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From: churchadmin@yahoogroups.com [mailto:churchadmin@yahoogroups.com] **On Behalf Of** Frank Sommerville, JD, CPA

Sent: Friday, August 17, 2007 1:20 PM

To: churchadmin@yahoogroups.com

Subject: RE: [churchadmin] Is this sexual harrassment

For civil purposes, the definition of sexual harassment is any unwanted attention generated by the person's gender. The perpetrator can be by a member, venter, volunteer, or anyone else that makes contact with the employee in the scope and course of the employee's job.

For criminal purposes, any unwanted touching of a person is assault. I have seen parents seek criminal charges against a 7 year old because he shoved another child on the playground at school. For criminal purposes, it crosses the line and becomes sexual assault when it has a sexual connotation (as defined in the statute) to either the victim or perpetrator.

The young man's actions may have met both definitions. Since the church is only concerned with the civil definition, I did not address the criminal aspect.

I suggest that attempts to further define it will be futile. The creativity of those involved will outstrip the creativity of the drafters. At best you can provide examples of prohibited acts.

Some 14 states have passed laws that consensual sex between a clergy person and any member is a criminal act (felony). I suggest you prohibit all forms of sexual contact in any event.

Not legal advice, just legal information unless you paid for it.

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From: churchadmin@yahoogroups.com [mailto:churchadmin@yahoogroups.com] **On Behalf Of** Lee Wright
Sent: Friday, August 17, 2007 10:22 AM

To: churchadmin@yahoogroups.com
Subject: RE: [churchadmin] Is this sexual harrassment

Frank

I agree that this is terribly serious, but I am curious about the definition of sexual harassment. Some of the training materials I have seen in the past indicated workplace involvement of a superior and that the victim suffered damages.

At our work place, our policy about sexual harassment includes non-employees – a vendor who sexually harasses employees will not be tolerated.

This kind of behavior in this email– where does it cross the line and become assault? At fondling? Would this type of harassment be a civil suit, not a criminal offense?

I am curious about this because we are working on guidelines to try to help prevent sexual misconduct. It is fairly easy concerning minors and there are many good resources, but it is much more difficult concerning adults. There are a number of concerns:

- Consensual sexual relationship between a minister and a member
- Counseling relationship which results in an affair
- Inappropriate behavior

There is a good Episcopal source we have found about appropriate and inappropriate behavior.

Do any of you have good resources involving adult to adult inappropriate behavior?

Thanks.

Lee Wright
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From: churchadmin@yahoogroups.com [mailto:churchadmin@yahoogroups.com] **On Behalf Of** Frank Sommerville, JD, CPA

Sent: Friday, August 10, 2007 9:17 PM

To: churchadmin@yahoogroups.com

Subject: RE: [churchadmin] Is this sexual harrassment

This definitely fits the definition of sexual harassment and the church has a duty to protect its employees from it.

I suggest meeting with the teen and his parents and explain the problem. Require him to attend a sexual harassment class at a local college.

Not legal advice, just legal information unless you paid for it.

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From: churchadmin@yahoogroups.com [mailto:churchadmin@yahoogroups.com] **On Behalf Of** NineteenthPsalm@aol.com
Sent: Friday, August 10, 2007 8:43 PM
To: churchadmin@yahoogroups.com
Subject: [churchadmin] Is this sexual harrasment

A high school senior sitting behind the youth pastor during worship thought it would be funny to undo her bra by undoing the snap through the blouse. Most people think this is funny. The 24 year old youth pastor doesn't, nor do I. Am I an old fuddy duddy? It seems to me this is a serious matter. How would y'all handle this?

Maynard Pittendrigh

Atlanta GA

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