

Policy Regarding Sexual Abuse Prevention

1.1 Introduction

Human dignity is the essence of monotheism. The glory of the Creator is in preserving human dignity. "We have bestowed 'dignity' to the children of Adam" (17:70); it is not just a slogan in the Quran, but a call for a way of life. In 49:13, God unequivocally rejects sexism and racism: "O people, We created you from a male and a female, and We made you into nations and tribes, so that you may know one another. Surely the most honorable among you in the sight of God is the most righteous one. God is Knowledgeable, Ever-aware."

Dignity is different from respect. It is our inherent and essential human value we are born with, while we earn respect through our actions.

As humans, we share a desire for mutual recognition to feel safe in our world. We all are worthy of our identity no matter who we are. We all want recognition of our qualities and ways of life. We all want to be seen, heard, and recognized. We all want to have freedom. We all want to be safe, secure and treated fairly and evenhandedly. We all want to prove our worth to ourselves and others. None of us want to live in a culture of humiliation where individuals and groups diminish our self-worth and push us down and forcefully held in the abyss. We do not want to be objectified or used as instruments by others for their objectives because we are not instruments. **None of us want to live a life of degradation where people ridicule and make fun of fellow human beings based on their self-perceived statuses.**

We do not want to be part of a dehumanization culture when others want to strip us of our human characteristics. We are not animals. We are humans whom the Creator defines as His best creation. When we violate human dignity, we disobey God and reject his guidance. Humiliation, objectification, degradation, and dehumanization are four traits that push down people. People feel harassed, ridiculed, and undermined because of their gender, race, culture, ethnicity, and status.

1.2 The Qur'anic Context

Islam is sensitive to any issue that violates human dignity. However, in matters about sexual harassment, the divinely revealed faith has restrictions and repercussions far exceeding other traditions.

Harassment, according to Islam, is any verbal expression or physical act that denigrates the other based on their gender, race, ethnicity, status, age, physical conditions, and geographical origin. Islam demands from its adherents a way of life that ensures the privacy and security of everyone. Islam believes that the believing men and believing women are "allies of one another." (Qur'an, 9:71). It suggests to believers, "O you, who have attained to faith! Men should not mock at other men; it may well be that those [whom they mock] are better than themselves, and women should not mock at other women: it may well be that those [whom they mock] are better than themselves. And neither shall you defame one another, nor insult one another by epithets. Evil is all imputation of iniquity after [one has attained to] faith; and they who [become guilty thereof and] do not repent - it is they, they who are evil-doers." (49:11). It wants them not to spy on each other; "O you who have attained to faith! Avoid most guesswork [about one another]. For, behold, some of [such] guesswork is [in itself] a sin. And do not spy upon one another, and

neither allow yourselves to speak ill of one another behind your backs. Would any of you like to eat the flesh of his dead brother? Nay, you would loathe it! And be conscious of God. Verily, God is an acceptor of repentance, a dispenser of grace." (49:12)

Islam asks its adherents not to be in a situation that may lead to sinful behavior, "And don't come near unlawful sex (adultery). It is an indecent act and an evil way." (17:32) Islam suggests strict penalties for those who make false allegations and indulge in playing with women's dignity. If the munafiqeen (the hypocrites) and those among the people whose hearts are diseased with nasty things do not desist from spreading wicked rumors in the society, then certainly power will have to be used against them. Then after a little while, they will go away. They will have no civic rights. If they do not cease, they will be under detention from wherever they are, and certainly, they will face the death penalty. Such treatment for people of this kind is not something new. The Divine Law has always been extending such treatment (for severe punishment should be given to those who do not desist from teasing decent people and disturbing the society). And you will not find any change in the way of the Divine Law. (33:60-62)

Islam also lays down specific ethical rules for the community to interact with each other. It wants community spaces are to be secure, sincere, safe, and comfortable for prayer, learning, teaching, and counseling purposes.

