

Appendix 4

DIOCESE OF SAN BERNARDINO
SAFE ENVIRONMENT POLICY FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE AND
CODE OF PASTORAL CONDUCT

Human Resources HARASSMENT POLICY

The Diocese of San Bernardino strives to provide a work environment where all persons treat each other with dignity and mutual respect in accord with Christian principles and the social teachings of the Church. Therefore, the Diocese of San Bernardino is committed to providing a work environment that is free from harassment in any form.

Definition

Harassment occurs when an individual is subjected to treatment or a work environment which is hostile or intimidating because the individual's gender, race, color, national origin, physical disability or life style choice. Harassment of any person working for the Diocese by any lay employee, contractor, priest, religious or volunteer is strictly prohibited

- A charge of harassment shall not, in and of itself, create the presumption of wrongdoing. However, substantiated acts of harassment will result in disciplinary action, up to and including termination.
- Persons found to have filed false or frivolous charges will also be subject to disciplinary action, up to and including termination.
- The policy applies to actions in the workplace and to off-site work-related activities.

Dissemination of Policy

- Every employee, volunteer and contractor with the Diocese, including all priests and religious, and deacons, shall be provided with a copy of this policy and shall be required to acknowledge receipt of same in writing.

Types of Prohibited Behavior

- Verbal harassment: Includes comments, jokes, threatening words spoken to another person that are offensive to the recipient.
- Visual harassment: Includes, but is not limited to, derogatory, demeaning or inflammatory posters, cartoons, written words, drawings or gestures .
- Physical harassment: Includes, but is not limited to, unwanted physical touching, contact, assault, deliberate impeding or blocking movement, or any intimidating interference with normal work or physical movement.
- Sexual harassment: Includes, but is not limited to, unwelcome sexual advances, implicit or explicit requests for sexual favors and other verbal or physical conduct of a sexual nature when any or all of the following occur:
 - When the submission to requests for sexual favors is implicitly or explicitly made a condition of employment, continued employment, promotion, pay, or conditions of employment. (quid pro quo)
 - Verbal, physical or visual conduct that creates an intimidating, offensive or hostile working environment or interferes with work performance.
 - The use of one's status within the Diocese to gain sexual favors or any attempt to offer to engage in such arrangements.
 - Making sexual gestures or sexually explicit comments that are demeaning and/or create a hostile work environment to a person of average sensibilities.
 - Displaying visual materials, or manner of communication that is commonly considered demeaning, hostile or intimidating.
 - Distributing sexually explicit/harassing documents such as memos, letters, pictures, books, notes, and e-mail to employees.

Guidelines

The following behaviors may be subject to individual interpretation; therefore, it is important to avoid any behavior, regardless of intent or presence of malice, which may be perceived or interpreted as being sexually or professionally inappropriate.

- Inappropriate or unnecessary touching of individuals.
- Use of suggestive language and/or stories or jokes.
- Offensive comments regarding clothing worn by employees.
- Making inappropriate inquiries into personal affairs of employees when such inquiries are not required to address a performance issue.
- Behaving or dressing in a manner that would cause inappropriate attention to your person.

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Filing a Complaint

In order to maintain a positive work environment, all employees must work together to insure that harassment of any type is not ignored. Harassment is often interpreted as being personally directed. Therefore, the policy can only be effective if the offensive behavior is reported in a proper and timely manner.

All incidents of harassment must be reported to the Director of Human Resources by whomever receives the initial report.

- Whenever reasonable to do so, the offended party should inform the harasser that their behavior is unwelcome and offensive.
- If the behavior does not stop or if the offended party cannot approach the harasser, then he/she must report the behavior to his/her immediate supervisor.
- If the offended party does not believe that making the report to his/ her immediate supervisor is a reasonable step then he/she should report the behavior to the next higher level within the department/office/parish.
- Absent the above, the offended party should report the offensive behavior to the Director of Human Resources.
- Initially an oral report of the incident (s) is acceptable; however, a written report will also be required.

Investigation Procedure

Upon receipt of a report an investigation will take place. Every effort will be made to maintain confidentiality, however, in the course of the investigation, some individuals may be involved on a need-to-know basis.

