

Diocese of Marquette

PERSONNEL POLICIES FOR PARISHES
for

PURPOSE AND APPLICABILITY:

These policies are designed for the employees of _____ Parish and provide information about benefits and personnel policies and practices. The policies and practices are intended to provide an effective and productive relationship among all members of the staff.

All Parish staff share in the same general covenant relationship to minister to the people of God, but there are some distinct differences that must be recognized in terms of the more legally oriented employment relationships. The Code of Canon Law establishes prior relationships between the Bishop and priests and regulates prior relationships of religious to the Church. It is in the context of these prior relationships, that the "employment" status of priests and religious is qualified from the more legal point of view. In the interest of consistency and fairness in administration, all staff members are asked to observe these policies except when and if there is a direct conflict with the Code of Canon Law.

Section A: EQUAL EMPLOYMENT OPPORTUNITY

The parish is committed to prohibiting discrimination in employment on the basis of race, color, sex, age, religion, national origin, disability status, citizenship status, height, weight, marital status or other legally protected status. It should be recognized, however, that there are certain positions, which require adherence to the Catholic Church teaching in order to fulfill the responsibilities of the position.

All executives, supervisors and managers have the responsibility to maintain this policy. The parish's policy of non-discrimination extends to the total employment relationship including recruitment, selection, placement, training, compensation, benefits, promotion, transfer, working conditions, layoff and termination.

The parish condemns and will not tolerate any conduct calculated to intimidate, retaliate, harass or otherwise discriminate against any staff member. Employees who feel that their rights have been violated under this important policy should contact their immediate supervisor. *Please refer to the Employee Complaint/Reconciliation Procedure, Section L.*

Section B: AT-WILL EMPLOYMENT

It is the policy of the parish to employ those whom it believes best qualified to perform the duties of the position for which they are hired.

Employment with the parish shall be of no definite term and may be terminated by either party at-will, with or without cause and with or without notice. This statement of the at-will status of employment with the parish may not be orally amended or altered and no representative, supervisor or other employee of the parish is authorized to make any promises or statements, which would amend, alter or change this status. In addition, this statement of the nature of employment with the parish supersedes all prior written and oral communications and prior practices concerning such employment.

Section C: CONTRACTS

Contracts of employment are not required for lay parish personnel.

Section D: CHRISTIAN VALUES AND PRINCIPLES POLICY

All employees shall support the doctrinal and moral teaching of the Catholic Church in their work for the diocese, which includes the avoidance of public behavior that gives scandal to the community, the persons they are serving or the people with whom they work.

Section E: JOB CLASSIFICATION AND DESCRIPTION

All positions are classified and described in writing and available to all employees. Job classification refers to the title of the position. Job description refers to the list of duties of a given position. The job description shall include:

1. A job classification (title which accurately conveys the function of the position).
2. The minimum requirements and qualifications for the position.
3. The duties and responsibilities of the position.
4. The relationship of each classification to other classifications as it applies to lines of authority and responsibility.
5. The title of the employee's supervisor(s).

Section F: STATUS OF EMPLOYMENT

1. **Permanent full time employee.** An employee hired for a position normally requiring a minimum of (20 to 40 specify a number) hours per week for 52 weeks of the year, shall be classified as a full time employee.
2. **Permanent part time employee.** An employee who works less than (20 to 30 specify a number) hours per week shall be classified as a part time employee.

3. **Temporary employee.** An employee hired to fill in during the absence or vacation of full time and part time employees shall be classified as a temporary employee. Temporary employees working less than 5 months during any calendar year are not eligible for any benefits other than social security, unemployment and workers' compensation insurance.
4. Employees who work less than 20 hours per week are not eligible for any benefits other than social security, unemployment and workers' compensation insurance unless indicated in these policies.
5. **Non-Exempt or Exempt Employees.** These terms are used to indicate which positions are eligible or ineligible for pay for overtime in accord with Federal Wage and Hour Laws. **Non-Exempt** employees are eligible for overtime pay. **Exempt** employees are not eligible for overtime pay. (See Overtime)

Section G: PERFORMANCE EVALUATION

An employee's supervisor, as designated in the job description, will rate each employee's job performance during the first three months of employment, at the end of the fiscal year, and annually thereafter. An employee's performance will be judged on such factors as quantity and quality of work, skill, cooperation with others, attendance and other factors.

Section H: ABSENCES (Note: It is mandatory to provide policies for absences. However, the type of absence, e.g. vacation, sick, etc and the number of days, is optional and decided by the parish, unless indicated below as being mandatory. For your convenience, each category below has been designated either optional or mandatory.)

1. **Vacation.** (Optional)
All permanent full time and part time employees, who work twenty or more hours per week, are eligible for paid vacation.

Accrual of vacation begins from the first day of employment. No vacation may be authorized until the employee has completed three months of employment. Vacation time is accrued for all permanent full time employees as follows: (fill in the blanks for your parish)

First Year	_____ days
2 - 10 th year	_____ days
11 th - following years	_____ days

(As an Example: Full time Diocesan Personnel receive 10 days after the first year; 15 days in 2nd-10th years; and 20 days the 11th year and following.)