1.3 Towards a Coherent Policy

There is no room for any negligence towards Islam's ethical and moral guidelines in an Islamic entity (Organizations, Masajids, Islamic Centers, institutions). To prevent sexual harassment, Islamic groups and organizations must adopt policies that prevent incidents of sexual harassment and promulgate actions against those who commit them.

2. Policy Regarding Sexual Abuse Prevention

2.1 Policy Prohibiting Abuse, Exploitation and Sexual Harassment

As a community of Islamic faith, Muslim organizations are committed to creating and maintaining programs, facilities, and a community where members, friends, staff, and volunteers can worship, learn and work together in an atmosphere free from all forms of discrimination, harassment, exploitation, or intimidation.

All persons associated with organized Muslim groups should be aware that this Institution (World Council of Muslims for Interfaith Relations/WCMIR) strongly opposes sexual exploitation, misconduct, and sexual harassment and prohibits by this policy that has been formulated in the light of known Islamic principles as guided by Qur'an and the Sunnah. It is the intention of the Institution to take action in an attempt to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

2.2 Institutional Conduct

Consistent with our understanding of Islam's faith and its believers, all employees, elected and appointed professionals, committee members, and authorized volunteers are part of the congregation.

It is important that everyone working at this Institution be adequately prepared and educated for the work in which they serve others and understand how their use or misuse of authority may impact others.

This Institution's policy is to encourage its workers to nurture safety within their work by being attentive to self-care, education, maintaining appropriate boundaries, and the importance of referring those in need to supportive and helpful resources.

Sexual exploitation or sexual harassment of congregants or others by anyone engaged in work on behalf of the Institution is unethical and unIslamic behavior and will not be tolerated within this Institution.

2.3 Requirements for Commencing and Continuing Work

1. Before beginning their duties, all employees will submit a disclosure form similar to the sample attached hereto as Exhibit A.
2. Before beginning their duties, all workers will be personally interviewed to assess the suitability of their character and qualifications for the position they seek.
3. The Institution will conduct a registered sex offender review for each worker by searching their name on the Department of Justice website at www.nsopr.gov. The registered sex offender review will be repeated on an annual basis.
4. Staff, authorized by the Institution, will attend at least one workshop on this topic every three years.

2.4 Children and Youth workers

The Institution is committed to providing a safe and healthy environment in which children and youth workers can learn about and experience God's love. In order to promote this, we have established the following guidelines in addition to the general requirements stated in Section 2.3.

1. We expect that those who volunteer to work with minors will have been active with the Institution for at least six months or, if not members, regularly and frequently associated with the Institution for at least a year.
2. All volunteers who regularly work with children and youth will complete and submit a disclosure document in a form substantially similar to the sample attached hereto as Exhibit A.

3. Before beginning their duties, all prospective employees will undergo a background check, including but not necessarily limited to inquiries of references and a criminal history verification by a third-party vendor.
4. All volunteers and employees who regularly work with children and youth will receive orientation regarding safe institution policy and procedures.
5. It is the policy of this Institution to provide adequate supervision and safeguards for youth activities. If participants are not readily visible to each other, there will be no fewer than two unrelated adults present with children. Youth over the age of 14 may assist an unrelated adult in supervising children and youth activities; however, such assistance does not alter the requirement that at least two unrelated adults be present.
6. Written consent of one parent or guardian of a minor will be required for all activities off the institution property and any overnight activities.

2.5 Definitions

Institution staff

A person authorized by the Institution to carry out its religious services may include elected or appointed leaders of the Institution, employees, and volunteers, as well as authorized religious leaders.

Sexual Misconduct

Sexual activity or contact (not limited to sexual intercourse) in which a worker engaged in a religious relationship with another takes advantage of the vulnerability of the person being served by causing or allowing that person to engage in sexual behavior with the worker.

