

**THE ARCHDIOCESE OF SAN FRANCISCO**

**POLICIES AND PROCEDURES**

**REGARDING**

**HARASSMENT**

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**REGARDING**

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# THE ARCHDIOCESE OF SAN FRANCISCO

## I.

### STUDENT-TO-STUDENT HARASSMENT POLICY AND PROCEDURES

#### I. STUDENT-TO STUDENT HARASSMENT

##### A. INTRODUCTION

This document is designed to serve as a policy and teaching tool for the students in Archdiocesan schools. It serves as a tangible witness to the Catholic commitment to live, love, and respect as Jesus did.

As indicated below, student-to-student harassment can take many forms. To the extent it involves child abuse, as defined by law, the Archdiocesan Child Abuse Policy and Procedures, including the requirement to report the abuse to civil authorities, shall be followed.

##### B. HARASSMENT IN GENERAL

Catholic teaching and practice affirm the Christian dignity of every person. Harassment is unacceptable conduct that is severe, pervasive, and deliberate. Harassment occurs when an individual is subjected to treatment in a school environment which is hostile, offensive, or intimidating because of the individual's race, religion, creed, color, age, national origin, ancestry, physical or mental disability, medical condition, or sex. Harassment of a student by any other student is prohibited and will not be tolerated. It is the policy of the Archdiocese to provide an educational environment in which all students are treated with respect and dignity.

##### C. SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment can be directed toward a student under conditions such as the following:

*Verbal Harassment:* Sexually demeaning comments, sexual statements, questions, slurs, jokes, anecdotes, or epithets.

*Written Harassment:* Suggestive or obscene letters, notes, or invitations.

*Physical Harassment:* Unkind, immoral and/or unlawful physical touching, contact, assault, deliberate impeding or blocking movements, or any intimidating interference with normal study or movement.

*Visual Harassment:* Leering, gesture, display of sexually suggestive objects or pictures, cartoons, or posters.

**D. DISCIPLINARY ACTION**

1. This policy prohibits student-to-student harassment whenever it is related to school activity or attendance, and occurs at any time including, but not limited to, any of the following:
  - a. While on school grounds;
  - b. While going to or coming from school;
  - c. During the lunch period whether on or off campus;
  - d. During, or while going to, or coming from, a school-sponsored activity.
2. Any student who engages in the harassment of another student is subject to disciplinary action up to and including verbal and/or written warnings and reprimands, counseling, suspension, and expulsion.

**Note:**

Should substantiated conduct outside the school environment come to the attention of the school, this too many serve as grounds for discipline, as students of Archdiocesan schools are expected to conform their lives to Christian principles at all times.

**E. STUDENT'S RESPONSIBILITY**

It is the student's responsibility to conduct himself or herself in a manner which contributes to a positive school environment. Students will not commit acts which tend to injure, degrade, disgrace, or threaten the safety, privacy, and respect of other students, teachers, or staff members.

**F. ADMINISTRATION'S RESPONSIBILITY**

To promote an environment free of harassment, the Principal shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff in-service or student instruction and counseling. Teachers shall discuss this policy with their students in age-appropriate ways and shall assure them that they need not endure any form of harassment. The school will treat allegations of harassment seriously and will review and investigate such allegations of harassment in a prompt, professional, and thorough manner.

## **II. STUDENT HARASSMENT ADMINISTRATIVE PROCEDURES**

### **A. DISSEMINATION OF POLICY**

In order to ensure that all students and employees have knowledge of this policy and administrative procedures, a copy of the policy:

1. will be posted in a prominent location in the administrative building on each campus;
2. shall be provided to all faculty members, administrative staff, and support staff at the beginning of each school year or at the time that a new employee is hired; and
3. a summary of the policy shall appear in the parent and student handbooks at each local site.

### **B. COMPLAINT PROCEDURE**

- Students who feel aggrieved because of conduct that may constitute harassment may, depending on the severity of the conduct, directly inform the person engaging in such conduct that such conduct is offensive and must stop. In many circumstances, it may be better to directly contact an adult, such as those listed below.
- If students do not feel comfortable doing this or are unable to do so, they shall direct their verbal complaint to their parents or to a school counselor, principal, or assistant principal. If a claim of sexual harassment is involved and students are uncomfortable speaking to administrators who are of the opposite sex, then they may request that a same-sex teacher also be present. These persons have been designated to assist in resolving harassment complaints and are bound by the highest degree of sensitivity, concern, and professionalism.
- The designee receiving the complaint will follow the school's disciplinary plan and will act in a prompt and timely manner to ensure that the matter is investigated and responded to in accordance with legal and Archdiocesan requirements. Any investigation will be conducted in as confidential a manner as is consistent with these requirements and a thorough investigation of the complaint.