Part time employees working twenty hours or more per week accrue a fraction of the vacation days accrued by full time employees. The fraction is the average number of hours the part time employee works, divided by the hours in the normal work week (e.g. 40). This fraction is then multiplied by the number of vacation days the employee would accrue based on years of service if full time.

During the first year of employment, the number of vacation days accrued will be a fraction of the days accrued according to the schedule. The fraction is the number of weeks the employee works during the first year divided by 52. This fraction is then multiplied by the number of vacation days the employee would accrue as set forth in the schedule above.

Employees must take at least a portion of their annual vacation each year. A year for measuring vacation accruals begins with January 1 and ends on December 31. Up to _____ vacation days may be carried over to the next calendar year. All other unused days are forfeited without pay. If employment is terminated with at least one-month notice, employees will be paid for unused vacation days accrued as of the date of termination.

Vacations are scheduled so that the needs of the parish are continually met. Requests for vacation must be received at least two weeks prior to the desired date and must involve at least one-half day absence from work. Holidays that fall within a vacation are not counted as a vacation day used.

2. **Personal Leave.** *(Optional)*

Each full time employee is entitled to _____ personal leave days per year. The employee must obtain prior approval from his/her supervisor for the personal leave days. These personal leave days are to be taken within the calendar year and will not be carried over or paid for if not used. The minimum use of personal leave days will be in units of one day.

3. **Sick Leave.** *(Optional)*

a) Each full time employee is entitled to sick leave of (1/2 - 1, select a number) day per month leave with pay, for each full month worked, with a maximum accumulation of _____ days. No payment for unused sick leave will be given upon termination of employment.

An employee may use sick leave for his or her own illness or to attend to the illness of the employee's immediate family. "Immediate family" for the sick leave policy includes the employee's

spouse, children, parent or any relative living in the employee's home.

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"Illness" includes illness, pregnancy or related illness, injury, exposure to contagious disease endangering others, doctor or dentist appointments or for other similar absences that are approved by the supervisor. The parish may require a doctor's statement relative to any illness of five (5) or more consecutive working days.

- b) During an illness in excess of five (5) days, the employee will notify the employer in writing as to probable length of absence.
- c) Part time employees working twenty (20) hours or more per week are granted sick leave prorated on the basis of hours worked per year.

4. **Holidays.** *(Optional)*

All full time employees and permanent part time employees of the parish will be allowed to take off, with pay, the following holidays when they fall on a normal workday. Permanent part time employees will receive prorated holiday pay on the basis of hours worked per year divided by _____ hours. *(Total work hours per year for a full time employee)*

The holidays are: *(insert a list of holidays applicable for your parish)*

(For example: Diocesan Personnel receive the following holidays)

Assumption, August 15th

All Saints Day, November 1st

Immaculate Conception, December 8th

New Years Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day and the day after Thanksgiving

Christmas Eve Day and Christmas Day

When the holiday falls on a Sunday, it is observed on the following Monday. When it falls on a Saturday, it is observed on the preceding Friday. Holy Days are to be taken off only when they fall on a workday.

5. **Funeral Leave.** *(Optional)*

For the funeral leave policy, the employee's immediate family includes, spouse, children, stepchildren, foster children, parents, stepparents, foster parents, grandparents, grandchildren, sisters and their spouses, brothers and their spouses, mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, or any other relative of the employee or spouse residing in the household of the employee.

In the event of a death in the immediate family of an employee who has completed 90 days of employment, the employee is entitled to five (5) paid

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working days of funeral leave for the funeral of a parent, spouse or child. If additional time off is required, the employee may use vacation or sick time with the approval of the supervisor.

In the case of the death of other members of the immediate family, the employee is entitled to paid leave of three (3) days to attend the funeral if the funeral is within the Upper Peninsula of Michigan and five (5) days if the funeral is outside the Upper Peninsula.

The employer does not need to provide paid funeral leave if the employee chooses not to attend the funeral.

Employees who have not completed 90 days of employment would be allowed the same amount of funeral leave but without pay.

6. **Jury Duty.** *(Mandatory)*

Employees called to serve on juries suffer no loss of regular income or other benefits. Income received from the court will be deducted from the employee's regular income. Employees selected for jury duty should immediately notify their supervisor. In most cases, jury duty does not necessitate full time absence from work and the employee is expected to fulfill the position's requirements to the greatest extent possible.

7. **Personal Leave of Absence Without Pay.** *(Mandatory)*

The parish may grant unpaid leave of absence for medical or personal reasons provided holding the position open will not interfere with its operation. As a general rule, unpaid leave granted for personal reasons will not exceed thirty (30) days. Unpaid leave granted for medical reasons, including child bearing, generally will not exceed six (6) months.

Except for emergencies or extenuating circumstances, requests for an extended leave of absence without pay beyond the 30-day time period must be submitted in writing to the supervisor at least thirty (30) calendar days prior to the date projected for the commencement of the leave. The leave may be approved for up to three (3) months with a possibility of extension, not to exceed an additional three (3) months. Requests for such extensions must be submitted in writing by the employee to his/her supervisor prior to the expiration of the leave. Approval of a leave of absence does not guarantee that the same position will be available to the employee on his/her notification of intent to return to parish employment. The parish will make an effort to place an individual returning from a leave of absence in a similar vacant position, should one exist, upon receipt of written notification of such intent to return to employment.

