

Important Information

The information on the pages that follow is from “The Diocese of Cleveland Handbook for Catholic Schools”. It is part of the section on Sexual Harassment and Sexual Violence. While it is intended for use in our Catholic Schools, we think that some of the content could be helpful to parishes that are considering developing a policy for their religious education programs. Of course, the language will have to be adapted to your situation/circumstances. We thank the Office of Catholic Education for providing this information.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

A. Suggested General Policy

1. Purpose

In furtherance of the overall philosophy, goals and objectives of the Catholic educational experience, the Diocese of Cleveland has proposed a policy that expressly prohibits sexual harassment and sexual violence in the school environment. The Diocese of Cleveland is firmly committed to providing a safe, positive learning and working environment for everyone in the schools. The primary goals of this policy are to define and prevent sexual harassment and sexual violence, and to implement procedures by which a victim may receive help without retaliation and by which offenders will be held responsible. In doing so, the school will serve to reemphasize the personal dignity of the individual and foster positive sexual attitudes and respect for others. This policy is gender-neutral and shall apply to all students, teachers, administrators, and other personnel in the school or in parish programs and activities. This policy complements and is an extension of the existing "Sexual Harassment Policy Statement" relating to employees in the Diocese of Cleveland's *Handbook for Catholic Schools*. It is the individual responsibility of each school and parish program to adopt this policy. Further, the text of the policy should be included in any student or program handbook and all efforts should be made to inform and educate the school population.

2. Sexual Harassment and Sexual Violence Defined

a. Sexual Harassment

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

Some acts of sexual harassment may also be criminal. If the recipient is physically touched without his/her consent in a sexual manner; is expressly threatened or perceives a threat of physical harm for purposes of the offender's sexual gratification; or is the victim of sex offenses under Ohio law, including Gross Sexual Imposition (O.R.C. 2907.05), Sexual Battery (O.R.C. 2907.03), Rape (O.R.C. 2907.02), Importuning (O.R.C. 2907.07), Voyeurism (O.R.C. 2907.08), Public Indecency (O.R.C. 2907.09), or Felonious Sexual Penetration (O.R.C. 2907.12) as examples. Children and Family Services and the police shall be contacted immediately when sexual conduct or contact occurs whether it occurs between peer-to-peer or adult to child.

For the purposes of this policy, sexual harassment will encompass the above legal definitions, as well as the following specific instances: verbal sexual abuse; disseminating obscene or sexually explicit material, whether in the form of music, written lyrics, pornographic pictures or other literature, or having such material in one's possession in the school, on school grounds or at

school sponsored activities; obscene or sexually explicit graffiti anywhere in the school, on school grounds, continuing and unwanted written or oral communication directed to another of a sexual nature; spreading sexual rumors/innuendos; obscene T-shirts, hats, or buttons; touching oneself sexually in front of others; obscene and/or sexually explicit gestures; and any other inappropriate behavior of a sexually explicit or obscene nature that demeans or offends the recipient.

The above list is not meant to be all-inclusive, but is intended to provide guidance as to what may constitute sexual harassment. Isolated, trivial incidents are not sufficient to constitute harassment and will be handled according to the student behavior code. The ultimate test to determine what constitutes sexual harassment will be the recipient's perception of the behavior. The severity of the offense and subsequent consequences will be determined by several factors, including the (i) pervasiveness of the behavior directed at that victim; (ii) whether the recipient communicated to the offender or school authorities that this is unacceptable; (iii) the nature and/or content of the harassment; (iv) the offender's history of similar behavior; and (v) the respective ages of the offender and victim.

Each school should have in place a protocol, or grievance procedure, to address complaints of sexual harassment. The procedure should be gender-neutral and should protect the individual at all times from reprisal and/or retaliation. Additionally, unless any disciplinary action is taken against the offender, information concerning any sexual harassment allegation should be maintained in a separate, confidential file and should not be made part of the alleged offender's nor the victim's permanent school record. If disciplinary action is taken against the offender, then this should be documented in the employee/student's file (as appropriate), as would any other disciplinary action.

If the allegations are substantiated, disciplinary actions will be taken. These will depend on the nature, frequency and severity of the action, the ages of the offender and victim, the history of similar actions by this individual, and the circumstances in which the harassment occurred. Possible student disciplinary actions may include but are not limited to any or all the following:

- Verbal warning/reprimand and apology to the victim,
- A parent/student/principal conference,
- Written warning/reprimand and parent notification, entered in the student's file
- Detention or removal from selected school activities and/or extracurricular activities,
- Behavior/probation contracts, possibly requiring professional intervention,
- Suspension,
- Expulsion.

