

**THE CLASSIS OF SCHENECTADY
OF THE
REFORMED CHURCH IN AMERICA
BY-LAWS**

I. Classis Defined

- I.1. The Classis of Schenectady is an assembly and judicatory of the Reformed Church in America. These By Laws are supplemental to the *Constitution* of the Reformed Church in America, as defined in the Preamble to the *Book of Church Order*.
- I.2. The Classis of Schenectady is a religious organization organized in 1826, and incorporated under the laws of the State of New York. Articles of Incorporation were filed in the Schenectady County Clerk's Office on October 14, 1890. Appendix A is the text of these articles
- I.3. Appendix B lists the churches of classis in their official order according to the date of their founding.
- I.4. The Classis of Schenectady celebrates the wide diversity of people within its bounds. As such, the classis does not discriminate against its candidates, members and delegates on the basis of gender identity or expression, sexual orientation, age, race, color, national or ethnic origin, or disability nor does it prevent consistories and congregations from holding differing views on matters of same-sex marriage and affirmation of LGBTQ+ persons.
- I.5. If individual members of classis find that their consciences, as illumined by Scripture, would not permit them to participate in the licensure, ordination or installation of LGBTQ+ persons as Ministers of the Word and Sacrament, they shall not be required to participate in decisions or actions contrary to their consciences, but may not obstruct the classis in fulfilling its responsibility to arrange for the care, ordination, and installation of LGBTQ+ candidates and ministers by means mutually agreed on by such persons and the classis.

II. Responsibilities of the Classis

II.1. In addition to the responsibilities and duties that derive from the *Constitution*, classis shall support the ministries of its churches as it determines necessary and appropriate.

III. Sessions of Classis

III.1. Stated sessions shall ordinarily be on the fourth Tuesdays of February, May and October.

III.2. Special sessions may be called in accordance with the *Constitution*. No business other than the business stated on the notice shall be conducted at special sessions.

III.3. Stated and Special Sessions of Classis may be held virtually (by phone, e-mail, fax, or electronic platform), in accordance with the provisions set forth by the current edition of Robert's Rules of Order, and at the discretion of the President. The requirements for a quorum shall be the same as for an in-person meeting. At least one Stated Session per year shall be held in person, to fulfil the requirements of an Annual Meeting.

IV. Officers of Classis and Elections

IV.1. The officers of classis are the President, Vice President, Stated Clerk and Treasurer. The offices of Stated Clerk and Treasurer may be filled by one person.

- (a) If an officer of classis is not a voting delegate according to the *Constitution*, he or she may not vote at a stated or special session of classis, except that any officer acting as President may vote to break a tied vote.
- (b) The Stated Clerk shall be compensated as determined by classis.
- (c) The Treasurer shall be compensated as determined by classis.

IV.2. Election of officers shall be undertaken as follows:

- (a) All enrolled ministers and all elders of classis churches are eligible for election, except for those who are under discipline. In addition, all confessing members of classis churches are eligible for election to the Office of Treasurer.
- (b) Elections will be held at the May stated session of classis, or, if there is a vacancy.
- (c) The Executive Committee shall be charged with soliciting names of possible candidates and present recommendations to the classis at the may Stated Session, except as provided for the office of president as listed below.
- (d) If the President is completing a first term, they shall be the sole nominated candidate for office of President. If the President is completing a second term or does not wish to be reelected to a second term, the Vice President shall be the sole nominated candidate for the office of President. If the Vice President does not wish to be nominated for the office of President, the Executive Committee shall solicit candidates and shall then provide a single candidate nomination for the office of President.
- (e) An affirmative vote of the majority of the enrolled ministers and elder delegates present shall be required to elect an officer. If the vote is not affirmative, nominations may be received from the floor. If more than one nomination is present, the nominee who receives a plurality of the votes shall then be presented as a single-slate candidate. The classis shall then vote on this single candidate, with an affirmative vote of the majority of the enrolled ministers and elder delegates present required to elect the nominee.