While on extended leave of absence without pay beyond 30 days, an employee will not be eligible for diocesan-paid group health, disability, life

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insurance, or any other related benefit; nor will a contribution be made to the Michigan Catholic Conference Retirement Plan. Length-of-service time will be frozen and, on return, will be considered in calculating vacation, sick leave and length of service for retirement purposes.

Accrued sick leave (health-related leave) or vacation time may be applied during the leave of absence, allowing staff members to be paid at their regular rate. However, sick leave and vacation may not be applied to extend the length of the leave of absence beyond thirty (30) days.

8. **Worker's Compensation.** *(Mandatory)*

The parish provides full protection to its employees in accordance with the Michigan Workers' Compensation Law. Any incident involving injury of an employee while on duty, no matter how trivial it may appear, must be reported to his/her supervisor immediately. According to the Workers' Compensation Law, an employee injured on the job, if the claim is approved, is provided the following benefits:

- a) Medical, surgical, and hospital care to the extent provided in the law.
- b) Allowance for permanent or partial disability from accident.
- c) Compensation for loss of time due to the accident according to a determined schedule based on the injured worker's rate of pay.

Loss of time benefits go into effect according to the current Workers' Compensation Regulation. Sick leave benefits which the employee has accumulated may be used prior to the effective date of Workers' Compensation. All employees returning to duty after having been absent because of a work injury must have a release from the attending physician indicating that the employee is able to resume full work responsibilities.

9. **Military Leave.** *(Mandatory)*

Employees who voluntarily enlist in the Armed Forces (Reserves or Regular Service) shall be granted time off without pay. Upon completion of such service, the rights under the Universal Military and Training Service Act shall be upheld.

Employees who are members of an organized Reserve Unit of the Armed Forces who are expected to participate in periods of special training or emergencies will be granted time off with pay for a period not to exceed

two (2) weeks during any calendar year. Such time off will not be charged to other types of leave with pay (i.e., vacation, sick leave, etc.).

Should an employee be required to be away from work for reserve duty for a period longer than a two (2) week period, the time beyond two weeks

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will be without pay; the employee, however, may elect to use any accrued or unused vacation time for the duration of the assignment.

In order to receive pay under the provisions of this policy, the employee must present a copy of his/her military orders to his/her supervisor prior to the scheduled leave for reserve duty.

Section I: **BENEFITS**

1. **Benefits Available to Regular Full Time Employees.**

The parish provides a benefit program that offers a wide range of coverage to full time employees. Through Michigan Catholic Conference (MCC) Group Insurance programs, the following briefly describe the benefit program. The contract or certificates between MCC and insurance companies define your rights. The following does not create any rights over and above those contained in the contracts or certificates. Eligibility for benefits and coverage are subject to terms of the policies and plans and are subject to change.

a) **Health Insurance.** *(Optional)*

Full time employees are eligible for group hospital-medical insurance in accordance with the master contract or certificate. The parish pays _____% of the premium cost for the health care plan for full time employees and _____. *(indicate if family coverage is paid)*

b) **Dental Insurance.** *(Optional)*

Full time employees are eligible for dental insurance in accordance with the plan administered by Delta Dental Plan of Michigan. The parish pays _____% of the premium cost for the dental plan for full time employees and _____. *(indicate if family coverage is paid.)*

c) **Flexible Benefit Plan.** *(Optional)*

Full time employees are eligible to participate in the Flexible Benefit Plan expense accounts. Also offered under the Flexible Benefit Plan is the Employer Compensation Account. The parish offers the Employer Compensation Account to full time employees who have medical coverage through another source. This benefit is paid to the employee in lieu of enrolling in the MCC group medical plan.

d) **Worker's Compensation, Social Security and Unemployment Benefits.**

Each employee is covered by Workers' Compensation, Social Security and Unemployment Benefits in accordance with state and federal statutes.

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e) **Retirement Plan.**

Full time lay employees are covered under provisions of the MCC Lay Employees' Retirement Plan. The total cost of participation in the Retirement Plan is paid by the parish on behalf of each full time employee.

For Retirement Plan purposes, full time is considered as working twenty (20) or more hours per week for a minimum of five months per year.

e) **Disability Benefits.** *(Optional)*

Full time employees are provided the protection of accident and sickness disability benefits.

Short Term Disability Benefits - Subject to the utilization of accumulated sick leave or the expiration of ten (10) consecutive business days, whichever is greater, an eligible employee may receive short term disability benefit payments for total disability at the rate of 66-2/3% of covered monthly salary. Short-term disability benefits are payable for a maximum of six months.

Long Term Disability Insurance. Subject to the utilization of accumulated sick leave and the expiration of 180 consecutive calendar days, an eligible employee may receive long term disability benefit payments to the attainment of age 65 at the rate of 60% of covered monthly salary.

Copies of the above mentioned benefit plans are provided to the employee at the time an employment offer is made.

f) **Life Insurance.** *(Optional)*

Full time employees are provided life insurance in accordance with the master contract or certificate. Premiums for this program are paid by the parish.

Section J: WORK HOURS

1. **Normal Work Hours.** Regular work hours shall be established for each parish employee.