### **C. PROTECTION AGAINST RETALIATION**

The Archdiocese's policy prohibits retaliation against any student for using this complaint procedure or for assisting or participating in any manner in any investigation of harassment. Any report of retaliation by the one accused of harassment, or by any teacher, principal, counselor or administrator will also be immediately, effectively and thoroughly investigated. If a complaint of retaliation is substantiated, appropriate disciplinary action will be taken.

**III. GENERAL GUIDELINES  
FOR PRINCIPALS, TEACHERS AND COUNSELORS  
DESIGNATED TO INVESTIGATE  
STUDENT HARASSMENT COMPLAINTS**

**STEPS TO TAKE ONCE ANYONE REPORTS**

**A. FIRST RESPONSE**

1. Take the report seriously.
2. Be sensitive and set the tone.
3. Gather facts.

**B. GENERAL INVESTIGATION GUIDELINES**

1. Determine who should conduct the investigation.
2. Create a general investigation plan.
3. Conduct a thorough investigation immediately (within 24 hours, if possible).
4. Exercise confidentiality to an extent consistent with legal and Archdiocesan requirements.
5. Document the results.
6. Select appropriate locations for interviews.
7. If complaint is for sexual harassment, ensure that a person of the same gender as the person being interviewed be present to conduct the interview (unless the student requests otherwise).

**C. INTERVIEWING COMPLAINANT**

1. Predetermine initial questions (what, who, when, where, to whom, witnesses, any touching, etc.).
2. Be non-judgmental - do not ask leading questions (i.e., questions that suggest the desired "answers").
3. Clarify context of the events.

4. Seek effect on complainant (psychological, emotional, financial, etc.).
5. Seek information about others subjected to same or similar treatment.
6. Probe timing of complaint.
7. Find out what the complainant (and/or parents) wants.
8. Explain that there will be no retaliation.
9. Provide copies of appropriate Archdiocesan policies.
10. As appropriate, ask the complainant (or depending on the circumstances, a parent) to prepare a formal, written complaint (be ready if the complainant does not want to make a formal complaint).

**D. INTERVIEWING ALLEGED HARASSER**

1. Explain purpose of interview and outline accusations. Be objective - do not ask leading questions.
2. Observe reaction.
3. Expect denial and probe further.
4. Identify relationship between complainant and alleged harasser.
5. Explore prior "consensual" relationships.
6. Discover authority of alleged harasser over complainant.
7. Provide copies of appropriate Archdiocesan policies.
8. Emphasize rules about communicating with complainant and remind the alleged harasser that no retaliation will be tolerated.
9. Interview alleged harasser even if complainant's allegations appear true or are corroborated.
10. Take immediate disciplinary action, if warranted.

**E. INTERVIEWING WITNESSES**

1. Use open-ended questions to get information.
2. Do not provide information from other sources.

3. Explain confidentiality of interview.
4. Do not reveal biases.

**F. RESOLVING THE COMPLAINTS**

1. Balance the facts known.
2. Be prepared to respond, even if you cannot determine whether harassment occurred.
3. Impose a disciplinary response, if warranted.
4. In consultation with the Superintendent of Schools, inform complainant and alleged harasser (and/or their parents) of results of investigation.
5. Take steps to resolve the situation and provide appropriate referrals for counseling where deemed necessary.
6. Create final report and transmit to appropriate superior.



# THE ARCHDIOCESE OF SAN FRANCISCO

## II.

### YOUTH/ADOLESCENT HARASSMENT POLICY AND PROCEDURES

#### I. YOUTH/ADOLESCENT HARASSMENT

##### A. INTRODUCTION

This document is designed to serve as a policy and teaching tool for youths and adolescents participating in the various ministries of the Archdiocese of San Francisco.

It is important for all those involved in youth/adolescent ministries of the Archdiocese to promote a Gospel-inspired atmosphere characterized by mutual respect. Accordingly, the kind of conduct characterized as harassment will not be tolerated.

As indicated below, harassment can take many forms. To the extent it involves child abuse, as defined by law, the Archdiocesan Child Abuse Policy and Procedures, including the requirement to report the abuse to civil authorities, shall be followed.