- 1) The investigation will include interviews with the offended party and any witnesses named by that party. Any documents supporting the report will be gathered as part of the case file.
- 2) A meeting with the alleged harasser will take place, whereupon all of the findings will be discussed. That person will be given an opportunity to reply to each allegation.
- 3) If it is found that the allegations are substantiated, immediate and appropriate disciplinary measures will be taken. The severity of such steps will depend on the degree of harassment, the harasser's level of responsibility within the Diocese and other circumstances surrounding the harassment. Such action could include a written warning, demotion, delay of promotion or pay increase, suspension without pay or termination of employment.
- 4) The results of the investigation shall be documented and a report given to the offended party.
- 5) In the event that the offended party is not satisfied with the results of the investigation, he/she can appeal the decision to the Director of Human Resources. This appeal must be made in writing. Subsequent to that the Director will meet with the individual to discuss the reasons for his/her dissatisfaction. If it is found that all required steps were taken to address the issue and the results were based on objective findings and no other course of action was warranted, then the decision of the Director, in consultation with Diocesan authorities, shall be final.
- 6) In the event that a review by the Director of Human Resources results in further investigation and a modification of the decision is made, then the revised decision of the Director, in consultation with Diocesan authorities, shall be final.

"I agree to comply with the policies and regulations set forth in this policy. I understand that agreement to do so is a condition of providing services to the Diocese of San Bernardino."

Print Name _____ Signature/Date: _____

Copies are available from the Office of Human Resources

AFFIDAVIT OF COMPLIANCE

POLICY AGREEMENT BETWEEN:
THE DIOCESE OF SAN BERNARDINO AND _____

1. Training for:

- the Diocese of San Bernardino Safe Environment Policy for the Protection of Children & Young People,
- the Code of Pastoral Conduct AND the
- the California Child Abuse and Neglect Reporting Law

As an employee or volunteer, I have successfully completed the required safe environment training. This includes the main concepts for the *Diocese of San Bernardino Safe Environment Policy for the Protection of Children and Young People / Code of Pastoral Conduct*. A copy of the certificate for this required training can be found on the Virtus website. (I am still compliant with the required training in effect prior to July 1, 2013 and have given the parish/school a copy of the certificates.) I understand and will comply with these policies.

2. California Child Abuse and Neglect Reporting Law (Safe Environment Policy #VII)

As an employee or volunteer who is required to complete required training that includes the main concepts for the *California Child Abuse and Neglect Reporting Law*. I understand that:

According to the California law, I am a mandated reporter. Yes ___ No ___.

1. If yes, I understand and will comply with Section 11166 of the Penal Code of the State of California.

I know and understand that the law requires of mandated reporters:

- ❖ if there is knowledge or suspected knowledge of child abuse of a minor, a report to the appropriate State Agency must be made immediately or as soon as practically possible by telephone;
- ❖ after the report by phone, prepare and send a written report to the appropriate State Agency within 36 hours of receiving the information concerning the incident.

2. If no, I understand by law I am not a mandated reporter but if I become aware of child abuse or neglect I know the procedures to follow and will follow them. I also understand that the CA law provides that a discretionary report can be made. I also understand the Safe Environment Policy of the Diocese of San Bernardino regards me as a discretionary reporter and the Diocesan policy calls this a Policy Reporter.

3. Confidentiality (Code of Pastoral Conduct #2)

As an employee or volunteer I am aware that the persons, conversations, materials and data with which I come in contact and to which I have access are to be treated in a confidential and in a professional manner.

Any knowledge of confidential information is to be used only in the conduct of official business of the Catholic Diocese of San Bernardino.

Violations of this Confidentiality/Child Abuse Reporting Agreement can result in disciplinary action and/or dismissal.

Employee's or Volunteer's Signature

Printed Name

Date

Pastor, Pastoral Coordinator, Priest
Administrator, DPC Director or
Principal for the Diocese of San Bernardino

Printed Name

Date

(Add Supervisor where applicable)

Printed Name

Date

For Office Use: _____