches against dating and marrying outside their tradition, resulting in aging men becoming desperate for potential spouses within a very limited pool of women.

What is sexual harassment?

The legal definition of sexual harassment in the United States in the context of a job setting is “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” that “explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.”

Sexual harassment comes in two forms. The first form, called, *quid pro quo* (Latin, “this for that”), involves attempting to procure dating, a sexual relationship, or other sexual favors by promising favorable treatment or threatening adverse treatment. For example, promising a promotion or pay

raise in exchange for a date is a *quid pro quo* form of sexual harassment. The second form of sexual harassment is called “hostile environment” harassment. This involves conduct which creates an intimidating, hostile, or offensive environment.

Quid pro quo sexual harassment is relatively easy to recognize. Either the boss did or did not solicit sexual favors from an employee using threat of



punishment. Either the boss did or did not promise a benefit to an employee in exchange for sexual favors.

Determining a hostile environment can be much more difficult. Not only must the fact-finders determine if the alleged conduct took place, but they must determine if the conduct is sufficiently severe and pervasive that a reasonable person would find the environment to be hostile and abusive. In making this determination, the frequency of the conduct and the degree of interference with the victim's work performance will be considered. A continuous course of offensive conduct is usually deemed sufficient to create a hostile environment; but a single offensive utterance may not. One single aggressive or outrageous act, however, may be enough to constitute sexual harassment.

The individual perpetrator of workplace sexual harassment is, of course, personally liable for his or her own actions. But in the world where litigants go after "deep pockets," the employing institution may also be held liable if the misconduct is committed within the scope of employment or if the institution knew or should have known of the individual's misconduct. If an employer puts a stop to hostile environment harassment after it learns of it, the employer may escape liability because it took corrective action as soon as it learned of the problem. With the exception of a few differing courts, the institution in *quid pro quo* cases is strictly liable for the conduct of its employees regardless of knowledge or subsequent remedial measures. When it comes to sexual harassment in a church, the "deep pocket" party who gets sued may be the congregation, a regional synod or diocese, or even the whole denomination.

Because it usually does not take place in an employment setting and because it often takes place between and among "lay members", sexual harassment in the church does not normally subject the church or its individual harassing members to civil liability. The law changes every day, however, and it is not inconceivable that courts may one day hold churches liable for the actions of members. Moreover, those who allow sexual harassment to flourish in their churches will be held accountable to a judge on high who is able to punish a sexual predator worse than any no-nonsense district judge could ever do.

Being sexually preyed upon in church can have the devastating affect of shattering one's confidence in pastors, in the church as an institution, and maybe even in God. Concerning this, Jesus once said that it would be better for anyone who causes one of these "little ones" to stumble to have a great millstone fastened round his neck and to be drowned into the depths of the sea. (See Matthew 18:6)

Sexual harassment in the Bible

Perhaps the very first instance of sexual harassment in the Bible is recorded in the 39th chapter of Genesis. A strikingly handsome young man named Joseph was sold into slavery by his brothers and brought to Egypt, where he worked for a government official named Potiphar. Joseph excelled in all that he did for his slave master because the Lord was with him. Potiphar even promoted Joseph, putting the young man in charge of everything Potiphar owned.

But Potiphar's wife had her eye on Joseph. One day, she propositioned Joseph to sleep with her. But Joseph refused and said to her, "Behold, my master knows not what he has in the house with me, but has committed all that he has to my hand. He himself is not greater in the house than I, and has kept nothing from me, but only you because you are his wife. How then can I do this great wickedness, to sin against God?"

Potiphar's wife pestered Joseph day after day, but he stood his ground, refusing to go to bed with her. But one day, she grabbed him by his coat, saying, "Sleep with me!" Joseph ran away so abruptly that he left his coat in her hand.

When Potiphar's wife realized that he had left his coat, she trumped up charges against Joseph, claiming that Joseph had attempted to rape her and had left his coat with her in his attempt to flee when she cried out. Potiphar believed his wife and had Joseph put in prison.

Joseph was placed in a moral dilemma. He literally had to choose between masters. Joseph correctly stated that Potiphar had put everything he owned in Joseph's charge except Potiphar's own wife. To lie with the lady of the house would be to betray a trust; and there would be serious consequences for Joseph if Potiphar learned of such betrayal.