Attendance during all scheduled hours of work, reporting for work on time and continuing to work to the end of the work period are expected of every employee. Unsatisfactory attendance, including reporting late or quitting early, may be cause for disciplinary action, including discharge.

2. **Overtime.** All employees, except those exempted as executive, supervisor or professional, are covered by the overtime provisions of the

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Federal Fair Labor Standard Act of 1938. All Non-Exempt employees who work beyond 40 hours per week will be compensated at a rate of time and one-half for their overtime. All overtime pay must receive prior written authorization of the employee's immediate supervisor.

Section K: PERFORMANCE ISSUES/IMPROVEMENT TECHNIQUES

The parish expects employees to perform their assigned duties at performance levels acceptable to the parish; to render prompt, courteous, and efficient service; to conduct themselves in accordance with established policies, procedures, and directives; and to comply strictly with all laws, rules, and regulations applicable to their activities.

Performance Improvement/Disciplinary Action:

The normal sequence of performance improvement and disciplinary action should occur as outlined below. The duration of each step will depend upon the supervisor's view of the seriousness of the situation.

1. Informal Counseling
2. Written warning and counseling
3. Final Warning
4. Suspension
5. Discharge

The discipline system is normally, but not rigidly used. In some cases, extra steps may be added, and in others, steps may be skipped, depending on the pastor/pastoral coordinator/administrator's (hereinafter referred to as administrator) view of the specific facts of a given case. However, in cases of discharge, the parish administrator may not discharge an employee without the approval of the Diocesan Director of Administration and Finance, as provided in paragraph 5 below. In all cases, the parish's decision on whether an employee has engaged in misconduct, on the level of discipline, and on administration of this procedure (including whether an employee has adequately met performance or conduct goals or standards) will be made at will in the parish's discretion.

1. **Informal Counseling:**

When the administrator becomes aware of a problem with an employee's conduct or performance which is not viewed as serious, the administrator will counsel the employee involved on an informal basis.

The purpose of informal counseling is to make the employee aware that his or her conduct is not acceptable. The seriousness of the problem and the possible consequences of inaction on the part of the employee in correcting the problem will generally be outlined in writing and specific policies, which apply to the situation, will be reviewed.

2. **Written Warning and Counseling:**

In cases of a repeated or more serious conduct problem, the administrator will counsel the employee involved on a formal basis.

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The purpose of the written warning and counseling is to discuss the nature of the problem and specific steps to be taken by the employee in correcting the problem.

The written warning will include the date, a description of the problem, specific corrective action to be taken by the employee over a designed period of time, and the signature of person issuing written warning.

The employee will review the written warning; add any comments desired, and sign to acknowledge receiving the warning. The administrator will sign the warning, which will also be filed in the employee's personnel file.

See Section L for Complaint/Reconciliation Procedure.

If improvement satisfactory to the administrator does not occur within the specified period after the warning, but the administrator does not view the problem as serious enough to call for a final warning or immediate probation, another written warning and counseling session will normally take place.

3. **Final Warning:**

If employee's conduct is seriously deficient, or if an employee fails to improve to the administrator's satisfaction following one or more written warnings, the administrator will place the employee on final warning.

The purpose of the final warning is to resolve the problem situation during a designated period. Failure to correct the situation to the administrator's satisfaction within the designated period will normally result in discharge.

A final warning will normally be given in conjunction with a special performance appraisal (or an annual performance appraisal, if due).

The administrator will designate specific corrective measures or tasks and levels of accomplishment required of the employee, using the appraisal form or appropriate documentation.

The Diocesan Director of Administration & Finance will assist the administrator in determining the appropriateness of the performance objectives, the existence of proper documentation, and the length of the final warning period.

The administrator will meet with the employee and explain the specific corrective actions, levels of accomplishment, the length of the final warning period, and the possibility of discharge if the problem is not resolved accordingly.

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The performance appraisal and/or other appropriate documentation will be signed by the employee and administrator. The final warning period is not to exceed ninety (90) days for a conduct problem.

Documented progress reviews will normally be held monthly during the final warning period.

- a) **Removal from the Final Warning Status:** If progress reviews are satisfactory, the employee will be removed from final warning status at or before the end of the designated period.

Upon an employee's removal from final warning status, a special performance appraisal indicating the satisfactory level of performance achieved in the final warning period will be completed by the administrator and signed by the employee.

- b) **Return to Final Warning Status:** If the administrator believes an employee's performance of conduct warrants a return to final warning status for the same problem, the employee may be returned to final warning status, or discharged.

4. **Suspension:**

Suspensions from employment without pay may be applied in rare situations where it is decided by the administrator and Diocesan Director of Administration & Finance that it is in the best interest of the parish and the employee.

Suspensions may also occur pending investigation of conduct raising a serious disciplinary issue.

5. **Discharge:**

Discharge from employment will occur when the parish concludes that an employee has engaged in repeated or serious unacceptable behavior, or when the final warning period progress reviews indicate that the

employee's performance or conduct has not improved to the satisfaction of the responsible administrator.

The administrator will prepare a written request for discharge and forward all documentation to the Diocesan Director of Administration & Finance. The Director of Administration & Finance assumes the responsibility for the discharge procedure, including approvals.