##### B. HARASSMENT IN GENERAL

Catholic teaching and practice affirm the Christian dignity of every person. Harassment is unacceptable conduct that is severe, pervasive, and deliberate. Harassment occurs when an individual is subjected to treatment in a ministry environment which is hostile, offensive, or intimidating because of the individual's race, religion, creed, color, age, national origin, ancestry, physical or mental disability, medical condition, or sex. Harassment of a youth/adolescent by any other youth/adolescent is prohibited and will not be tolerated. It is the policy of the Archdiocese to provide a ministry environment in which all youths/adolescents are treated with respect and dignity.

##### C. SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment can be directed toward an individual under conditions such as the following:

*Verbal Harassment:* Sexually demeaning comments, sexual statements, questions, slurs, jokes, anecdotes, or epithets.

*Written Harassment:* Suggestive or obscene letters, notes, or invitations.

*Physical Harassment:* Unkind, immoral and/or unlawful physical touching, contact, assault, deliberate impeding or blocking movements, or any intimidating interference with normal study or movement. See Archdiocese of San Francisco Sexual Boundary Guidelines (attached hereto)

*Visual Harassment:* Leering, gesture, display of sexually suggestive objects or pictures, cartoons, or posters.

#### **D. DISCIPLINARY ACTION**

1. This policy prohibits harassment whenever it is related to ministry activity or attendance, and occurs at anytime including, but not limited to, any of the following:
  - a. While on church grounds;
  - b. While going to or coming from such activity;
  - c. During, or while going to, or coming from, a ministry-sponsored activity.
2. Any youth/adolescent who engages in the harassment of another youth/adolescent is subject to disciplinary action up to and including verbal and/or written warnings and reprimands, counseling, suspension, and expulsion.

#### **E. YOUTH/ADOLESCENT'S RESPONSIBILITY**

It is the youth/adolescent's responsibility to conduct himself or herself in a manner which contributes to a positive Christian environment. They must not commit acts which tend to injure, degrade, disgrace, or threaten the safety, privacy, and respect of others.

#### **F. ADMINISTRATION'S RESPONSIBILITY**

To promote an environment free of harassment, the appropriate program director shall take actions such as removing vulgar or offending graffiti, establishing site rules, and providing in-service instruction and counseling. Adults responsible for the program shall discuss this policy with young people in age-appropriate ways and shall assure them that they need not endure any form of harassment. The program will treat allegations of harassment seriously and will review and investigate such allegations of harassment in a prompt, professional, and thorough manner.

## **II. YOUTH/ADOLESCENT HARASSMENT ADMINISTRATIVE PROCEDURES**

### **A. DISSEMINATION OF POLICY**

In order to ensure that all persons involved have knowledge of this policy and administrative procedures, a copy of the policy:

1. will be posted in a prominent location in the administrative building on each ministry site;
2. shall be provided to all paid staff and regular volunteers involved in youth/adolescent ministry at the beginning of each year or at the time that a new employee or volunteer joins the program; and
3. a summary of the policy shall be provided to all parents/guardians and appear in any parent and volunteer and/or youth/adolescent handbooks at each local site.

### **B. COMPLAINT PROCEDURE**

- Youths/adolescents who feel aggrieved because of conduct that may constitute harassment may, depending on the severity of the conduct, directly inform the person engaging in such conduct that such conduct is offensive and must stop. In many circumstances, it may be better to directly contact an adult, such as those listed below.
- If youths/adolescents do not feel comfortable doing this or are unable to do so, they shall direct their verbal complaint to their parents or to the program director or other responsible adult. If a claim of sexual harassment is involved and youths/adolescents are uncomfortable speaking to administrators who are of the opposite sex, then they may request that a same-sex program adult also be present. These persons have been designated to assist in resolving harassment complaints and are bound by the highest degree of sensitivity, concern, and professionalism.
- The designee receiving the complaint will follow the program's disciplinary plan and will act in a prompt and timely manner to ensure that the matter is investigated and responded to in accordance with legal and Archdiocesan requirements. Any investigation will be conducted in as confidential a manner as is consistent with these requirements and a thorough investigation of the complaint.

### **C. PROTECTION AGAINST RETALIATION**

The Archdiocese's policy prohibits retaliation against any person for using this complaint procedure or for assisting or participating in any manner in any investigation of harassment. Any report of retaliation by the one accused of harassment, or by any program director or other administrator will also be immediately, effectively and thoroughly investigated. If a complaint of retaliation is substantiated, appropriate disciplinary action will be taken.

