

Diocese of Fort Wayne- South Bend - Procedure for Harassment

Personnel

Harassment Prohibition

I. Definitions of Harassment

A. Types of Prohibited Harassment

The diocese prohibits all forms of harassment that violate civil law and/or the teachings of the Catholic Church. Harassment is any verbal or written communication or physical conduct which is done or has the tendency to threaten, bully, humiliate, demean, embarrass, frighten, intimidate or otherwise cause discomfort to a person based on the person's sex (i.e., sexual harassment), race, nationality, ethnic background, religion, age, physical or mental characteristics, personality traits, veteran's status, or any perceived vulnerability. Prohibited harassment may be committed by an employee against a student, by an employee against another employee, by a student against another student, or by a student against an employee. This policy and procedure covers situations in which an employee claims to be the victim of harassment. (See Catholic Schools Office Policy 4580 and accompanying procedure relating to students who claim to be victims of harassment.)

Prohibited harassment occurs when:

1. Submission to harassing conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of harassing conduct by an individual is used as a basis for employment decisions affecting that individual; or,
3. The harassing conduct has the purpose or effect of interfering with an individual's job or professional performance or creating an intimidating, hostile, or offensive employment environment.

B. Conduct of a Harassing Nature

1. Conduct of a harassing nature may include verbal or physical advances or actions, or verbal or written comments, looks, leers, gestures, jokes, or other offensive actions based on the sex, race, nationality, ethnic background, age, religion, disability, physical or mental characteristics, personality traits, veteran's status, or perceived vulnerability of the victim.

2. Conduct of a harassing nature prohibited by this Policy also includes electronic harassment, including email, texting, and posting of offensive comments/photos on social media, etc.
3. The above conduct constitutes harassment when the employee has indicated, by his or her conduct or verbal objection, that it is unwelcome.
4. In no event, will harassing conduct be condoned or deemed acceptable by the diocese, regardless of whether it is considered welcome. The diocese retains the right to take those steps it deems necessary to prevent and/or terminate the occurrence of any type of harassment or inappropriate conduct in the work environment.

II. Complaint Procedures for Employees

- A. Any employee who alleges harassment by another employee may use the complaint procedure explained below in Section II, C or may complain directly to his/her supervisor, or Pastor. Filing of a good faith complaint or otherwise reporting harassment will not reflect upon the individual's status nor will it affect future employment or work assignments. Complaints may be made without fear of reprisals.
- B. The right of confidentiality, both of the person complaining and of the person accused, will be respected consistent with the Diocese's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.
- C. All reports of harassment shall be handled in the following manner:
 1. Reports are preferred in writing on forms supplied by the Diocese. If a verbal complaint is made, the receiver of the complaint shall complete a written report;
 2. Reports must name the person(s) charged with sexual/racial harassment and state the facts;
 3. Reports must be presented to the employee's supervisor, pastor, or the diocesan HR director. The employee's supervisor, pastor, or the diocesan HR director will inform the diocesan attorney as appropriate;
 4. The employee's supervisor, pastor, or the diocesan HR director will thoroughly investigate the alleged harassment;

5. The report and the results of the investigation will be presented to the employee's supervisor (if appropriate), pastor (if appropriate), the diocesan HR director (if appropriate) and diocesan attorney as appropriate; and
6. The employee's supervisor, pastor, or the diocesan HR director will take whatever action they deem appropriate including follow-up with appropriate parties. The alleged parties' names will not be released to the public unless required by law or warranted under other special circumstances

III. Sanctions for Misconduct

A substantiated charge against an employee shall subject that employee to such disciplinary action as determined necessary, consistent with diocesan disciplinary policy.

IV. False Reporting

Any person who knowingly files false charges of harassment against an employee in an attempt to demean, harass, abuse, or embarrass that individual may be subject to appropriate disciplinary action.

REPORT OF HARASSMENT

This form is to be used by any employee, who has either observed or been subject to harassment. To insure full investigation, it should be completed as accurately as possible.

Date: _____

Incident reported to: _____

Name of employee, making a report of harassment: _____

Employee (including volunteers), work assignment or department: _____

Date(s) of incident(s): _____ Time(s) of day: _____

Where incident(s) occurred: _____

Explain what happened in your own words: _____

Names of individuals involved in the harassment and indicate whether they are employees or volunteers:

Names of any witnesses, indicating whether they are employees or volunteers: _____

Complainant's Signature: _____

Date: _____

INVESTIGATIVE REPORT OF ALLEGED HARASSMENT

Note: If additional space is needed, please attach separate sheets.

Name of Complainant: _____

Status of Complainant (e.g. employee, volunteer): _____

Location of incident (if applicable): _____

Nature of Complaint: _____

Summary of Complaint: _____

Date complaint filed: _____

Date complainant interviewed: _____

Explanation: _____

Does the complaint allege misconduct that is prohibited under diocesan policy?
_____ Yes _____ No

Does the investigator have reason to believe that the alleged victim is a child who is a victim of child abuse or neglect?
_____ Yes _____ No

If so, a report was made to CPS or law enforcement on _____

Is further investigation warranted? _____ Yes _____ No

Name(s) of accused: _____

Date(s) accused notified: _____

Response(s) of accused: _____ Admits the allegations. _____ Denies the allegations.

Explanation: _____

Indicate additional witnesses interviewed and the dates of the interviews. (Witness interviews may be attached on separate sheets). Summarize or state significant comments and responses.

Suggested corrective action: _____

Investigator's Signature: _____ Date: _____

Investigator's Signature: _____ Date: _____