IV.3. Terms of office are as follows:

- (a) The terms of office for President and Vice President are one year. The President and Vice President may be reelected to a second consecutive term, but not to a third consecutive term.

- (b) The terms of office for Stated Clerk and Treasurer are three years. Each may be elected to two consecutive terms.
- (c) Terms of office begin at the close of the electing meeting.

IV.4. Vacancies will be filled as follows:

- (a) The Vice President shall become the President if the office of the President is vacant.
- (b) Vacancies in the offices of Vice President, Stated Clerk or Treasurer shall be filled for the un-expired term by election as described above in Section 4.02(c) at the next stated session, or at a special session called for that purpose.
- (c) The Executive Committee may appoint a person to fill the role of Stated Clerk or Treasurer pro tempore if the position becomes vacant between sessions

IV.5. The President shall, in addition to the duties set forth in *The Constitution*:

- (a) Appoint the following with the advice of the Executive Committee:
 - Members of the permanent committees of classis.
 - Chairpersons of the permanent committees of classis.
 - Members and chairpersons of the special committees of classis.
- (b) Preside at ordinations and installations.
- (c) Appoint supervisors of churches without installed senior or sole pastors upon the recommendation of the Church Oversight and Supervision Committee.
- (d) Present a State of Religion in Schenectady Classis report at the stated May session. The President shall consider the annual consistorial reports when preparing this report.

IV.6. The Vice President shall:

- (a) Assume the duties of the President if the President is absent.

IV.7. The Stated Clerk shall, in addition to those duties set forth in the *Constitution*, and those required by the General Synod, the General Synod Council, and those required by the Regional Synod of Albany:

- (a) Assume the duties of the President if the President and Vice President are both absent, or if these offices are vacant.
- (b) Keep a faithful record of classis actions and serve as the steward of classis records.
- (c) Keep an up-to-date roster of permanent and special committee members, their terms of office, and advise the Executive Committee when those terms are expiring.
- (d) Provide for effective communications within the classis, with other classes, and with the regional and general synods.
- (e) Appoint delegates to the synods in an organized and timely fashion according to the following:
 - Elder delegates will be appointed upon nomination from their consistories in rotation based on the official order of the churches, Appendix B. Consistories that decline the privilege of making such a nomination, or consistories that fail to make a nomination by the Stated Clerk's deadline will be moved to the bottom of the rotation. Consistories whose appointed elder is not able to attend may nominate another for appointment.
 - Minister delegates and their alternates will be appointed in rotation according to the date they last attended the synod in question, except that no minister will be appointed who has not been a member of classis for at least 18 months at the time of the deadline for appointment. A minister who for any reason declines appointment will be treated as if he or she attended the synod, and will have his or her name moved to the bottom of the rotation.
 - The Stated Clerk will inform the classis at the February stated session of the current year's and following year's appointments.

- (h) Distribute at the February stated session a roster of the classis officers, minister and elder delegates, and committee members.

IV.8. The Treasurer shall:

- (a) Receive and deposit money paid to classis.
- (b) Distribute money as directed by classis.
- (c) Notify the churches of any assessments the classis may assign and set a schedule for receiving the payments.
- (d) Prepare draft income and expense budgets for the Executive Committee.
- (e) Prepare a financial report for each stated session of classis or as directed by the Executive Committee.
- (f) Advise the Executive Committee whenever a church becomes delinquent in paying any of its assessments.

V. Transaction of Business

V.1. The following, in order of priority, guide classis in its transaction of business:

- (a) *The Constitution of the Reformed Church in America*
- (b) These by-laws
- (c) The current edition of *Robert's Rules of Order*

V.2. Classis shall approve or amend the agenda presented by the Executive Committee at the start of each session. Following such approval, changes to the agenda must be approved by a two-thirds majority.

V.3. All enrolled ministers and elder delegates shall have privilege of voice and of vote.

V.4. All preaching elders, associates in ministry, students under care, licensed candidates, and retired ministers shall have privilege of voice, but not of vote.