**III. GENERAL GUIDELINES  
FOR PROGRAM DIRECTORS, EMPLOYEES AND VOLUNTEERS  
DESIGNATED TO INVESTIGATE  
HARASSMENT COMPLAINTS**

**STEPS TO TAKE ONCE ANYONE REPORTS**

**A. FIRST RESPONSE**

1. Take the report seriously.
2. Be sensitive and set the tone.
3. Gather facts.

**B. GENERAL INVESTIGATION GUIDELINES**

1. Determine who should conduct the investigation.
2. Create a general investigation plan.
3. Conduct a thorough investigation immediately (within 24 hours, if possible).
4. Exercise confidentiality to an extent consistent with legal and Archdiocesan requirements.
5. Document the results.
6. Select appropriate locations for interviews.
7. If complaint is for sexual harassment, ensure that a person of the same gender as the person being interviewed be present to conduct the interview (unless the youth/adolescent requests otherwise).

**C. INTERVIEWING COMPLAINANT**

1. Predetermine initial questions (what, who, when, where, to whom, witnesses, any touching, etc.).
2. Be non-judgmental - do not ask leading questions (i.e., questions that suggest the desired "answers").

3. Clarify context of the events.
4. Seek to determine effect on complainant (psychological, emotional, financial, etc.).
5. Seek information about others subjected to same or similar treatment.
6. Probe timing of complaint.
7. Find out what the complainant (and/or parents/guardians) wants.
8. Explain that there will be no retaliation.
9. Provide copies of appropriate Archdiocesan policies.
10. As appropriate, ask the complainant (or depending on the circumstances, a parent/guardian) to prepare a formal, written complaint.

**D. INTERVIEWING ALLEGED HARASSER**

1. Explain purpose of interview and outline accusations. Be objective - do not ask leading questions.
2. Observe reaction.
3. In case of denial, probe further.
4. Identify relationship between complainant and alleged harasser.
5. Explore prior "consensual" relationships.
6. Discover authority of alleged harasser over complainant.
7. Provide copies of appropriate Archdiocesan policies.
8. Emphasize rules about communicating with complainant and remind the alleged harasser that no retaliation will be tolerated.
9. Interview alleged harasser even if complainant's allegations appear true or are corroborated.
10. Take immediate disciplinary action, if warranted.

**E. INTERVIEWING WITNESSES**

1. Use open-ended questions to get information.
2. Do not provide information from other sources.
3. Explain confidentiality of interview.
4. Do not reveal biases.

**F. RESOLVING THE COMPLAINTS**

1. Balance the facts known.
2. Be prepared to respond, even if you cannot determine whether harassment occurred.
3. Impose a disciplinary response, if warranted.
4. In consultation with the Archdiocesan Program Director, inform complainant and alleged harasser (and/or their parents/guardians) of results of investigation.
5. Take steps to resolve the situation and provide appropriate referrals for counseling where deemed necessary.
6. Create final report and transmit to appropriate superior.

# THE ARCHDIOCESE OF SAN FRANCISCO

## III.

### WORKPLACE HARASSMENT POLICY AND PROCEDURES

#### A. PURPOSE

In order to provide a productive and pleasant working environment, it is important that we who serve on behalf of the many Archdiocesan parishes, schools, and agencies maintain a Gospel-inspired atmosphere characterized by mutual respect. Accordingly, the kind of conduct characterized as harassment below cannot, and will not, be tolerated. In addition, the Archdiocese will endeavor to protect employees, to the extent possible, from reported harassment by non-employees in the workplace.

#### Harassment in General

Catholic teaching and practice affirm the Christian dignity of every person. Harassment is unacceptable conduct that is severe, pervasive and deliberate. In general, ethnic or racial slurs and other verbal, visual or physical conduct relating to a person's race, color, age, creed, ancestry, national origin, physical or mental disability, medical condition, sex or any other category protected by applicable law constitute harassment when they unreasonably interfere with a person's work performance or create an intimidating, offensive or hostile work environment. It is the policy of the Archdiocese to provide a work environment in which all employees are treated with respect and dignity.

#### "Sexual Harassment" Defined

Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made a term or condition of employment; or
2. submission to or rejection of such conduct is used as basis for employment decisions affecting the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can include unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. See Archdiocese of San Francisco Sexual Boundary Guidelines (attached hereto). This definition includes many forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: Leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct: Making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about an employee's body or dress.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: Touching, assault, impeding or blocking movements.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves co-worker harassment, harassment by a supervisor or manager, or by persons doing business with or for the Archdiocese.

