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*Policies and Procedures Regarding
Child Abuse and Harassment (03/01)
(English Version)*

THE ARCHDIOCESE OF SAN FRANCISCO

POLICIES AND PROCEDURES

REGARDING

CHILD ABUSE

AND

HARASSMENT

JMH (Rev. 03/01)

THE ARCHDIOCESE OF SAN FRANCISCO

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REGARDING

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P R E F A C E

It is our duty, as God's family, to respect all those whom we encounter, both in our private lives and in the ministry, school, and workplace settings. One can never justify abuse of children or the harassment of another individual based on race, age, color, religion, creed, national origin, ancestry, age, , or physical or mental disability. Fortunately, society addresses these behaviors through laws which prohibit various types of child abuse and harassment. It is essential that the Church take a leadership role in condemning such behavior and help those involved in providing ministry, and those who are the recipients of that ministry, to better understand and respond to these problems when they arise.

The accompanying policies introduce us, in a focused manner, to the issues of child abuse, as well as ministry, school, and workplace harassment. They are designed to assist us in fulfilling our moral and legal responsibilities in this regard.

I invite all those involved in the ministry of the local Church to become familiar with the accompanying policies and procedures, and to stand together in our commitment to do our very best to prevent and respond to the various forms of abuse and harassment which occur in our society, including our churches, schools, and the workplace.

Dated: _____

Most Rev. William J. Levada

THE ARCHDIOCESE OF SAN FRANCISCO

I.

CHILD ABUSE POLICY AND PROCEDURES

A. INTRODUCTION

The terms "childhood" and "innocence" are synonymous in nature. That is why the pain runs so deep for all those of good will when we learn that the innocence of a child has been harmed, and in some cases destroyed, by the experience of childhood abuse. In the Gospel, Jesus says, "Let the little ones come unto me", and "Woe to him who brings harm to the child". Recognizing the particular beauty, innocence, and vulnerability of children, Jesus entrusted them to our special care. Therefore, these policies and procedures have been developed to provide prompt and objective investigations of claims of abuse of children and to provide effective pastoral assistance to those who have been harmed.

As a condition of employment, those who serve the Archdiocese of San Francisco are required to follow the Policies and Procedures set forth below.

B. REPORTING CHILD ABUSE - THE REPORTING LAW

While everyone should report suspected child abuse and neglect, Article 2.5 of the State of California Penal Code provides that it is a crime for certain individuals who have contact with and supervision of children (e.g., school, parish and agency teachers and administrators, coaches, etc.) not to report suspected abuse to the proper authorities. The following are excerpts and summaries of sections from the State of California Child Abuse Reporting Laws:

". . . any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect abuse." (Pen. Code, #11166)

Since January 1997, California law requires that clergy join childcare custodians, school personnel, health care practitioners, and other professional groups as mandated reporters

of suspected child abuse. The law allows for exemptions from reporting by clergy in limited circumstances called a penitential communication, which is defined as "a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret". For Catholic clergy, this limitation, however, is only available when there is a clear religious tradition, supported by the teachings, laws and practices of the Church, that would outweigh the reporting mandate. Clearly, this exemption includes the hearing of a penitent's confession by a priest or bishop. In cases of confidential communication apart from confession, the duty to protect children by reporting the known or suspected child abuse may, and in some instances should, prevail over the presumption of confidentiality. This would be true where a member of the clergy determines that children are currently at risk of abuse. Should a clergy member have questions about whether he must report in a given instance, he should consult with the person designated by the Diocese to provide advice on and/or coordinate these issues.

1. Failure to report by telephone immediately or as soon as practically possible, and then in writing within 36 hours, is a misdemeanor "punishable by confinement in the county jail; for a term not to exceed six months or by a fine of not more than \$1000 or both".
2. Those required to report should be aware that mere reporting does not necessarily mean that a civil or criminal proceeding will be initiated against the suspected abuser.
3. The written reports that mandated reporters must submit within 36 hours must be on a Department of Justice form.
4. The reporting duties (and statutory penalties for failing to report) of a mandated reporter are individual, and cannot be delegated to another individual. Supervisors or administrators may not impede or inhibit reporting by a mandated reporter, nor may they take any actions against the reporter for making a report. However, it is appropriate to establish internal procedures to facilitate reporting and apprise supervisors and administrators of reports so long as these procedures are not inconsistent with the reporting law.
5. Mandated reporters of child abuse are immune from civil or criminal liability.

C. DEFINITIONS

"Child"
is defined as a person under the age of 18 years.

"Child abuse"
includes sexual abuse, non-accidental physical injury, and neglect.

"Child care custodian"

includes school administrators, teachers, instructional aides, teacher aides, teacher assistants or extended care personnel employed by any public or private school. It also means an administrator or employee of a public or private youth center, youth recreation program, or youth organization, as well as administrators or employees of a public or private organization, whose duties require direct contact with, and supervision of, children. The law states that volunteers of such organizations are encouraged to obtain training in the identification and reporting of child abuse. The Archdiocese wholly endorses this principle.