V.5. Invited guests and all others present may be granted the privilege of the floor with a vote of 2/3 of the classis members present.

V.6. Any enrolled minister, consistory, or elder delegate may bring business before the classis in the form of an overture. All overtures shall automatically be reviewed by the Overtures and Judicial Business Committee of classis who shall present recommendations in response to the overtures.

V.7. All overtures must be received by the Stated Clerk no later than two weeks prior to the Stated Session at which the overture may be considered. .

VI. Executive Committee of Classis

VI.1. The membership of the Executive Committee of classis will consist of the:

- (a) President of the classis
- (b) Vice President of the classis
- (c) Stated Clerk of the classis
- (d) Treasurer of the classis
- (e) Chairperson of each of the permanent committees of the classis as defined by these bylaws.
- (f) Immediate Past President of the classis.

VI.2. Officers:

The officers of the Executive Committees shall be: chairperson, vice-chairperson, and secretary

- (a) The Immediate Past President of the classis shall be chairperson of the Executive Committee
- (b) The Vice President of the classis shall be vice-chairperson of the Executive committee and assume the duties of the chairperson if the chairperson is absent
- (c) The Stated Clerk of the classes shall be the secretary of the Executive Committee and keep a faithful record of the business of the Executive Committee.

VI.3. Transaction of Business

- (a) The Executive Committee shall act on behalf of classis between stated sessions, unless otherwise required by the *Constitution* or these by laws.

- (b) The Executive Committee shall not originate any business before it, but only that which is within its defined roles as stated in these bylaws.
- (c) The Executive Committee may consider business addressed to it by means of electronic communication (phone, email, fax). The quorum required for consideration of such business shall be by a majority of the seated membership of the Executive Committee and at least 48 hours shall be given to respond to such business following support given to the motion. The consideration of this business must be within the defined role of the Executive Committee.

VI.4. Duties of the Executive Committee

- (a) Advise the President on appointments to the permanent and special committees of classis.
- (b) Advise the President on appointments of chairpersons for the permanent and special committees of classis.
- (c) Report or refer the actions of the regional or general synods, or other bodies as appropriate, to the classis or to the appropriate permanent or special committee for action or advice.
- (d) Ensure all ministers, preaching elders, commissioned pastors, and student pastors have completed a background check pursuant to policies noted in Appendix C.
- (e) Solicit nominations and present a single-slate of candidates for officers.
- (f) Approve or deny grant requests from consistories and submit to appropriate assemblies as required.
- (g) Approve or deny requests of ministers to transfer into the classis by other assemblies, including acting to approve or deny contracts and calls presented by consistories regarding said ministers when such requests come between stated Sessions of classis.

VII. Committees of Classis

VII.1. The permanent committees of the classis are the:

- (a) Ministry Oversight Committee: Commissioning, Certification, Licensure, and Ordination
- (b) Church Oversight and Supervision Committee
- (c) Overtures and Judicial Business Committee

VII.2. The duties of the permanent committees:

- (a) The permanent committees assist classis in the fulfillment of its constitutional responsibilities. These by-laws assign specific areas of responsibility for this assistance to the permanent committees below.
- (b) The permanent committees are also responsible for any other matters assigned to them by classis.
- (c) Each committee shall present a written report to the classis at each stated session and to the Executive Committee as requested.

VII.3. Membership and Terms of Office

- (a) The members of the permanent committees are those active confessing members of classis churches or enrolled ministers appointed by the President, except that membership on the Church Oversight and Supervision Committee is limited to elders or enrolled ministers.
- (b) The terms of office for permanent committee members are three years, except that the terms of office for members of the Church Oversight and Supervision Committee are three years or longer. Permanent committee members may be appointed to consecutive terms.

VII.4. Special Committees

- (a) Classis or its Executive Committee may direct the President to form a special committee for any purpose.
- (b) Special committees are temporary. Upon forming a special committee, classis will clearly define the specific task or tasks given to the committee as well as the terms of office of those appointed to serve on it.