But Potiphar's wife also had the power to do ill toward Joseph. Joseph, no doubt, knew this fact, putting pressure upon him to please his master's wife. If we use our imaginations, Joseph probably had other excuses to sleep with Potiphar's wife. Potiphar's wife was probably physically attractive. She was probably an older woman who could have taught things to a young man barely out of his teens. She could have been politically and socially connected. Practically speaking, an affair with Potiphar's wife could have benefited Joseph in more than one way. Moreover, Joseph had not put himself in this position. He would have been at home in the land of Canaan with his father if it were not for his brothers kidnapping him, selling him into slavery in this far-away land. And while Joseph had been promoted to trustee over Potiphar's estate, the fact still remained that Joseph was a piece of chattel, literally owned and exploited by another man. Who could blame Joseph if he lashed out and entered the bedroom of his master's wife?

But Joseph appealed to a loyalty higher than any other loyalty. And that was his loyalty to Yahweh, the God of Israel. He told Potiphar's wife that he could not do this "great wickedness" and "sin against God."

Joseph's moral dilemma shows the ugliness of sexual harassment. It puts the harassed person in a position to choose between acquiescing to predator or betraying the trust of the company that they work for, a spouse, a boyfriend or girlfriend, and, most importantly, God Almighty. No matter what the setting, sexual harassment is wrong in that it puts the other person in a precarious situation.



How do we avoid sexual harassment?

How do we avoid sexual harassment? How do we you protect ourselves against accusations? It is tempting for this writer, a practicing lawyer, to first consult the law books. But believe it or not, the Bible itself has something in pertaining to this subject. This essay cannot cover everything and does not purport to propagate a guarantee against all instances or accusations of sexual harassment, but there are four things churches (as well as synagogues, mosques, and other places of worship, for that matter) can do to make our lives easier.

1. Judge righteous judgment.

The first thing to do is to always judge righteous judgment. Jesus told his followers not to judge “according to the appearance,” but to “judge righteous judgment.” If anyone is in a position of authority, it would not be fair to reward someone based upon their physical appearance. If twelve members of a department at work are bidding for a lucrative job position, then each member has a right to be judged according to their merits.

If we awarded the positions to persons based upon their physical appearance – or even worse, upon their willingness to give us sexual favors – then we would be unfairly denying others a fair opportunity. This would not be judging righteous judgment.

This principle also applies to social climbers and groupies. There are people in this world who do not want to plan, study, work, or save to get ahead in life, but merely wish to use their bodies to gain favors and privileges. This attitude is just as evil as that of the sexual predator.

2. Think on virtuous things.

In addition to judging righteous judgment, it is important to keep our minds on virtuous things. In other words, we should not have a dirty mind. The apostle Paul exhorts Christians to do this in the book of Philippians.

Finally, brethren, whatsoever things are true, whatsoever things *are* honest, whatsoever things *are* just, whatsoever things *are* pure, whatsoever things *are* lovely, whatsoever things *are* of good report; if *there be* any virtue, and if *there be* any praise, think on these things.
Philippians 4:8

Paul's colleague Peter gives a similar admonition, warning us to be obedient and holy children, not conforming to the passions of our former lifestyle.

Therefore gird up your minds, be sober, set your hope fully upon the grace that is coming to you at the revelation of Jesus Christ. As obedient children, do not be conformed to the passions of your former ignorance, but as he who called you is holy, be holy yourselves in all your conduct; since it is written, "You shall be holy, for I am holy." -1 Peter 1:15

A Christian's life, conduct, behavior, and deportment should be just like that of the man they profess to follow. And if we keep our minds "stayed" on the Lord, He will keep us in perfect peace.

3. *Think about the other person*

In addition to being a fair person and thinking on virtuous things, we are also less likely to sexually harass another person if we think about the other person. The apostle Paul encourages Christians to be humble and to not look to our own interests but the interest of others.

Do nothing from selfishness or conceit, but in humility count others better than yourselves. Let each of you look not only to his own interests, but also to the interests of others. -Philippians 2:3-4

As we have seen in the case of Joseph, *quid pro quo* harassment often places the other persons in a moral dilemma, potentially dividing their loyalties. No one looking out for the interest of another would place another in such a predicament.