Sexual Harassment

Repeated or coercive sexual advances toward another person contrary to their wishes include behavior directed at another person with the intent of intimidating, humiliating, or embarrassing the other person or subjecting the person to public discrimination.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual Harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition or circumstance of instruction, employment, or participation in any institution activity.
2. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or institution-related decisions affecting an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in institutional activities or creating an intimidating, hostile, or offensive work or institution environment.
4. Continuing to express sexual interest after being informed directly that the interest is unwelcome and using sexual behavior to control, influence, or affect the career, salary, work, learning, or worship environment of another.

Prohibited Sexual Harassment

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones, particularly:

1. Written contact, such as sexually suggestive or obscene letters, notes, emails, text messages, or invitations.

2. Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions.
3. Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse.
4. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.
5. Suggesting, threatening, or implying that failure to accept a request for a date or sexual intimacy will affect a person's job prospects, institution leadership, or comfortable participation in the life of the Institution.
6. To imply or actually withhold support for an appointment, promotion, or change of assignment, to suggest that a poor performance report will be given because a person has declined a personal proposition; or to hint that benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications, will be forthcoming in exchange for sexual favors.

2.6 Procedures for Handling Complaints of Sexual Exploitation or Harassment

a. A subcommittee of no less than three members will be established each year for hearing complaints under this policy. The subcommittee hereinafter referred to as "The Response Team," will be familiar with the terms of this policy, as well as the established procedures of the Institution for dealing with a complaint.

b. Several approaches may be taken in addressing incidents of alleged sexual exploitation or harassment:

1. The Complainant can attempt to resolve the matter directly with the respondent, the individual accused of sexual exploitation or harassment.
2. The Complainant can report the incident to an Imam, in an effort to resolve the matter informally.
3. If an informal resolution of the complaint does not seem wise, appropriate, possible, or does not succeed, the Complainant may request that the Response Team institute formal proceedings which shall include the following steps:

- The Response Team shall advise the management of the receipt of all complaints and shall keep them apprised of ongoing steps and actions taken. If a management member is the subject of the complaint, this notice requirement shall not apply to that person.
- The Response Team shall gather statements or other information from the individuals involved in the alleged exploitation or harassment and from others who may have pertinent information, such as qualified professional consultants, to present such information to the committee or an appropriate subcommittee thereof.
- The committee, or an appropriate subcommittee thereof, shall make determination and take actions appropriate to resolve the matter. These may include:
 - A. Finding that sexual exploitation or harassment has occurred, and that the Institution's appropriate body is called upon to take action accordingly. Such action may include one or more of the following:
 - A formal reprimand, with defined expectations for changed behavior.
 - Recommending or requiring psychological or psychiatric assessment, counseling and/or treatment.
 - Probationary standing, with the terms of the probation clearly defined.
 - Dismissal from employment or authorized volunteer position by, affiliation with, or membership in, the Institution.

- B. Finding that sexual exploitation or harassment did not occur. The Response Team may seek legal counsel or others' advice to advise it in performing its functions.
- C. A written summary of the committee proceedings in such cases will be maintained.
- D. The person(s) toward whom the inappropriate behavior is directed need not be the Complainant. Moreover, neither consent nor acquiescence will excuse or exonerate inappropriate behavior. At any time, the Institution may initiate or proceed with the formal complaint process.
- E. In determining whether alleged conduct constitutes sexual harassment or exploitation, consideration shall be given to the record of the alleged incident(s) as a whole and to the totality of the circumstances, including the context in which the alleged incident(s) occurred.
- F. Any person bringing a sexual harassment or exploitation complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment or Institution membership or affiliation, or otherwise discriminated against or discharged.
- G. If the Complainant or respondent is not satisfied with the disposition of the matter by the Response Team or any of its subcommittees, he or she has the right to appeal to the highest authority of the management of the Institution; however, if that authority is the subject of the complaint, the management/board shall refer the matter to a subcommittee of the management or an outside independent body.

2.7 Child Abuse

- If at any time the Institution has reasonable cause to believe that a minor has been abused, it will make a report to appropriate authorities, including but not limited to the State Department of Children and Family, in addition to following the procedures noted above.
- An institution that becomes aware of facts or circumstances that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future shall immediately report the matter to the Senior Imam and the chair of the Response Team so that the Institution may take appropriate action in a timely manner.