VII.5.Chairpersons

- (a) Chairpersons of the permanent and special committees are appointed by the President. Chairpersons will be elders or enrolled ministers.
- (b) Chairpersons will always have the privilege of the floor at stated or special sessions of classis, but will vote only if they are voting delegates as defined in the *Constitution*.

VIII. Ministry Oversight Committee: Commissioning, Certification, Licensure, and Ordination

VIII.1.Membership

- (a) The Ministry Oversight Committee shall consist of 5-7 members.
- (b) At least one member shall be an elder.
- (c) The terms of office shall be 3 year terms. These may be renewed and/or be staggered to allow for continuation of leadership.

VIII.2.The duties of the Ministry Oversight Committee are to:

- (a) Assist classis in fulfilling the requirements of the Book of Church Order regarding the supervision of Students of Theology.
 - Certificates of Fitness for Ministry
 - Supervision of Licensure and Ordination
- (b) Assist classis in fulfilling the requirements of the Book of Church Order regarding the supervision of Preaching Elders, Commissioned Pastors, and Associates in Ministry.
 - Commissioning and supervision of Preaching Elders.
 - Commissioning and supervision of Commissioned Pastors.
 - Certification and supervision of Associates in Ministry

IX. Church Oversight and Supervision Committee

IX.1.Membership

- (a) The committee will consist of a chairperson appointed by the president, and members suitable to the need for supervision of congregations who

shall make up supervisory teams, who are recommended by the chairperson and appointed by the president.

- (b) The term of office of the Chairperson shall be renewable in 3 year increments. The number of active supervision teams will be based on need, as determined by events.
- (c) The term of office of the members of the committee other than the chairperson shall be from time of appointment by the President until such time that supervision is no longer needed.

IX.2.The duties of the chairperson are to:

- (a) Assist classis in fulfilling the requirements of the Book of Church Order Chapter 1, Part 2, Article 7 regarding the Superintendence of the Churches.
- (b) Appoint a minister from Classis to supervise the dissolution of a pastoral relationship.
- (c) Advise the Classis Executive Committee on the appointment of supervisory teams for consistories without an installed pastor.
- (d) Advise the supervisory teams assisting consistories without an installed pastor in contracting for interim pastoral services.
- (e) Advise the Classis Executive Committee, via the Classis Clerk, when a consistory seeks to enter into a contract for pastoral services.
- (f) Oversee supervisory teams who attend consistory and Search Committee meetings of churches without an installed pastor.

IX.3.Duties of a Supervisory Team

- (a) Supervisory teams will consist of two members each; one Minister of Word and Sacrament and one Elder.
- (b) The terms of office of supervisory team members shall run concurrently; beginning at the time a pastoral relationship is dissolved and ending when the call letter for a new pastor is approved by the Classis Executive Committee.

X. Overtures and Judicial Business Committee

X.1.Membership

- (a) The Overtures and Judicial Business Committee shall consist of no less than four members and no more than eight members.
- (b) At least two members of the committee shall be women.
- (c) The terms of office shall be 3 year terms. These may be renewed and/or be staggered to allow for continuation of leadership.
- (d) The stated clerk of the classis shall serve *ex-officio* as one of the counted members.
- (e) The committee shall meet at least once a year, with the meeting occurring before the classis meeting in which voting on proposed changes to the *Constitution* of the Reformed Church in America take place, and shall also meet as necessary.

X.2. The duties of the Overtures and Judicial Business Committee are:

- (a) Review proposed changes to the *Constitution* of the Reformed Church in America and to offer advice on whether or not to approve the proposed changes.
- (b) Review all overtures and correspondences coming from consistories or classis members and offer recommendations in regards to their content.
- (c) Recommend overtures that the classis may send to the regional synod or General Synod.
- (d) Serve as the committee designated by the Book of Church Order, Chapter 2, Part 1, Article 4, Section 4, “to determine whether there is sufficient merit to the charge to warrant further consideration,” whenever a charge is filed by an individual or committee.
- (e) Review, from time to time, the bylaws of the Reverend Schenectady Classis to ensure they are up to date.

