

DIOCESE OF MARQUETTE

POLICY ON SEXUAL HARASSMENT

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:

- 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 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 Dean is the accused, refer to the following:

- (A) If parish/institution management is the accused, the report will be submitted to the Dean, who will conduct the investigation.
 - (B) If the Dean is the accused, the report will be submitted to the Diocesan Chancellor, who will appoint a substitute Dean to conduct the investigation in place of parish/institution as described in 2(A).
2. (A) INVESTIGATION BY PARISH/INSTITUTION OR DEAN: 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 Dean as described in Step Four.

STEP FOUR: A Review Committee representing both genders will be convened by the Dean, 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:

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 Dean are not deemed acceptable, the Dean 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 Dean, 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.
- 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.

By means of this general decree, I hereby establish the above policy as particular law within the ecclesiastical region of the Diocese of Marquette and as binding upon the faithful of the same Diocese of Marquette, according to the norms of the Code of Canon Law (1983).

May 22, 2000
Date

Most Reverend James H. Garland
Bishop of Marquette

Reverend Alex K. Sample
Ecclesiastical Notary

DIOCESE OF MARQUETTE

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)