Looking to the interests of others would also make us less likely to create a hostile environment for another person. Not only would we avoid saying or doing things which would obviously intimidate, offend, or annoy another, but we would be sensitive to the cultural background and idiosyncrasies of that other person. And this goes for harassment and offense of any kind, including gender, ethnicity, and religion. A joke that we might find funny might not be funny to a person of another culture, ethnicity, or even another Christian denomination. And it would NOT suffice it to merely say, "I didn't mean any harm, that's just his problem if he is offended."

There are certainly cases where our heart is pure, no offense is intended, yet another person takes umbrage with what we might say or do. This is where Christian humility comes to the rescue. In such a situation, we would be best served to acknowledge the other person's offense and refrain if at all possible from saying or doing what offended the other person. It is our duty in such a case to try to understand the other person's perspective to avoid future offensive encounters or occurrences. A soft answer turns away wrath; God resists the proud and gives grace to the humble. (See Proverbs 15:1; Proverbs 15:18; James 4:6).

Yes, there are certainly uptight people with no sense of humor who will take offense to almost anything said in jest. But just as meat-eating followers of Christ in the Bible days were advised to refrain from eating meat in the presence of hypersensitive vegetarians to avoid offense, Christians today would be well served to refrain from certain jokes or other conduct which may cause offense to the hypersensitive.

Be careful, however, that the exercise of your freedom does not become a stumbling block to the weak. -1 Corinthians 8:9

"For though I am free from all men, I have made myself a servant to all, that I might win the more. -1 Corinthians 9:19

4. Thoroughly and carefully investigate complaints of sexual harassment

If a congregation learns of an accusation of sexual harassment against any of its members or has reasonable suspicion that a member is harassing another member, they would do well to take such accusation seriously and investigate the matter. It is foolish to summarily dismiss a sexual harassment complaint before hearing the accuser, and it is equally foolish to assume wrongdoing before hearing the accused. Proverbs 18:18 states that "if one gives answer before he hears, it is his folly and shame." And Nicodemus in John 7:51 asked, "Does our law judge a man without first giving him a hearing and learning what he does?"

It is probably best to appoint a panel of at least three persons to investigate complaints of sexual harassment. The investigative committee should be comprised of a cross-section of church members and it should have some non-preachers on it, especially if the complaint is against a preacher. A preacher investigating a complaint against another preacher might have a tendency to not want to think that his co-laborer is capable of such wrongdoing, or conversely he might be eager to bring down a fellow preacher and further his own ambition. Moreover, a matter reviewed by preachers and non-preachers alike might also give the public more confidence that the process was fair and not rigged and that there was no ministerial cover-up. In certain extraordinary circumstances, it might even be appropriate to ask a trusted Christian belonging to another congregation to assist in the investigation.

Without counsel plans go wrong, but with many advisers they succeed.
-Proverbs 15:22

In choosing whom to investigate complaints of sexual harassment, a congregation must be careful to appoint committee members who are capable of keeping matters confidential until the investigation is complete.

A gossip betrays a confidence, but a trustworthy man keeps a secret.
-Proverbs 11:13

A complaint put on blast before all of the facts are determined can result in irreparable damage to a party in the matter, even if he or she is later vindicated. University of Texas-San Antonio Professor Ronald Ayers once said, "People tend to remember the accusations and put all the weight on the accusations, not the exoneration."

Ronald Donovan, a Reagan administration official caught up in a labor scandal in the 1980s received years of negative media treatment only to eventually be completely exonerated. When asked how he felt, Donovan expressed relief at being cleared but blankly asked reporters, "Now, how do I get my good name back?" A congregation does not want a party in a sexual harassment matter asking the same question.

Investigations should be conducted promptly. The longer a matter lingers, the greater the tensions might build up within a victim or even a person falsely accused. And as times goes by, evidence gets stale and memories fade. A pending sexual harassment matter which lingers without being resolved only undermines the integrity of the investigation and erodes public confidence in the congregation altogether.