All discharges of parish personnel must be approved by the Diocese Director of Administration & Finance. No administrator may discharge an employee without this approval. An administrator may, however, suspend an employee, to allow all concerned parties time to gather necessary information and obtain approval.

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Section L: EMPLOYEE COMPLAINT/RECONCILIATION PROCEDURE

(Note: Decisions involving discharge under Section K of these policies, shall not be subject to this Employee Complaint/Reconciliation Procedure, Section L)

The parish believes that reasonable people can solve problems. When there is a work-related problem, whether a complaint or a difference of opinion, there shall be an earnest effort on the part of the employee and the parish to settle disputes promptly.

If an employee has a complaint regarding any aspect of employment with the parish, the matter should first be discussed with the parish administrator.

If the complaint is not resolved through discussion, the employee should submit a formal written summary of the issue to the administrator. Every attempt will be made to investigate and resolve the issue.

After seven (7) days, if the matter is still unresolved, a complaint may be filed with the Diocesan Chancellor. At that time the procedure outlined below will be followed.

1. A Review Committee shall be established and consist of three (3) members.
 - a) one person selected by the complainant
 - b) one person selected by the local employer (parish)
 - c) one person selected by the above two representatives of the complainant and employer.

Selections by the complainant and employer will be made from within the Diocese of Marquette. Selections must be submitted to the Chancellor from the following: employees, priests, past or present members of parish councils or school boards/commissions. Selections cannot be made from the parish involved in the complaint.

The two members selected by the complainant and the employer will together select a third member of the Review Committee. If consensus for

the third member is not reached, the Chancellor will provide a list of five possible choices. Each party will in turn eliminate one name until a single name remains.

The selection of the Review Committee is to be completed within seven (7) days. If the two members who were selected by the complainant and employer cannot agree on a third member, they will have seven (7) days to make the selection utilizing the diocesan list.

2. The Review Committee shall investigate and decide the merits of the complaint within thirty (30) days of the receipt of the complaint.
3. The standard operating procedure for the Review Committee shall be as follows:

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- a) The committee shall select one member as the chairperson to facilitate the hearing.
 - b) The complainant shall present his/her case, all evidence and all witnesses.
 - c) The employer shall present his/her case, all evidence and all witnesses.
 - d) Questions on the part of the committee members may be made to either party at any time.
 - e) The committee shall then seclude itself and reach a conclusion on the basis of the information gathered at the meeting.
4. The written decision will be sent by the Review Committee to the employee, employer and the Diocesan Chancellor within two (2) days of the meeting.

Rules of Complaint/Reconciliation Processing:

1. A complaint must be presented by the employee within (1) calendar month after the alleged violation might reasonably have become known to exist.
2. For the purpose of the complaint/reconciliation procedure, the day on which action is taken shall not be part of any time limit provided.
3. Time limits may be waived upon the express written consent of both parties and the agreed to date shall prevail.
4. A complaint not advanced to the next higher level within the time limit provided shall be deemed permanently withdrawn and as having been settled on the basis of the last answer given. A complaint not answered within the time limit, unless expressly waived, may be advanced to the next higher level by the complainant.

5. It is expressly understood and agreed that any settlement arrived at is binding upon the employee and the employer and cannot be changed.
6. It is understood and agreed that all steps of the procedure are held to a high degree of confidentiality. All meetings are to be closed meetings.

Section M: SEXUAL HARASSMENT POLICY:

(The Diocesan Policy on Sexual Harassment, adopted in 1995, is herein restated as a part of these Parish Personnel Policies.)

I. POLICY

Under State and Federal Law, sexual harassment is an unlawful employment practice. In compliance with the law, it is the policy of the Diocese of Marquette not to tolerate and condone any sexual harassment of and by its employees, volunteers and students. The diocesan policy is as follows:

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A. It is the policy of the Diocese of Marquette that all parishes, schools and institutions maintain a working and learning environment that is free from sexual harassment.

B. It is a violation of this policy for anyone who is involved with a parish, school or institution to harass an employee, staff member, volunteer or student through conduct or communications of a sexual nature as defined in Section II.

II. DEFINITIONS

A. Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when:

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

B. Sexual harassment, as set forth above, may include, but is not limited to the following:

- * verbal harassment or abuse
- * written harassment or abuse
- * pressure for sexual activity

- * repeated remarks to a person, with sexual or demeaning implications
- * unwelcome touching
- * suggestions or demanding sexual involvement accompanied by implied or explicit threats concerning one's position, employment, grades, etc.

III. IMPLEMENTATION OF POLICY AND PROCEDURES

Parishes/institutions, its employees, volunteers and students, are directed to abide by the above diocesan policy prohibiting sexual harassment, and are to utilize the following administrative procedures in dealing with sexual harassment cases.

If the complainant is an employee of the Diocesan Administrative Offices, the Employee Complaint and Reconciliation Procedure in the Diocesan Administrative Office Personnel Policies shall be utilized. If the complainant is not an employee of the Diocesan Administrative Offices the following procedure shall be utilized:

1. Any present or former employee, volunteer, student or job applicant, who believes that he/she is the victim of unwelcome sexual harassment should make a written report of the incident or situation to their parish/institution

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management as promptly as possible. The report should include a detailed description of the incident, the date(s) when the incident(s) occurred and the names of the parties involved. (See attached Sexual Harassment Report Form.)