## **B. THE ARCHDIOCESE'S COMPLAINT PROCEDURE**

The Archdiocese's complaint procedure provides for an immediate, thorough, and objective investigation of any harassment claim, appropriate disciplinary action against anyone found to have engaged in prohibited harassment, and appropriate remedies to any victim of harassment. An employee may have been subjected to harassment even if he or she has not lost a job or some economic benefit.

Employees who believe they have been harassed on the job, or who are aware of the harassment of others, should provide a written or verbal complaint to their own supervisor or the Director of Human Resources (if school personnel are involved, the Superintendent of Schools; if clergy are involved, the Vicar for Clergy) at the Archdiocesan Chancery Office as soon as possible. Additionally, in the case of sexual harassment allegations, employees are free to raise the issue with another same-sex supervisor if they prefer to do so. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. All incidents of harassment that are reported will be investigated. To the extent it involves child abuse, as defined by law, the Archdiocesan Child Abuse Policy and Procedures, including the requirement to report the abuse to civil authorities, shall be followed.



In order to assure a prompt, effective, and pastoral investigation and response, the applicable Chancery coordinator will, as the circumstances warrant, make use of experts in such areas as physical, mental and spiritual health, social work, canon law and civil law.

If the Archdiocese determines that harassment has occurred, it will take remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

### **C. PROTECTION AGAINST RETALIATION**

The Archdiocese's policy prohibits retaliation against any employee by another employee or by the Archdiocese for using this complaint procedure, or for filing, testifying, assisting or participating in any manner, in any investigation, proceeding or hearing conducted by a federal or state enforcement agency. Additionally, the Archdiocese will not knowingly permit any retaliation against any employee who complains of harassment or who participates in an investigation. The Archdiocese's policy prohibits retaliation against any employee who opposes harassment.

Any report of retaliation by the one accused of harassment, or by co-workers, supervisors or managers, will also be immediately, effectively, and thoroughly investigated in accordance with the Archdiocese's investigation procedure outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

### **D. LIABILITY FOR SEXUAL HARASSMENT**

Any Archdiocesan employee, including any supervisor or manager, who is found to have engaged in unlawful harassment, is subject to disciplinary action up to and including discharge from employment. Clergy are subject to appropriate canonical punishment or action. Any employee or clergy who engages in harassment, including any supervisor or manager who knew about the harassment and took no action to stop it, may be held personally liable for monetary damages. The Archdiocese will not pay damages assessed personally against an employee or clergyman.

### **E. ADDITIONAL ENFORCEMENT INFORMATION**

In addition to the Archdiocese's internal complaint procedure, employees should also be aware that the Federal Equal Employment Opportunity Commission (EEOC) investigates and prosecutes complaints of harassment in employment. Employees who believe that they have been harassed may file a complaint with that agency. The EEOC serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes.

**F. HARASSMENT OF OR BY THIRD PARTIES**

It goes without saying that these principles pertaining to relationships among employees would apply also with respect to Clergy, Religious and Lay Employees in their relationships with parishioners, counselees, students, parents, etc. That is, harassment (including any form of sexual misconduct or abuse of one's position) is clearly not a part of one's ministry or employment and will not be condoned. Allegations of this nature will be addressed in a fashion similar to that outlined above.

**G. A FINAL NOTE**

The Gospel message calls for pastoral concern for both the alleged victim and the alleged perpetrator when investigating and handling allegations of harassment. This pastoral concern may dictate the need for the Church to respond to the alleged victim in particularly unique ways (e.g., offering spiritual and/or psychological counseling), but this pastoral concern should not be mistaken as an admission of responsibility or legal liability. These policies and procedures have not been prepared to serve as a precise legal yardstick by which third parties are to measure conduct, but rather as a visible sign of the Archdiocese's genuine moral commitment to serve as responsible stewards of Christ's Church.

**THE ARCHDIOCESE OF SAN FRANCISCO**

**IV.**

**ACKNOWLEDGMENT**

I hereby acknowledge that I have received and read a copy of the Archdiocese of San Francisco's *Policies and Procedures Regarding Harassment* and I agree to follow the policies and procedures outlined therein during my employment/ministry with the Archdiocese of San Francisco.

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Location: Parish/School)*

\_\_\_\_\_  
*(Please Print Name)*

**NOTE TO SITE SUPERVISOR**

*If the person signing the Acknowledgment form is a paid employee, then send signed original to Archdiocesan Human Resources Office and retain a copy at your site.*

*If the person is a regular volunteer, then the form does not need to be sent to the Human Resources Office, and site should retain original.*