2.8 Imam

Apart from any disposition of the matter by the Institution, all allegations of behavior by an Imam that call into question will promptly be forwarded to the Response Team and the management or the Board.

2.9 Anonymous Hotline

It is highly recommended that the Institution set up an anonymous hotline for the reporting of sexual harassment cases to the management/board without any fear or delay.

Sexual Harassment Prevention Training

Public and Private institutions have a legal and moral obligation to ensure employees, staff and volunteers have a safe and secure workplace. Eliminating sexual harassment is part of providing a safe environment. It is a sensitive issue. The definitions are ambiguous, and the lines are blurry.

3.1 What is sexual harassment prevention training?

Sexual harassment prevention training is to educate employers, employees, members and volunteers about sexual harassment. An uncomfortable or unwelcome sexual advance is considered sexual harassment.

3.2 Is sexual harassment training legally required?

Regardless of the training's legal requirements, it is a moral duty and is also beneficial to have anti-harassment training to create a safe workspace.

Federal requirements

There currently are no federal laws that require sexual harassment training. Still, federal regulations, like Title VII of the Civil Rights Act of 1964, prohibit sexual harassment and discrimination in the workplace.

Institutions with prevention policies and sexual harassment prevention training are better than those who do not. Doing it right means having an effective policy, disseminating it, and making sure everyone understands it – including the part with the complaint procedure.

State requirements

California, Connecticut, Delaware, Illinois, Maine, and New York require employers to provide sexual harassment training. Each state has its own training requirements. For instance, California employers with at least five employees must provide two hours of sexual harassment training for supervisors and one hour of training for non-supervisors every two years. In Illinois, all employers must provide sexual harassment training to every employee every year.

To stay in compliance with sexual harassment training requirements, institutions should follow the state rules. If there are none, they should follow federal guidelines. Muslim institutions should be extra careful in providing such training as they follow a faith that lays clear guidelines for gender interaction and relations.

The sexual harassment training in Muslim institutions should be for employees, staff, volunteers and members of the management/board.

3.3 Common criteria and guidelines for training to prevent sexual harassment.

The best criteria are those of the Qur'an and the Sunnah as described in Section 1 of this document. The Institution's staff and members should understand the definition of sexual harassment. The training should enable them to identify the types of sexual harassment. They should also be able to identify behaviors interpreted as sexual harassment in the workplace. They should learn the mechanism to report sexual harassment. They should also be able to respond appropriately to complaints of sexual harassment. Additionally, they should identify strategies to prevent sexual harassment.

The focus of training should be to inform the participants of the Institution's policies on the subject.

Sexual harassment in the workplace or outside the workplace is a form of discrimination and violation of Islamic values.

It is also a violation of state and federal laws and the divine laws that every Muslim Institution believes.

Any staff member of the Institution who engages in or condones sexual harassment related to the worker or volunteer is subject to disciplinary action.

The corrective action could include dismissal of the staff and the withdrawal of the membership. Sexual harassment relates to the behavior or action and not the intention.

People should not accept the behavior even if others ignore it or cover it up.

The idea that the problem will disappear by ignoring sexual harassment is not valid because such issues have to be dealt with immediately.

All staff and members are responsible for ensuring that the workplace is free from all forms of sexual harassment.

Men and women may be either the perpetrators or victims of sexual harassment because the behavior may include actions by members of the opposite sex and members of the employee's gender.

3.4 Sexual harassment may take different forms:

- Written: Unwelcome suggestive, sexually explicit, or obscene letters, notes, emails, text or invitations.
- Verbal: Derogatory, sexually explicit or offensive comments, epithets, slurs, or jokes; inappropriate comments about an individual's body or sexual activities; repeated unwelcome propositions or sexual flirtations; direct or subtle pressure or repeated unwelcome requests for dates or sexual activities.
- Visual: Sexually oriented gestures, display of sexually suggestive or derogatory objects, pictures, cartoons, posters or drawings, or looking at a person up and down ("elevator eyes").
- Physical: Impeding or blocking movements, touching, patting, pinching, or any other unnecessary or unwanted physical contact; touching an employee's hair, clothing or body; brushing up against a person.