"Clergy"

California law defines clergy as "a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized religious denomination or organization". Roman Catholic tradition and Canonical definition indicate that this definition would include those who have received Holy Orders: a deacon, priest or bishop.

"Reasonable suspicion"

includes suspicion based on circumstances that would cause a "reasonable person" in a like position, drawing when appropriate upon his/her training and experience, to suspect child abuse.

D. MAKING A REPORT

The mandated reporter must provide his/her name and the following information when making the telephone report of suspected child abuse to the child protective agency:

- Name of child;
- Present location of the child;
- Nature and extent of the injury; and
- Any other information, including that which led the person to suspect child abuse, requested by the child protective agency.

Within 36 hours of making the telephone report, a written report must also be filed with the child protective agency. The written report must be filed on Department of Justice Form SS 8572, "Suspected Child Abuse Report". Child protective agencies fill out Department of Justice Form SS 8583. These forms are available through county welfare and probation departments and law enforcement agencies. It is recommended that Archdiocesan parishes, schools, and agencies obtain a supply of these forms and keep them in a well-known and readily accessible location.

After the oral report is made, a person from a child protective agency will usually be dispatched immediately to the site. If neglect is suspected, the worker will respond to the site or to the child's home within one to three days, as per county practice.

A copy of the report need not be made a part of any pupil's cumulative record; however, a notation on the cumulative record indicating "C.A. report filed (with date)" would be appropriate. One copy of the report may be kept in a confidential file or log by the administration, but not placed in the pupil's folder.

Follow-up with the family is the responsibility of the county agency. In all cases, they indicate:

- (a) That it is the organization's legal obligation and interest in the child's welfare that prompted the report; and
- (b) That the organization report without naming the individuals who made the observation and referral.

E. DETECTION OF CHILD ABUSE

Child care custodians, clergy, and other parish, school and agency employees and volunteers can play a critical role in the early detection of child abuse and neglect. Symptomatic signs of abuse and/or neglect, which may include injuries, listlessness, poor nutrition, disruptive behavior, absenteeism, or depression, are often first seen by such personnel. Immediate investigation of suspected abuse by child protective agencies and the designated Archdiocesan officials (see Section J.) may save a child from repeated injuries. Therefore, personnel should not hesitate to report suspicious injuries or behavior. If in doubt, contact the appropriate person at the Chancery. The mandated reporter's duty is to report after being satisfied that there is reasonable suspicion of child abuse, not to conduct an exhaustive investigation.

F. WHO TO CALL

A phone call should be made to the appropriate county agency or local police department. The phone numbers for the protective agencies in each county are as follows:

San Francisco:	Child Protective Services	(415) 558-2650
	Police	(415) 553-0123
Marin:	Child Protective Services	(415) 499-7153
	Police - San Rafael	(415) 485-3000
San Mateo:	Child Protective Services	(650) 595-7922
	Police - City of San Mateo	(650) 377-4545
	Police - Redwood City	(650) 780-7100

For additional information or consultation, you may call:

- San Francisco Child Abuse Council (415) 668-0494
- Marin Child Abuse Council (415) 472-7164
- San Mateo Child Abuse Council (650) 327-8120

G. INTERVIEWING A VICTIM AT SCHOOL WHEN THE MATTER PERTAINS TO CHILD ABUSE WITHIN THE CHILD'S HOME

Whenever a representative of a child protective agency deems it necessary, a suspected victim of child abuse may be interviewed during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The following procedure will be followed by the child protective agency worker, school representative and/or staff member:

- The child will be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. Be sure that you witness the offering of this option.
- A representative of the child protective agency will inform the child of that right prior to the interview. The purpose of the staff person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
- The staff member will not participate in the interview.
- The member of the staff will not discuss the facts or circumstances of the case with the child.
- The member of the staff is subject to confidentiality, a violation of which is punishable by up to six months in jail or a fine of \$500, or by both.
- The representative of the school will inform a member of the staff so selected by a child of the requirements of this section prior to the interview.
- If the staff person selected agrees to be present, the interview will be held at a time during school hours when it does not involve an expense to the school.
- In most cases, the child protective agency worker will notify the parents of their meeting which was held with the child. If this is not made clear to the school representative, there should be a discussion between the child protective agency worker and the school representative to make a decision as to who will notify the parents.

H. EMPLOYMENT REQUIREMENTS

On January 1, 1985, Chapter 1718 (AB 2710) became effective. It requires any child care custodian who enters into employment on or after that date to sign a written acknowledgment of his/her legal requirement to report child abuse (see Page 25 -Acknowledgment).

In 1991, the statute was broadened to include administrators or employees of public or private youth centers, youth recreation programs or youth organizations, as well as administrators or employees of a public or private organization whose duties require direct contact and supervision of children.

I. PREVENTION AND PREPARATION

1. Screen all potential employees through the State Department of Justice and do reference checks.
2. Train staff to recognize signs of abuse/neglect and to report to the administration any suspected cases. (Staff have an individual responsibility to report suspected cases to a child protective agency.)
3. Establish procedures regarding adults with children at the school, parish, agency, etc., and off campus.
4. Establish contact with your local child protective agency. Have names and telephone number(s) available.