XI. Policies of Classis

XI.1. Policies of Classis

- (a) Each permanent committee will develop detailed, written policies pursuant to their areas of responsibility, and present them to classis for approval as necessary or as directed.
- (b) The above policies will be appended to these by-laws as Appendix C. Policies may be changed by a simple majority of classis at any stated session or at a special session called for that purpose.

XII. Amending the By-Laws

XII.1. These by-laws may be amended at any stated session by a two-thirds vote of the voting delegates present, provided that a majority of voting delegates approved the amendment at a prior stated session or special session called for that purpose.

XII.2. Appendix B may be changed by the Stated Clerk whenever it is necessary due to the organization or closing of a church.

Appendix A

Articles of Incorporation

State of New York
Schenectady County

We C P Ditmars, A C Lewell, Lauren Vanderveer, Norman F Nickerson, Robert Doig, T H Reeves citizens of and residents within the State of New York whose names are herewith annexed do hereby certify that we have associated together for Missionary, Mission and Sunday School purposes and for the furtherance of the religious opinion of the Reformed Church in America (formerly known as the Reformed Protestant Dutch Church in America), that the Corporate name of the incorporation shall be “The Classis of Schenectady of the Reformed Church in America,” and of that name this society shall be known in law.

That the said society shall be under the management of five trustees, one of whom shall be elected annually on the 3rd Tuesday of September of each year to serve for the term of five years.

That the following are the names of the trustees who will manage its concerns for the first year:

Thomas H Reeves to serve for 5 years

James J Marlette to serve for 4 years

Simon H Vedder to serve for 3 years

Abram Van Vranken to serve for 2 years

George C Stanford to serve for 1 year

We do further certify that the place of business or principal office of said association shall be in the County of Schenectady, NY.

In witness whereof we have presented our hands and seals this 14th day of September, 1890.

Appendix B
The Churches of Schenectady Classis in their Official Order

The official order of the churches of Schenectady Classis is by their date of organization.

<u>Church</u>	<u>Date of Organization</u>
1. First Reformed Church of Schenectady	1680
2. Niskayuna Reformed Church	1750
2. Helderberg Reformed Church	1767
3. Old Saratoga Reformed Church	1770
4. First Reformed Church of Rotterdam	1784
5. Amity Reformed Church	1802
6. First Reformed Church of West Glenville	1813
7. Fort Miller Reformed Church	1817
8. First Reformed Church of Scotia	1818
9. Bacon Hill Reformed Church	1820
10. Second Reformed Church of Rotterdam	1823
11. Lisha's Kill Reformed Church	1852
12. Bellevue Reformed Church	1893
13. Altamont Reformed Church	1896
14. Trinity Reformed Church	1931
15. Lynnwood Reformed Church	1956
16. Christ Community Reformed Church	1966

APPENDIX C

The Reverend Classis of Schenectady Background Check Policy

The Reformed Church in America is a fellowship of congregations called by God and empowered by the Holy Spirit to be the very presence of Jesus Christ in the world. Our shared task is to equip congregations for ministry—a thousand churches in a million ways doing one thing—following Christ in mission, in a lost and broken world so loved by God.

In response to the Book of Church Order mandates regarding the supervision of enrolled ministers, commissioned preaching elders, and commissioned pastors (BCO 1, II, 2; 16; 17, 2; 4; 1) the Reverend Classis of Schenectady holds the following policy regarding required background checks (which may include a criminal history check, Sex Offender Registry Database(s), and or statement(s) of conviction) for all enrolled ministers within the classis, as well as all ministers, preaching elders and commissioned pastors serving classis churches. The Reverend Classis of Schenectady shall not approve calls or contracts from any consistory or governing body for any person who has not had a background check.

Background Check means, at a minimum, the process of gathering and reviewing criminal history records and sexual offender registry records, churches may decide to conduct further background research.

