

## **DIOCESE OF PEORIA HARASSMENT POLICY**

### **POLICY**

Harassment, including but not limited to, sexual harassment, of any employee or other person is unethical, is illegal and is prohibited. This policy is intended to clarify the roles and responsibilities of Diocesan or parish personnel who have administrative responsibility involving the diocese, a parish, a parish institution, school or organization in situations involving possible sexual harassment. It sets forth the Diocesan response to victims.

### **DEFINITION**

The term "harassment" includes, but is not limited to, slurs, jokes, or any other form of verbal, written, graphic, or physical conduct or advances which reflect adversely on an individual's race, color, sex, religion, national origin, citizenship, age, marital status, veteran status, or physical or mental handicap. Harassment under this policy includes sexual harassment which means any unwelcome sexual advances or requests for sexual favors or any 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; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or (4) such other conduct or actions as are defined as "harassment" under the Illinois Human Rights Act as amended from time to time. Further, retaliation against a complainant or witness who initiates a case under this policy is included within the term "harassment" as used herein and shall be handled under this policy.

### **PROCEDURE**

1. This policy encourages the reporting of harassment by the person harassed (the complainant) or any witness to harassment. It includes harassment by any cleric, religious, a lay person employed by or in the diocese or its parishes, or by any volunteer of the diocese or its parishes.
2. If a complainant believes that he/she has been harassed, he/she may wish first to deal with the harassment on an informal basis with the harasser. A witness to harassment may wish to do the same. However, if harassment continues, or if a single instance of harassment is of such magnitude that the complainant or witness feels that an informal resolution is inappropriate, the harassment should be reported by the complainant or witness to his/her supervisor, department head, principal, pastor, canonical pastor, Chancellor, or Vicar General of the Diocese of Peoria. The preceding sentence does not establish "steps" of giving notice and the complainant or witness can give notice to any of those identified people. The notice of harassment should be given within ten (10) calendar days of the alleged harassment to promote a prompt and fair response.

3. Whoever receives the notice of alleged harassment from a complainant or witness should make a written account of what has been reported, the parties involved, the facts alleged, and the date of the report. This written report shall be given to the pastor, canonical pastor, Chancellor and Vicar General in a case at the parish level, and to the Chancellor and Vicar General in a case at the Diocesan level. The Chancellor shall immediately inform the Diocesan insurance carrier/administrator and the Diocesan attorney.
4. At the direction of the Chancellor and Vicar General, an investigation will be conducted of the alleged harassment. The Chancellor and Vicar General shall be responsible for determining who will serve in the investigatory role. This investigation shall include interviewing the complainant, the accused, any witnesses, and any pertinent third parties. In all cases, concern shall be shown for the alleged victim and family. Alleged offenders shall be considered for professional evaluation.
5. The Chancellor and Vicar General (in consultation with the local pastor/canonical pastor, if occurring in a parish setting) shall make an immediate determination of whether an alleged offender shall be limited in activity during the investigation. They may take such actions as they deem appropriate. Where the alleged offender is a paid employee and is to be temporarily suspended, this may be with or without pay. The alleged offender's supervisor shall be notified of the complaint, if appropriate.
6. If the harassment is alleged to have occurred at the Diocesan level, it shall be the responsibility of the Chancellor and Vicar General to determine if harassment has occurred, if harassment has not occurred, or if sufficient evidence does not exist to support a finding of whether harassment has occurred. If the alleged harassment has taken place at the parish level, it shall be the responsibility of the Chancellor, Vicar General, and pastor/canonical pastor to determine if harassment has occurred, if harassment has not occurred, or if sufficient evidence does not exist to support a finding of whether harassment has occurred.
7. If it is determined that harassment has occurred, the Chancellor and Vicar General, in cases at a Diocesan level, shall determine what disciplinary action is warranted. If it is found that harassment has taken place at a parish level, the Chancellor and Vicar General, in consultation with the pastor/canonical pastor, will determine what disciplinary action is warranted. The severity of the disciplinary action will relate to the nature, context and seriousness of the actions and can include disciplinary actions up to and including immediate termination and canonical sanction.
8. If it is determined that harassment has not occurred, the complaint and investigatory report shall not be made part of the alleged offender's general personnel file. If suspended, the alleged offender shall be fully reinstated with appropriate back pay and benefits.
9. The diocese shall notify an alleged offender's superior in the case of claims made against any non-Diocesan cleric or religious and shall keep that superior advised as to the status and outcome of the proceedings. If a claim of harassment is made in respect to a cleric of this

diocese who is working in another diocese, the Bishop of that diocese shall be notified that a claim is pending against the cleric and be advised as to additional developments which occur in the case, including the final determination. In appropriate cases, future supervisors or superiors of Diocesan clerics working outside the diocese should be advised of past offenses against this policy.