In instances where the parish/institution management or the Vicar is the accused, refer to the following:

(A) If parish/institution management is the accused, the report will be submitted to the Vicar, who will conduct the investigation.

(B) If the Vicar is the accused, the report will be submitted to the Diocesan Chancellor, who will appoint a substitute Vicar to conduct the investigation in place of parish/institution as described in 2(A).

2. (A). INVESTIGATION BY PARISH/INSTITUTION OR VICAR: The parish/institution management should immediately conduct a thorough and impartial investigation of any reported situation in which sexual harassment is alleged. The following steps will be used in conducting the investigation:

STEP ONE: Parish/institution will investigate the allegations and will make every effort to resolve the issue through separate discussions with the complainant, and with the alleged harasser, or a joint discussion with both parties.

STEP TWO: If the claim is judged to be sexual harassment by parish/institution management, remedial action will be taken, which may include dismissal from employment.

STEP THREE: If the judgment as to whether the matter is/is not sexual harassment is not acceptable to both parties, or the matter has not been resolved after 21 days from the date of the formal written report, parish/institution management will refer the matter to the Vicar as described in Step Four.

STEP FOUR: A Review Committee representing both genders will be convened by the Vicar, who will serve as Facilitator/Chairperson and be a non-voting member. The Review Committee will consist of:

- 1) an administrator of a parish/institution, other than from the involved unit
- 2) an employee from a parish/institution, other than from the involved unit
- 3) a member at large

The committee's operating procedure will be as follows:

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The committee shall review the parish/institution's investigation and will make whatever additional investigation the committee feels is appropriate. The committee will also allow both parties the opportunity to personally state their positions to the committee. The committee shall reach a conclusion which shall be presented to the parties within two (2) working days of the decision. If either party feels aggrieved by the decision, that party may request review by the Diocesan Chancellor. Such a request must be in writing within seven (7) days of the date the party receives the committee's decision.

If the claim is judged to be sexual harassment, remedial action will be taken as outlined in Step 2 above.

(B). **REVIEW BY DIOCESAN CHANCELLOR:** In cases where the results of the investigation by parish/institution or Vicar are not deemed acceptable, the Vicar will make a written report of the matter directly to the Diocesan Chancellor, who will decide whether to utilize Procedure 1 or Procedure 2, below:

PROCEDURE 1: The Chancellor shall review the investigation by the parish/institution or Vicar, as provided in 2(A) above and may make any additional investigation as deemed appropriate. The Chancellor will then either affirm or reverse the earlier decision. The decision by the Chancellor will be final. If the decision results in a conclusion of sexual harassment, remedial action will be taken as outlined in Step 2 above.

PROCEDURE 2: A Review Committee representing both genders will be formed by the Chancellor. The committee will consist of six individuals, plus the Diocesan Director of Administration & Finance, who will serve as Facilitator/Chairperson and be a non-voting member. The other members of the Review Committee will be selected, as follows:

- 1) an administrator of a parish/institution other than from the involved unit
- 2) an employee from a parish/institution other than from the involved unit
- 3) a priest
- 4) an attorney
- 5) the Diocesan Director of Catholic Education/Formation or their designee
- 6) Chancellor (may serve as a non-voting member of the committee)

The committee's operating procedure will be as follows:

- a) The individual shall present their case, all evidence and all witnesses.
- b) The accused harasser shall present their case, all evidence and all witnesses.
- c) Both parties shall have an opportunity for rebuttals.
- d) The committee shall make the final determination as to the formalities of the hearing and the evidence to be received.

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- e) The committee shall seclude itself and reach a conclusion on the basis of the information gathered and report its findings to the Chancellor. The committee's decision will be final.
- f) The Chancellor will inform the parties of the committee's decision within two working days.
- g) If the claim is judged to be sexual harassment, remedial action will be taken as outlined in III, Step 2.

3. The Facilitator/Chairperson of a Review Committee will instruct the committee members regarding issues of confidentiality.

Section N: POLICY FOR MAINTAINING SAFE ENVIRONMENT

(The following is a summary of the Diocesan Safe Environment Program Policies & Procedures. The complete policy can be found on the diocesan website, and in a parish binder entitled Diocesan Safe Environment Program Policies & Procedures. The Diocesan Safe Environment Program Policies and Procedures Manual is hereby fully incorporated by reference into these Parish Personnel Policies.)

The Diocese of Marquette is committed to creating, providing and maintaining safe environments in all its parishes, schools, and other institutions so that all persons, especially children, young people and vulnerable adults will be protected as far as possible from all harm, including physical and sexual abuse. This policy is in compliance with *The Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, November, 2002.

The policy has three separate components, as follows: (1) Employee & Volunteer Program, (2) Parent Program, and (3) Children's Program.

The Diocese expects its priests, deacons, other ministers, employees and volunteers to help protect children, young people and vulnerable adults by demonstrating the Church's care and love for all people and by observing the Church's teachings on sexual morality.

All priests, deacons, other ministers, parish/school employees, and adult volunteers who have regular contact with children, young people and vulnerable adults are required to:

- Authorize a criminal background check and receive a satisfactory report, or when not possible, complete an approved alternative.
- Complete the Safe Environment Adult Awareness Training Session and follow-up requirements.