J. WHAT TO DO WHEN ABUSE OR NEGLECT IS SUSPECTED

1. Notify the Child Protective Agency immediately by telephone when you have "reasonable suspicion".
2. If reasonable suspicion is determined, place employee on administrative leave pending consultation with the appropriate person at the Chancery. (The Archdiocese may determine that appropriate medical evaluation and/or counseling for the alleged perpetrator as well as an offer of counseling for the victim and family members is in order under such circumstances.)
3. After determining reasonable suspicion, do not attempt further investigation without consultation with the applicable Archdiocesan Chancery official. It is the responsibility of such Chancery personnel to assure proper coordination with applicable legal authorities and to promptly initiate an effective pastoral investigation and response through the use of experts in such areas as physical, mental, and spiritual health, social work, canon law and civil law.
4. Establish contact with the appropriate person at the Chancery.

If clergy is suspected, call the Office of the Archbishop or the Office of the Vicar for Clergy at the Chancery. (Backup is the Vicar for Administration.)

If school personnel are suspected, call the Superintendent of Schools at the Chancery. (Backup is the Assistant Superintendent for Personnel.)

If non-school personnel are suspected, call the Director of Human Resources at the Chancery. (Backup is the Human Resources Employment and Training Manager.)

For general guidance or backup, call the Archdiocesan Legal Counsel at the Chancery.

5. Consider general advisement of staff, students, parents, etc., of the situation after consulting with the appropriate Chancery person, keeping in mind the various privacy interests involved.
6. Reach out to actual or alleged victims and their families and communicate your sincere concern for their spiritual and emotional well-being. Tell family members who inquire that Archdiocesan officials have been notified and are investigating.
7. Refer media questions and inquiries to the Director of the Archdiocesan Communications Office at the Chancery.

K. RESOURCES

A current copy of the *Child Abuse Prevention Handbook* (available through the Crime Prevention Center of the Office of the Attorney General) or some similar general treatise on the subject (e.g., *Slayer of the Soul: Child Sexual Abuse and the Catholic Church*, by Stephen J. Rossetti, Twenty Third Publications, P.O. Box 180, Mystic, CT 06355, Phone: 860-536-2611 or 1-800-572-0788) should be required reading for all staff covered by the laws referenced above, as well as other staff members and volunteers.

L. INDEPENDENT FACT FINDING COMMITTEE

1. Because of the unique physical, psychological, and moral dimensions involved in claims of abuse of minors, there is a particular need to do everything possible to avoid even the perception in the minds of alleged victims, their families, the Christian faithful, and the public at large that the investigative response to a complaint is anything less than thorough and objective. For this reason, if the suspected abuse involves alleged genital contact between an adult employed by or otherwise involved in the ministry of the Church and a minor, an independent Fact Finding Committee shall be appointed by the Archbishop to investigate such charges.
2. While Archdiocesan personnel may, upon request, provide technical assistance to the Fact Finding Committee from time to time, such personnel shall not serve on the Committee. The Committee itself will be made up of persons not directly associated with the Archdiocese who have investigative skills that can be applied to the examination of allegations of sexual misconduct involving minors. Depending on the nature of the case, the Committee may include individuals with backgrounds in psychology, psychiatry, social work, nursing, licensed marriage and family counseling, medical doctors, lawyers (e.g., retired judges, prosecutors, public defenders), or retired police or other forensic investigators, if their assistance would benefit the particular investigation being undertaken. In view of the fact that some members might not be readily available when a crisis arises, the particular Fact Finding Committee used in a given circumstance will be chosen from a pool of qualified individuals willing to volunteer their time.

3. This Committee will work independently and may assign one or more of its members to serve as the primary investigator. Such investigators shall report back to the entire Committee which will determine whether further investigation is necessary. Upon conclusion of its work, the sole responsibility of the Fact Finding Committee is to present to the Archbishop or his delegate its findings of fact concerning the allegation that has been investigated.

M. 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 child abuse. 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. In extraordinary circumstances, the Archbishop may determine that it is necessary to modify the specific procedures set forth herein consistent with the provisions of canon and civil law.

THE ARCHDIOCESE OF SAN FRANCISCO

II.

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.

**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

III.

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.

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.

**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

IV.

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.

1. In general, ethnic or racial slurs and other verbal, visual, or physical conduct relating to a person's race, color, age, religion, creed, national origin, physical or mental disability, medical condition, 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.
2. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination.

"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. 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 a claim of 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 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

V.

ACKNOWLEDGMENT

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

I acknowledge and understand that, while everyone is encouraged by the Archdiocese of San Francisco to report suspected child abuse, if I am a "child care custodian" or a member of the "clergy" (as those terms are defined in the Archdiocese of San Francisco's Child Abuse Policy and Procedures), Section 11166 of the California Penal Code requires (except in the case of a "penitential communication" involving clergy, as such terms are defined in the Child Abuse Policy and Procedures) that if I have knowledge of, or observe, a child in my professional capacity or within the scope of my employment or ministerial duties whom I know or reasonably suspect has been the victim of child abuse, I must report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone, and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

(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.