3.5 Quid Pro Quo

It occurs when an employee's submission to or rejection of unwelcome sexual advances or conduct is used as the basis for an employment decision affecting that employee.

"If you want a promotion, you must give some sexual favor."

"If you do not want to be disciplined for being late and missing work, you must go out on a date with me."

3.6 Hostile Environment

Hostile work environment is created when unwelcome harassment is severe or pervasive enough to alter the conditions of an individual's employment or creates an abusive, intimidating, hostile, or offensive working environment. Generally, a single or isolated incident is not enough to create a hostile environment.

However, a single or unusually severe incident of harassment may be sufficient to create a hostile work environment, mainly when the harassment is physical.

Individuals not employed by the Institution will be held responsible for any acts of sexual harassment they may commit within the Institution or upon its employees while performing their duties.

Any employee, member or volunteer who believes that he or she has been the victim of sexual harassment in any form, by any manager, supervisor, co-worker, customer, client, or any other person connected with their employment or work-related with the institutions.

The employee should bring the problem to the attention of his or her supervisor or someone in the employee's direct line of supervision.

3.7 Reporting procedure

If the concern involves someone in the employee's direct line of supervision, or if the employee is uncomfortable for any reason, or is not satisfied after bringing the matter to such individuals, the employee may complete the Sexual Harassment Reporting form and take it to the board of director, human resources officer, or other individuals designated by the Institution.

1. The first step to check this behavior is to tell someone that it is offensive and injures the victim's dignity.
2. The second step is to put the perpetrator on notice by reporting the incident to the board/supervisor/management (**See Exhibit B: Sexual Harassment Reporting Form**)
3. The third step is investigating the incident (**See Exhibit C: Sexual Harassment Investigation Checklist**).
4. The fourth step is the decision and action taken by the board/management.

3.8 Why people hesitate?

- Some women are told, "Be a good sport," "Can't you take a joke?"
- Boys will be boys," or "You've got to expect that in a traditionally male job."
- They are afraid of being blamed or the subject of ridicule.
- They are reluctant to talk to someone because no one else seems to mind the harasser's behavior.
- They fear that nothing will be done if they talk about it, or no one will take the complaint seriously.
- They fear reprisal from the harasser, especially if they are their boss or a representative of management.
- They may be concerned about being labeled a troublemaker, especially if they are new on the job.
- They are afraid of being fired, demoted, not promoted, or transferred.
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Note: There are a number of training modules available that can be used for orientation and training.

Please look at the following sample training modules. The training module may be revised by including Islamic guidelines for training and tazkiyaah.

www.traliant.com

<https://www2.illinois.gov/dhr/Training/Pages/State-of-Illinois-Sexual-Harassment-Prevention-Training-Model.aspx>

Exhibit A
Employee/Volunteer Disclosure Form

Name: Last, First, Middle _____

Address: Street City/State Zip code _____

Cell Phone _____ **Email** _____

References: At least one of the references should not be related to you.

1. Name _____

Address City State Zip code _____

Cell Phone _____ E-mail _____

2. Name _____

Address City State Zip code _____

Cell Phone _____ Email _____

I have been an employee/ volunteer (circle one) of this Institution since _____
I have never been convicted of, nor pleaded guilty or no contest to, a crime. True Not True
If not true, please briefly describe the nature of the crime(s), the date and place of conviction and the legal disposition of the case.