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- Review and observe the *Diocesan Policy on Sexual Misconduct in Ministry* and the *Code of Ethical Standards for Ministry to Minors*.

Failure to comply with these requirements will result in the removal of the person from employment, ministry or the denial of volunteer service within the Diocese.

Section O: ELECTRONIC COMMUNICATION POLICIES

The Diocese of Marquette is solicitous about unity and excellence in the mission of the Church in its public image. Accordingly, the Diocesan Parishes, Schools and Institutions of Marquette offer this handbook as a statement of standards and policies to ensure proper management and efficient and effective use of all electronic media and services*, telephones, voice mail, facsimile machines, wire services, etc. for the staff and volunteers of the Diocesan Parishes, Schools and Institutions.

The policies presented herein apply to all clergy, staff members, full or part-time, temporary and volunteers of the Diocesan Parishes, Schools and Institutions. These policies will address standards for utilization of all electronic media and services.

The policies contained in this handbook supersede all other policies. The Diocesan Parishes, Schools and Institutions reserve the right to change them at any time without prior notice as may be reasonable under the circumstances.

**Electronic media and services include computers, email, access to the Internet and external electronic bulletin boards, etc.*

STATEMENT ON STANDARDS FOR UTILIZATION OF ELECTRONIC MEDIA AND SERVICES

The Diocesan Parishes, Schools (this includes all single parish and multi parish Catholic Schools), and Institutions in the Diocese of Marquette use electronic media and associated services because they make communication more efficient and effective, and because they are valuable sources of information. The Diocesan Parishes, Schools and Institutions recognize that communications provide great benefits to the Church, society, and individuals. On the other hand, their inappropriate use can result in much harm. These policies are intended to create an atmosphere of freedom necessary for productive, beneficial use and to deter inappropriate or harmful use.

In the advocacy of public policy and the provision of services, the Diocesan Parishes, Schools and Institutions of Marquette increasingly use electronic forms of communication and information exchange. Employees may have access to electronic media and services.

Electronic media and services provided by the Diocesan Parishes, Schools and Institutions are the said employer's property. The purpose is to facilitate the business of the Diocesan Parishes, Schools and Institutions.

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With the rapidly changing nature of electronic media and the net etiquette (a.k.a. "netiquette") which is developing among users of external on-line services and the Internet, this policy cannot lay down rules to cover every possible situation. Instead, it expresses the Diocesan Parishes', Schools' and Institutions' philosophy and sets forth general principles to be applied to the use of electronic media and services.

The policies of this manual apply to all electronic media and services which are

- Accessed on or from the Diocesan Parish, School or Institution premises;
- Accessed using the Diocesan Parishes', Schools' and Institutions' computer equipment or via Diocesan Parish, School or Institution paid access methods, and/or
- Used in a manner which identifies the individual with the Diocesan Parish, School or Institution.

POLICIES FOR THE UTILIZATION OF ELECTRONIC MEDIA AND SERVICES

Statements

Electronic media and services are primarily for Diocesan Parishes', Schools' and Institutions' business use. Limited, occasional and incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable - as is the case with personal phone calls. All electronic messages, documents, files, records and other computer data are the property of the Diocesan Parishes, Schools and Institutions.

The Diocesan Parishes, Schools and Institutions may routinely monitor usage patterns for both voice and data communications (e.g., site accessed; peak utilization times;

number called and length of call) in order to analyze costs and manage communication equipment and services.

The Diocesan Parishes, Schools and Institutions also reserve the right to review any employee's electronic files, messages and usage to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other Diocesan Parish, School and Institution policies. There may also be other business or legal reasons for the Diocesan Parishes, Schools and Institutions to access or to disclose any employee's electronic files or messages.

Policies

1. Electronic media may not be used for knowingly transmitting, retrieving or storing any communications of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene, pornographic or X-rated communications, or for "chain letters," or for any other purpose which is illegal or against Diocesan Parishes', Schools' and Institutions' policy or contrary to the interest of the Diocesan Parishes, Schools and Institutions. Child pornography, including through the Internet, is a civil crime. It is civilly punishable by imprisonment. Internet child pornography can be detected by law enforcement officials and by those conducting computer repairs. Examples of

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forbidden transmissions include sexually explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on sex, race, age, national origin, or religious or political beliefs.

2. At no time should the Diocesan Parish, School or Institution property be used for personal commercial transactions nor for the establishment of personal Web pages.
3. Electronic information created and/or communicated by an employee using e-mail, word processing, spreadsheets, voice mail, telephones, Internet/BBS access, etc. will not generally be monitored by the Diocesan Parishes, Schools and Institutions. Employees should not assume electronic communications are totally private and confidential.
4. Uploading data onto or downloading data from the Diocesan Parish, School or Institution computer equipment without the expressed approval of the Pastor/Pastoral Coordinator/Principal is prohibited.
5. Individuals may not use electronic communications to transmit any messages that should not be read by a third party. For example, individuals should not use the Diocesan Parish, School or Institution e-mail for gossip, including personal information about oneself or others, for forwarding messages under circumstances likely to embarrass the sender, or for emotional responses to business correspondence or work situations. In any event, use of electronic

media for such purposes as soliciting or proselytizing for commercial ventures, personal causes, or outside organizations or other similar, non-job related solicitations is prohibited.