Criminal History Check means the process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or third party vendor in the business of obtaining and providing criminal history records relating to an individual's criminal convictions. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records include in-state, out-of-state and international criminal history, including misdemeanor and felony convictions.

The Executive Committee of the Reverend Classis of Schenectady is solely authorized to conduct and oversee the Background Check process necessitated pursuant to this Policy on behalf of The Classis of Schenectady. The Classis may work with law enforcement or contract with outside agencies in executing any of the obligations set forth in this Policy. The Executive Committee of the Reverend Classis of Schenectady is responsible for making decisions regarding what type of Background Check is appropriate, and for making recommendations regarding the reception or retention of enrolled ministers within the classis, as well as all ministers, preaching elders and commissioned pastors serving classis churches. If the Executive Committee determines that an individual does

not pass a background check, the Executive Committee shall not approve the call/ commission/license. No further information shall be disclosed.

The Executive Committee of Classis may elect to perform Background checks on all current installed ministers along with preaching elders and associates in ministries. Currently the Reverend Classis of Schenectady does not have any commissioned pastors within its boundaries; however the same shall be applied to commissioned pastors should any are received into the Classis Boundaries.

The Reverend Classis of Schenectady may use but is not limited to the following companies that offer background checks:

- Secure Search
- LexisNexis Screening Solutions
- Safe Hiring Solutions
- Protect My Ministry

All background checks shall be kept on file by the Stated Clerk of the classis. The results of the background check shall not be shared outside of the Executive Committee and the individual who was background checked.

APPENDIX D

HARASSMENT PREVENTION POLICY **of The Classis of Schenectady** **[ADOPTED MAY 24, 2022]**

Policy Statement

The Classis of Schenectady in the Reformed Church of America (“classis”) is committed to ensuring that all persons are treated with respect by providing a safe environment, which reflects the dignity of all individuals. As such, all forms of harassment and inappropriate behavior by employees of classis will not be tolerated. Employees of classis include ministers who are enrolled members of the classis, along with the classis clerk and treasurer.

Harassment

1. Harassment is defined as unwelcome conduct toward an individual because of his or her race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, disability, age, genetic information and any other legally protected status as defined by federal or state law, when such conduct creates an intimidating, hostile or offensive environment.

Examples of such conduct include but are not limited to:

- Oral or written communications (including social media posts) that contain offensive name-calling, jokes, slurs, negative stereotyping or threats based on any of the aforementioned protected status characteristics.
- Nonverbal conduct, such as staring, leering and the giving of inappropriate gifts.
- Physical conduct such as rape, assault, sexual battery, molestation or intentional and unwanted touching, such as pinching, patting, grabbing, brushing against or poking at another’s body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience.
- Visual images, such as derogatory or offensive pictures, cartoons, drawings or gestures. Prohibited images include those in hard copy or electronic format, such as social media posts or emails.
- Preferential treatment or promises of preferential treatment based on submission to sexual conduct, including soliciting or attempting to solicit any employee or volunteer to engage in sexual activity for compensation or reward and any other preferential treatment based on protected status.
- Subjecting, or threats to subjecting, an employee or volunteer to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of protected status of the employee or

volunteer.

2. Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Sexual harassment is defined by U.S. EEOC (Equal Employment Opportunity Commission) Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) 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.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment a) *quid pro quo* and b) hostile work environment (see definitions below). Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be considered harassment. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Quid Pro Quo is a Latin phrase, which loosely means "this for that". Harassment is unlawful where enduring the offensive conduct becomes a condition of continued employment, meaning a supervisor or someone in a position of authority requests sex, sexual favors or a sexual relationship in exchange for not firing or otherwise punishing the employee, or in exchange for favors, such as hiring, promotions or raises.

A hostile work environment is one where the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) generally do not rise to the level of illegality. Generally, to be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying or participating in any way in an investigation, proceeding or lawsuit under these laws, or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Inappropriate Behavior

Inappropriate behavior is physical or sexual behavior that is offensive to the person upon whom it is inflicted or actionable in a church setting and may not reach the legal standard

for the definition of harassment.