All claims of harassment should be taken seriously and investigated. The Personnel Policy Service, Inc. advises that addressing every complaint prevents small misunderstandings from turning into larger conflicts and sends the message that an institution takes sexual harassment seriously and is committed to promoting a amicable environment. Naturally, there may be some situations that require more investigation than others. There may be some matters in which it is clear from the outset that no reasonable fact-finder could conclude that the complainant was sexual harassed. In those cases, a full investigation may not be needed, but the matter should at least be addressed and there should be some resolution that is delivered to and understood by all parties.

5. Use wisdom

A final way to avoid sexual harassment – and perhaps even accusations – is to use wisdom. Jesus told his followers to be wise as serpents and harmless as doves (See Matthew 10:16). His apostle Paul instructs warned Christians to “flee sexual immorality.” Therefore, church members should avoid any situations creating the potential for sexual misconduct or accusations of sexual misconduct.



One of the accepted roles of pastors and elders is to counsel church members. In doing so, members often speak in confidence with these ministers in intimate one-on-one situations. The counselee is often emotionally vulnerable, putting both parties in an awkward situation. To avoid such situations, the counseling session should be in the presence of other people. Out of respect for confidentiality, such sessions should not be within the listening range of other people, but it certainly should take place where others can either see the two from a distance or easily walk in. For those churches who can afford to do so, they should hold counseling sessions in a room with a glass door or lots of windows. If this is not possible, the counselor should keep the door cracked or even open during the counseling session.

Visitations for church rites and procedures such as baptisms, administration of communion, and prayers and anointing for the sick should perhaps be made before witnesses or accompanied by a colleague. After all, Jesus sent his disciples out in pairs (See Mark 6:7). Social outings with persons of the opposite sex not intended to be dates should probably be limited to either group outings or lunch only. For some reason, lunch in our society is not regarded with the dating connotations that dinner is. The consumption of alcohol together is also ill-advised in that it, too, presents the appearance of being on a date.

Churches might consider drafting sexual harassment policies and perhaps even purchasing an insurance policy that covers sexual misconduct. The larger ones may even do well to conduct background checks on any person volunteering in the church to work with children. Although non-employee church members are generally not allowed to sue churches for sexual harassment, the wave of legal future often leads toward permitting more and more types of suits to be sustained. Fifty years ago it would have been unheard of for smokers to sue tobacco companies or fat people to sue restaurants.

Some may insist that the Bible is the controlling law in a church rather than any guidelines that the government or any church lawyer draws up, and that God's mercy and grace is better than any insurance policy or background check. Indeed, drafting an official policy or purchasing insurance is a matter of conscience. These two ideas are simply practical suggestions for religious institutions which are often forced to do business and answer to the courts of this world.



Conclusion

We live in a mean, cruel world. A world in which people prey on others sexually for their own selfish purposes and even in which people lie on others to ruin their reputations. These worldly misdeeds can even take place among God's people.

A Christian congregation should be a refuge, safe from sexual pressure and harassment; and there are Biblical principals we can practice to minimize such pressure and harassment. In our interaction with people, let us judge righteous judgment; think on virtuous things; think about the other person;

thoroughly and carefully investigate complaints, and be always wise so that we can avoid causing anyone to stumble and worship God together in a friendly and loving atmosphere.

Avoiding Electronic Sexual Harassment

The telecommunications revolution, consisting of internet and other digital communication through computers, telephones, and tablets, has provided humankind with faster and more easily attainable information, a more efficient means of communication, and a plethora of other benefits and advantages. But the explosion of the Internet use over the last twenty years has served as a new medium for sexual harassment.

In addition to exercising the principles laid out in the main article herein, there are a few additional tips to avoiding electronic sexual harassment.

Church members, especially those who hold a position, should be mindful of the time they transmit electronic messages. Unless there is an understanding between the parties involved, late night communication among church members of the opposite sex is not proper. Instant messages and text messages may be less intrusive than telephone calls, but a recipient's telephone, tablet, or personal computer may still play an alert sound every time a new message comes in. Sending such messages to persons of the opposite sex at night may convey the wrong idea.

Preachers, teachers, and other church leaders may do well to carbon copy a person or two to serve as a witness to online or other digital communication. They also should consider using a church email address rather than a personal email address to send email messages.

Photographs should be posted publicly or to group recipients rather than sent one-on-one, and the persons being photographed should not be dressed suggestively. Church members should also avoid sending dirty jokes, poems, or other writings to one another.