The school shall immediately inform the parents of both the offender and the victim of the allegations. It will be the obligation of the offender's and the victim's parents to cooperate in remedying the situation. If the allegation is substantiated and if the student is not expelled, the parents of the offender may be required to sign a probation contract in order to enforce the provisions of the student's conditional retention at the school. Immediate expulsion or other disciplinary action may also be appropriate in some situations. When an incident of sexual harassment occurs, the school should endeavor to educate the student population about sexual harassment and sexual violence, and to reinforce the tenets of this policy.

All faculty and staff shall be made aware of this policy, and appropriate disciplinary measures are to be taken when a teacher or other administrator fails to report and/or address allegations of sexual harassment or sexual violence.

b. Sexual Violence

If an incident of sexual violence occurs, the principal, pastor/ecclesiastical liaison, or other school authority is required under state law to report immediately the incident (O.R.C. 2151.421). Ohio Revised Code Section 2921.22 also requires any person who knows that a felony has been or is being committed shall report such information to law enforcement officials. As stated in this *Handbook for Catholic Schools*, Children and Family Services or the police should be contacted immediately if there is any knowledge or suspicion (O.R.C. 2151.421) that sexual abuse, sexual conduct, sexual contact or sexual violence has occurred involving a child less than eighteen years of age.

This *Handbook for Catholic Schools* provides the following: “Summary of Child Abuse Information,” “Indicators of Sexual Abuse in the Victim,” and “Procedures for Reporting Alleged Child Abuse.”

SUGGESTED HARASSMENT POLICY FOR STUDENT HANDBOOK

The Pastor, administration, and staff of _____ School believe that all employees and students are entitled to work and study in school-related environments that are Christ-centered and free of harassment. _____ School will not tolerate harassment of any type, and the appropriate disciplinary action will be taken. Disciplinary action may include suspension or expulsion.

Examples of harassment include but are not limited to verbal or written taunting; bullying; other offensive, intimidating, hostile or offensive conduct; jokes, stories, pictures, cartoons, drawings or objects which are offensive, tend to alarm, annoy, abuse or demean an individual or group.

PROCEDURE TO FILE A HARASSMENT COMPLAINT

Students or employees who believe they have experienced harassment shall report such matter to the Principal, who shall be the investigator for harassment complaints.

1. A complaint of harassment is to be made to the principal or pastor, or assistant principal if the principal is the alleged harasser, and shall be as specific as possible regarding details. If the complaint is made by an employee, it shall be in writing.
2. The Principal shall immediately investigate the complaint and shall make written notations of the specific allegations.
3. Information to be acquired during the investigation of the complaint shall include names of witnesses, dates, times, and the specific charge of harassment.
4. Stress the need for confidentiality with due regard for the need to conduct a thorough investigation.

5. No reprisals will be tolerated against complainants, witnesses, or of individuals involved in the investigation.
6. The Principal shall make a prompt determination regarding any disciplinary action. Notice shall be made to the parties regarding the disposition of the investigation consistent with the privacy of student records.

HARASSMENT INVESTIGATION PROCEDURE

This procedure should be distributed to staff and parents.

Upon receiving a complaint from either a student or a school employee, the principal shall discuss the allegations with the complainant-victim to obtain a statement of the facts (e.g., what occurred, when, where, by whom, against whom, names of witnesses). It is the responsibility of the principal to investigate promptly all claims of harassment and to take action as deemed appropriate.

Information regarding an investigation of harassment shall be confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against any employee or student because he/she filed a harassment complaint, assisted or participated in a harassment investigation, proceeding or hearing regarding a harassment charge or because they have opposed language or conduct that violates this policy.

All complaints are to be taken seriously and shall be investigated.

If the investigator is the alleged harasser or a witness to the incident, an alternate investigator shall be designated.

When a crime has been committed, the designated administrator immediately notifies the local police department. After the investigation is complete, notice of the outcome shall be given to the complainant(s) and alleged harasser(s) consistent with the privacy of student records. Appropriate disciplinary action shall be taken when harassment has occurred, and appropriate efforts shall be taken to prevent reoccurrence of the harassment.