1. Physical misconduct means:

- Threatened harm or non-accidental injury inflicted on a minor or legally protected adult.
- Offensive or harmful contact to any adult where “offensive” means behavior that is clearly socially unacceptable in the broader church community. Physical misconduct may be a single event or a cumulative series of events.
- Child Abuse

2. Sexual misconduct includes:

- Exploiting or grooming a person whether minor or adult, regardless of consent or circumstances, for the purpose of sexual touch, sexual activity or inappropriate emotional intimacy with the result of either sexual gratification or power and control over the minor or adult.
- Unwelcome touch, sexual activity or emotional intimacy between co-workers or co-volunteers where unwelcome means behavior that is clearly unwanted or unacceptable in the broader church community;
- Or sexual suggestion, sexual touch, sexual activity or inappropriate emotional intimacy (as defined above) between a supervisor and a subordinate who serve together in a church program or ministry.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Procedures

Preventing sexual harassment is everyone's responsibility. The classis cannot prevent or remedy sexual harassment unless it is made known. Any person who feels that she/he has been, or is being subjected to sexual harassment or intimidation is encouraged to report such behavior to the classis. Additionally, anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the classis. It is helpful and you will be asked to provide a written record of the date, time and nature of the incident(s) and also the names of any witnesses.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

The classis Clerk or classis president are designated as the initial contact for persons making accusations under this policy. Alternatively, any minister who is a member of the classis may be contacted and will assist in helping you reach the stated clerk or classis president.

Investigation Procedures

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Schenectady Classis will not tolerate retaliation against employees

who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the classis president or stated clerk will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the section on Legal Protections.

Corrective/Disciplinary Action

The classis will determine appropriate corrective and/or disciplinary actions for policy violations by classis employees, up to and including termination of employment and in

coordination with the Book of Church Order, Chapter 2.

Compassionate Response

The classis will appoint a pastoral team to provide appropriate and compassionate care and restoration for individuals and family members affected by violations of this policy.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Classis of Schenectady but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Classis of Schenectady, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year (three years beginning Aug. 12, 2020)** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Classis of Schenectady does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your

employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Preventive Actions

1. Background Checks – all classis employees will be subject to pre-employment screening including criminal history checks and reference checks, which specifically inquire about past incidents of harassing or otherwise inappropriate behavior as outlined in this document.
2. Training – the classis will train all classis employees regarding this policy and in general about unlawful harassment and inappropriate behavior. Refresher training will occur annually. Training materials will be made available and encouraged for local churches and governing bodies within the classis to implement.

Responsibilities for Implementation

The Executive Committee of the Classis of Schenectady shall implement this policy in regards to the investigation, corrective and disciplinary actions, compassionate response and preventive actions regarding accusations of harassment.

APPENDIX A: LETTER OF HARASSMENT UNDERSTANDING

I have read and understand the Classis of Schenectady's Harassment Policy.

I have completed an approved harassment training course:

Training Course Completed: _____ Date: _____

I will abide by the policy and training in order to conduct my life and relationships in a manner that honors God and others.

PRINT NAME

Today's Date: _____

SIGNATURE
(Submit completed form to your direct supervisor, or oversight team, consistory, classis, or region.)

APPENDIX B: COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit to the classis president, vice president, or stated clerk. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the classis officer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

COMPLAINANT INFORMATION

Name:

Address:

Phone:

Email:

Preferred Communication Method: Email Phone In person

CHURCH INFORMATION

Minister:

Address:

Phone:

Email:

Vice President of the Consistory

Address:

Phone:

Email:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Office:

Address:

Phone:

2. Please describe what happened and if it is affecting you and your work or participation in the life of the church. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to who did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Instructions for Classis Leaders

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any correction actions taken and notify the complainant and the individual(s) against whom the complaint was made. This may be done via email.