

Guidelines from Judicial Decision 736:

In developing sexual harassment, sexual misconduct, or sexual abuse *"policies"* Annual Conferences may not adopt provisions which:

- 1) Enlarge or expand chargeable offenses as set forth in Par. 2623 of the Discipline;
- 2) Violate or conflict with fair process as set forth in Par. 2622 or the Decisions of the Judicial Council, which include presumption of innocence and prohibit double jeopardy;
- 3) Establish new committees or bodies which have authority to act administratively or judicially on grievances or complaints. (Policy may establish a third party mediator or mediation team which shall be neutral and may assist the parties in reaching a settlement or agreement which is satisfactory to all parties, Par. 454.1(a));
- 4) Mandate or direct action by constitutional or disciplinary officers or bodies in discharge of their duties;
- 5) Enlarge or shorten required notice time periods as set forth in the Discipline or Constitution;
- 6) Permit the establishment, changes or modifications of policies by any board, agency or sub-unit thereof. All policies must be approved in their final form by conference action in full session (Judicial Council Memorandum 699);
- 7) Violate provisions of 706.6 and 706.9 or guidelines generated by GCFA pursuant thereto or the confidentiality provisions of Par. 2626.2(e) and .3(e) of the Discipline;
- 8) Violate provisions of the statute of limitation and provisions as set forth in Judicial Council Decision 691;
- 9) Do not provide that reconciliation and resolution shall be a continuing goal of the process;
- 10) Paraphrase and/or summarize provisions of the Discipline;
- 11) Impose duties or requirements on constitutional or disciplinary officers or bodies;

12) Misquote or misuse words and phrases in processes clearly set out and defined in the Constitution and Discipline.

The above list is not exhaustive as there may be other provisions included which could be in violation of the Constitution, Discipline, and Decisions of the Judicial Council. The list does set forth the more common invalid provisions contained in "policies" which have come before the Council.

While it is not in the purview of the Council to dictate the contents of such "policies," the following items would be appropriate for inclusion in such a *"policy"*:

- 1) Education of persons to the nature and scope of sexual harassment and sexual abuse;
- 2) Providing guidelines and procedures for reporting incidents of sexual harassment, sexual misconduct, and sexual abuse, including persons to whom such reports should be made;
- 3) Setting up and training of support persons;
- 4) Setting up and training neutral mediators who may be used by persons in fulfilling supervisory roles for reconciliation and resolution.

See full text of Judicial Decision 736 (www.umc.org/judicial)