Is there any fact or circumstance involving you or your background that would call into question your being entrusted with the responsibilities of the position for which you are applying? Yes No. **If yes**, please provide a brief explanation. _____

The covenants between persons seeking employment or volunteer positions in the Institution require honesty, integrity, and truthfulness for the health of the Institution. To that end, I attest that the information set forth in this disclosure is true and complete. I understand that any misrepresentation or omission may be grounds for rejection of consideration for, or termination of, the position I am seeking to fill. I authorize the Institution and/or its agents to make inquiries regarding my character and qualifications, including all statements I have set forth above. I also authorize all entities, persons, former employers, supervisors, courts, law enforcement, and other public agencies to respond to inquiries concerning me, supply verification of the statements I have made, and comment on and state opinions regarding my background, character, and qualifications. To encourage such persons and entities to speak openly and responsibly, I hereby release them from all liability arising from their responses, comments, and statements.

I acknowledge receipt and understanding of the institution's Policy Regarding Sexual Abuse Prevention

PRINT NAME & SIGN) _____

DATE _____

PRINT NAME & SIGNATURE OF PARENT OR GUARDIAN FOR APPLICANTS UNDER 18) _____ DATE _____

- Sex Offender Registry (www.nsopr.gov) review performed on _____
- Personal interview conducted by staff on _____
- Reference inquiries completed on _____

Exhibit B
Sexual Harassment Reporting Form

(Upon completion, this form should be turned in to any member of the Board with whom the Complainant is comfortable speaking with)

Date _____

Name of Complainant _____

Cell Phone _____ Email _____ [Note: Anonymous reports also are accepted]

Complainant status (Circle one): Employee/Volunteer/ Other, specify _____

Is the Complainant the target of the alleged harassment being reported? Yes/No [Note: The Complainant need not be a target to make this report.]

If No, Name(s) and contact information, if known, of the individual(s) being reported as the target(s) of the alleged harassment _____

Name of the person(s) being reported as aggressors engaged in the alleged harassment _____

Person(s), if any, who witnessed or have knowledge about the alleged harassment _____

Date(s), time(s) and location(s) of alleged harassment _____

Description of the alleged harassment incident(s), including any incident-related evidence, if any (May use reverse side and/or additional pages if needed) _____

By completing and signing this form I attest that the information provided is true and accurate to the best of my knowledge.

Signature _____ DATE _____

Exhibit C

Sexual Harassment Investigation Checklist

(Attach all reports, documents, evidence, and written accounts of the alleged harassment incident(s) to this checklist)

Date of report of the alleged harassment _____ **Date of completion of investigation** _____
Report completed by _____ **Title/Position** _____

I. GENERAL REPORT & INVESTIGATION INFORMATION

Name of complainant _____ Employee /Volunteer/other, specify _____

Contact information of the complainant _____

Is the complainant the target of the alleged harassment being reported? Yes / No; If, No,

Name(s) of the target(s) of the harassment _____

(This may be left blank, if the target(s) wishes to remain anonymous)

Person(s) being reported as aggressors engaged in the alleged harassment _____

Person(s) who witnessed or have knowledge about the alleged harassment _____

Was/were the alleged harassment incident(s) based on any certain characteristic(s) of the target(s)? (Circle all that apply) Age/Race/Gender/Color/National Origin/Religion/Citizenship Status/Sexual Orientation/Marital Status/ Physical Disability/Mental Disability/Association with a person or group with one or more of the above actual or perceived characteristics/ other (please specify): _____ / None known

Staff involved in investigation:

Name _____ Position _____ Role in Investigation _____

Name _____ Position _____ Role in Investigation _____

Name _____ Position _____ Role in Investigation _____

If the Complainant or investigation involved a minor, identify when the minor's parent/guardian was notified and what information was provided. (May use reverse side and/or additional pages if needed) _____

Name of the staff member who contacted the minor's parent/guardian _____

II. DECISION & APPEAL (Note: Attach a copy of the decision and all related documents to this checklist)

Date the complainant notified of outcome of investigation _____

Complainant appeal: Yes/ No. If yes, on what date _____

Outcome of the appeal _____

Date the aggressor notified of outcome of investigation _____

Aggressor appeal: Yes? No. If yes, on what date _____

Outcome of the appeal _____