10. If a cleric is advised in a confessional setting of harassment by laity, religious or nonreligious clergy employed by or in this diocese or in a Diocesan parish, by a cleric of this diocese, or by a volunteer in this diocese or in a Diocesan parish, the cleric shall not violate the seal of the confessional. A cleric faced with such a confession should encourage the penitent to make disclosure of the alleged harassment outside the confessional setting. The diocese recognizes that it is sometimes difficult to determine whether such information confided to a priest outside the confessional setting should be disclosed under this policy. In all such circumstances, clergy should consult privately with the Bishop or Vicar General to determine if information regarding harassment should be disclosed pursuant to this policy.
11. If a determination is made that sufficient evidence does not exist to determine whether or not harassment has occurred, the Chancellor and Vicar General (in consultation with the pastor/canonical pastor, if occurring in a parish setting) may still take such actions against the alleged offender as they deem appropriate under the circumstances.
12. Alleged victims who report harassment have the right to know the general disposition of the harassment investigation.
13. Notwithstanding any of the foregoing, the diocese may suspend its investigation and determination if a criminal or civil claim is filed or is threatened in respect to the incident(s) at issue to allow for appropriate legal handling of such claim.
14. It is against the policy of this diocese, and it is a civil rights violation, for a person, or for two or more persons, to conspire and/or retaliate against a person because that person has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment, discrimination based on citizenship status and employment, or because that person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act. Any such retaliation shall not be tolerated and the person(s) accused of such retaliation shall be subject to investigation and disciplinary action under this Diocesan policy and/or under the Illinois Human Rights Act.
15. Aggrieved parties shall have the right at any time during the investigative process or upon resolution of a complaint to contact the Illinois Department of Human Rights at 222 S. College, Floor 1, Springfield, IL 62704, or the Illinois Human Rights Commission at William G. Stratton Office Building, Room 404, Springfield, IL 62706. Aggrieved parties shall be entitled to those rights and procedures established in Article 7A of the Illinois Human Rights Act (775 ILCS 5/7A) and by the Department and Commission.
16. All personnel of the diocese and Diocesan parishes should also be aware that harassment can consist of harassment of employees or volunteers by third parties who are not employees of the diocese or parish. In such circumstances, the victim or a witness should advise his/her

supervisor that such a problem exists, and the supervisor should take appropriate actions to terminate the harassment against the employee or volunteer. Notice of such harassment shall be given at the parish level by the supervisor to the pastor/canonical pastor, who shall also advise the Chancellor and Vicar General, and at the Diocesan level, the supervisor shall advise the Chancellor and Vicar General. The Chancellor and Vicar General shall monitor the case to determine what further steps may be required. Any employee or volunteer so harassed whose concerns are not addressed may proceed under this policy.

17. It is the policy of the diocese that victims must be treated justly. The Diocese presently offers a program of counseling to alleged victims of harassment. Any person who feels he or she has been harassed may contact the Chancellor and/or Vicar General to discuss the availability of counseling. The Diocese in its sole discretion shall determine whether to provide ongoing assistance and the extent thereof.
18. All clergy, religious and lay staff at the Diocese, Diocesan parishes, and Diocesan institutions should be acquainted with the seriousness of the harassment policies of the Diocese (including the Policy and Procedures Relating to Allegations of Sexual Abuse of Minors by Priests or Deacons or by Lay Employees or Volunteers). Pastors/canonical pastors should inform parish employees of this policy. The diocese shall so inform Diocesan employees.
19. The Chancellor and Vicar General shall determine on a case-by-case basis what public announcement is appropriate at any time regarding an investigation, determination, or sanction. Any requests for public comment shall be referred to the Chancellor and Vicar General.
20. If inquiries are made for a job reference for an offender, the diocese may advise the inquirer of the finding of the diocese. If a case is pending, the diocese may advise that a case is pending. In either case, the decision on whether to release such information shall be made by the Chancellor and Vicar General.
21. If the diocese is made aware the alleged offender is in a position which poses a public risk, after the diocese has made a determination that harassment has occurred or that sufficient evidence does not exist to warrant a finding, the Chancellor and Vicar General may advise the alleged offender's supervisors of the claim made to the diocese and the Diocese's determination
22. This policy shall be made known to alleged victims who report harassment.
23. This policy shall be reviewed on an annual basis.
24. This policy shall prevail over other Diocesan or parish harassment policies.