

Archdiocese of Kansas City in Kansas Harassment Policy

February 2007

1 POLICY

1.1 The Archdiocese is committed to a productive workplace that reflects Catholic values, teachings and professionalism. All who serve are to be treated with respect and dignity. All personnel are to model respectful conduct towards all other personnel. Unlawful harassment and other types of behavior that may be offensive or intimidating to coworkers and volunteers are unacceptable and will not be tolerated.

1.2 Harassment may take many forms. Physical, psychological and verbal intimidation and harassment on the basis of race, color, sex, national origin, religion, age or disability by Archdiocesan personnel, which includes all clergy, presidents and principals of schools, administrators, consultants and directors of ministries and services, officers and affiliates, lay employees and volunteers, is contrary to Christian morals and principles, may violate federal and state law and is certainly outside the scope of the duties of church ministry, employment and volunteerism.

1.3 The workplace is for work. The goal of the Archdiocese is to provide a work atmosphere free of tension created by non-work related conduct, including racial, ethnic or sexual remarks, animosity or other similar conduct.

1.4 Retaliation for making a complaint of harassment is strictly prohibited.

1.5 Complaints about harassing behavior brought by the alleged victim or witness to the behavior will be promptly and thoroughly investigated commensurate with the facts and circumstances. Substantiated complaints of harassment or retaliation for reporting harassment will result in appropriate disciplinary action up to and including termination of employment.

2. DEFINITIONS

2.1 *Harassment* includes behaviors directed toward another in the workplace that are offensive and intimidating, including but not limited to, improper physical contact, offensive comments, and display, transmission or known possession of offensive material. Such conduct need not be unlawful to constitute prohibited harassment. Racial and ethnic slurs, telling jokes that make fun of people's disabilities, sex,

heritage or social status and disparaging another's religious practices are a few examples of harassing behavior.

2.2 ***Unlawful Harassment*** includes ***harassment*** on the basis of race, color, sex, national origin, religion, age or disability that violates state and federal laws and generally interferes with a person's work performance or creates an intimidating, hostile or offensive working environment. Unlawful harassment includes not only the offending conduct of personnel, but also that of any vendor, visitor, volunteer or other person engaging or interacting with personnel in the workplace.

2.3 ***Sexual Harassment*** is a type of harassment and includes unwelcome sexual advances, requests for sexual favors and other verbal, written and physical conduct of a sexual nature when submission to such conduct is made a term or condition of employment; or, when submission to or rejection of such conduct is the basis for employment decisions; or when such conduct unreasonably interferes with a person's work performance or creates an intimidating, hostile or offensive working environment.

2.3 .1. ***Sexual Harassment*** may take many forms, including but not limited to

- a. unwelcome sexually oriented advances or communication (oral, written or pictorial), such as lewd or suggestive jokes and comments;
- b. requests or demands for sexual favors;
- c. subtle pressure or requests for sexual activity;
- d. sexual flirtations and leering;
- e. persistent, unwanted attempts to change a professional relationship to a personal one;
- f. unnecessary touching of a person, *e.g.*, patting, pinching, hugging, repeated brushing against another;
- g. sexual assault.

2.4 ***Retaliation*** is a negative or punitive response to one who made a complaint of harassment, including but not limited to:

- a. disciplining or changing work assignments,
- b. termination of employment,
- c. refusal to cooperate or discuss work-related matters.

2.5 ***Supervisor*** is generally the immediate supervisor, manager or director of Archdiocesan personnel, *e.g.*, pastors, presidents and principals of schools, administrators, and directors and consultants of ministries and services. For purposes of this policy, supervisors of volunteers are those employees with supervisory authority over the volunteer activity.

3. REPORTING HARASSMENT

3.1 Any person who believes he or she has been subjected to harassment of any kind based upon race, color, sex, national origin, religion, age or disability should take the following steps:

- a. immediately inform the person engaging in the harassing conduct that the conduct is offensive and unwelcome and must stop,
- b. immediately report the harassing conduct to the individual to whom he or she is responsible or to the individual to whom the offending party is responsible if the aggrieved person does not wish to communicate with the offending person or if communication with the offending person has been ineffective,
- c. within a reasonable time, report the conduct to the offending person's supervisor if the alleged harassment has been committed by the aggrieved person's supervisor or if the supervisor fails to take prompt action upon receiving the complaint.

3.2 Personnel who claim that they have been subjected to harassment by a member of the clergy, shall promptly notify the Vicar General for Priests at the Chancery Offices.

3.3 Personnel who observe harassment or retaliation for claiming harassment against other personnel shall report immediately their observations to an appropriate supervisor or manager.

4. INVESTIGATION AND RESOLUTION OF COMPLAINTS

4.1 Allegations of harassment shall be investigated promptly and thoroughly and in as impartial and confidential manner as possible, generally by or at the direction of the individual responsible for the employing entity or the employee with oversight over the volunteer program in consultation with the Archdiocesan attorney where appropriate.

4.1.1 All investigations shall be conducted commensurate with the facts alleged. At a minimum, the aggrieved person, the alleged offender and any known witnesses shall be interviewed.

4.1.2 Efforts shall be made to treat any allegations with regard to concerns of privacy, confidentiality and legal constraints. However, assurances of complete confidentiality may not be given due to the need to conduct a thorough investigation of any complaint of harassment.

4.1.3 A written record must be maintained by the investigating authority of any investigation into a claim of harassment.

4.1.4 If, at the conclusion of the investigation, the investigator determines that the alleged harassment or inappropriate conduct more likely than not occurred, corrective disciplinary action shall be taken, even if the harassment is not deemed unlawful. Disciplinary action ranging from a written warning to termination of employment may be imposed.

4.1.5 Before terminating the employment of a person determined to have engaged in harassing conduct in violation of this policy, the investigator shall consult with the Archdiocesan attorney.

4.1.6 At the end of the investigation, the general outcome will generally be communicated to the person who reported or was subjected to the alleged harassment and any others who may have the right or need to know the outcome.

5. ASSURANCE OF NON-RETALIATION

5.1 Retaliation by any personnel against other personnel who file complaints of harassment or who participate in an investigation of harassment is strictly prohibited.

5.2 Personnel who retaliate against one bringing or participating in an investigation of harassment are subject to investigation and disciplinary action as described in Section 4 above.

Approved by the Archbishop,

A handwritten signature in black ink, appearing to read "Joseph F. Naumann", with a cross at the beginning of the line.

Archbishop Joseph F. Naumann
Archdiocese of Kansas City in Kansas
Revised: February 2007

RECEIPT

I acknowledge that I received a copy of the Harassment Policy of the Archdiocese of Kansas City in Kansas, revised effective February 2007. I have read the document, understand its meaning and agree to conduct myself in accordance with the Harassment Policy.

Signature

Print Name

Name of employer or volunteer program

Date