6. Employees must respect the confidentiality of other people's electronic communications and may not attempt to "hack" into other systems, or use other people's log on ID's without authorization, or "crack" passwords, or breach computer or network security measures, or monitor electronic files or communications of other employees or third parties except by explicit direction of Diocesan Parish, School or Institution.
7. Each employee who uses any security measures or information service must provide a sealed hard copy record (to be retained in a secure location) of all of his/her computer information service passwords for the Diocesan Parish, School or Institution use, if required. (Example: There may be a need for the Diocese Parishes, Schools and Institutions to access an employee's system or files when he/she is away from the office.)
8. No e-mail or other electronic communication may be sent which attempts to hide the identity of the sender or represents the sender as someone else or from another company.
9. Employees must not deliberately or willfully use electronic media or services to cause damage to computer equipment or software or assist others in doing so. (Example: deliberately spreading a computer virus.)
10. No employee, including system administrators and supervisors, may use outside materials (games, disks, personal software), excluding music CDs, on the Diocesan Parish, School or Institution office and laptop computers.
11. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner or a single copy for reference use only.
12. Any messages or information sent by an employee to one or more individuals via an electronic network (e.g., bulletin board, online service, or Internet) are statements identifiable and attributable to the Diocesan Parishes, Schools and Institutions. While some users include personal "disclaimers" in electronic messages, it should be noted that there would still be a connection with the Diocesan Parishes, Schools and Institutions. All electronic communications sent by employees must comply with this and other Diocesan Parish, School or Institution policies and may not disclose any confidential or proprietary information. Employees are responsible for protecting Diocesan Parish, School or Institution property, including, but not limited to, data files and intellectual property.

13. The use of "chat rooms" is prohibited. Chat rooms can be an open communications forum for the exchange of many types of discussions. Topics can range from idle talk to very confidential and personal information. Any response to these discussions can be misinterpreted as professional advice or counseling and create liability for the Diocesan Parishes, Schools and Institutions. In addition, the unmonitored nature of such a communications forum could result in the posting of defamatory or offensive material. The use of "chat rooms" by Schools is permitted if they are a required and an integral part of a distance learning curriculum requirement (i.e. the Jason Project: science curriculum).
14. The use of the Internet by Diocesan School students shall be completely supervised, at all times. Students should be instructed on what to do should they go into a prohibited site.
15. All activities using the World Wide Web sites must be kept in good taste, presenting a positive, professional image of the employee and the Diocesan Parishes, Schools and Institutions. Employees must practice appropriate "netiquette" customs. Use of inflammatory language (a.k.a. "flaming") must be avoided. Network services and World Wide Web sites can monitor access and usage and can identify at least which company - and often which specific

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individual - is accessing their services. Thus accessing a particular bulletin board or Web site leaves the Diocesan Parishes', Schools' and Institutions' identifiable electronic "tracks" even if the employee merely reviews or downloads the material and does not post any message.

16. Diocesan policy allows pastors, associate pastors, and pastoral coordinators to use parish computers for personal use (e.g., e-mail, web access) outside of "parish office hours" as long as prohibited activities, as outlined in the policy, are not conducted.
17. An employee's access privileges to electronic media and services are determined by the Diocesan Parish, School or Institution pastor/pastoral coordinator/principal.
18. Each employee must limit the time spent using electronic media and services to an amount appropriate to his/her task or job responsibilities.
19. All information created for broad public dissemination through electronic media must have prior approval by an employee's immediate supervisor.
20. Modification of forms created by the Diocesan Parish, School or Institution to facilitate the flow of information through electronic media is prohibited.

21. Employer provided electronic games may be used during a regular scheduled break or lunch hour. Employees need to demonstrate, however, a sense of responsibility and may not abuse the privilege. Games or other entertainment activities that communicate using the Internet are prohibited.
22. Access to the Diocesan Parish, School or Institution system through home and/or private computers is allowed only after permission by the Diocesan Parish, School or Institution pastor/pastoral coordinator/principal.
23. Any employee found to be abusing the privilege of the Diocesan Parish, School or Institution facilitated access to electronic media or services will be subject to corrective action, up to and including discharge, and/or risk having the privilege removed from himself/herself and possibly other employees. Any corrective action taken shall be in compliance with the Diocesan Parishes', Schools' and Institutions' Personnel Policies.

Revised by diocese on _____
Adopted by parish on _____

SEXUAL HARASSMENT REPORT FORM

A. Statement of Policy Prohibiting Harassment:

The Diocese of Marquette maintains a firm policy for parishes/school/institutions prohibiting all forms of discrimination. All persons are to be treated with respect and dignity. Harassment by any person -- male or female -- which creates an intimidating, hostile or offensive environment, will not be tolerated under any circumstances.

B. Report Form:

Name: _____

Home Address: _____

Home Telephone: _____ Work Telephone: _____

Parish/School or Institution: _____

Address: _____

Date(s) of alleged incident(s): _____

Name of person you believe harassed you: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (attach additional pages, if necessary.)

This complaint is filed based on my honest belief that _____ has harassed me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Signature: _____

Date: _____

Received by: _____

Date: _____

(Implemented in 1995)

SAMPLE