

SEXUAL HARASSMENT POLICY OF SYRACUSE CATHOLIC SCHOOLS OFFICE

STATEMENT OF POLICY AND OVERVIEW

The Catholic School Office of the Diocese of Syracuse (“CSO”), and each of its component schools (individually, “School” or collectively, “Schools”), are committed to safeguarding the right of all staff and students within the school community to work and learn in an environment that is free from all forms of illegal sexual discrimination (1), including sexual harassment. Therefore, the Catholic Schools of the Diocese of Syracuse prohibits all behavior of a sexual nature that imposes a requirement of sexual cooperation and/or tolerance of a sexually hostile work environment as a condition of employment, pay or benefits, working conditions, academic advancement or participation in any Educational or extracurricular program, or which has the purpose or effect of creating a hostile or offensive working or learning environment. (2) The CSO and its Schools, through implementation of this policy, are committed to investigating all reports of sexual harassment or other illegal gender discrimination and taking prompt and appropriate action to deter, punish, and remedy any such type of conduct. Further, they expressly prohibit any form of retaliation against any student, employee, parent, volunteer, or community member because any such person has made a report of illegal sexual discrimination or harassment, as hereinafter provided, or otherwise participated in the investigation of any such report. The Superintendent hereby charges the component school administrators with the implementation of this policy, as well as its publication to students, staff, parents and volunteers of the Schools.

-1- Except as concerns any matter for which there is a statutory or judicially recognized exception for religious institutions. SYLIB01\550740\1 –Revised 3/21/07

DEFINITIONS

Sexual harassment can take many different forms and occur in several different settings. Accordingly, the definitions used here are intended to be illustrative, and not exclusive. Sexual harassment is generally defined as unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is, either explicitly or implicitly, made a condition for evaluating a student’s academic progress or a student’s successful completion of any course of study, educational or extra-curricular activity;
2. Submission to or rejection of such conduct by a student is used as the basis for academic or extracurricular decisions affecting such student, including the acceptance into or rejection from a course or activity;
3. Such conduct has the purpose or effect of unreasonably interfering with a student’s academic performance, evaluation of a student’s academic performance or progress, participation in an educational or extra-curricular activity, or creating a sexually intimidating, hostile or offensive learning environment;
4. Submission to such conduct is, either explicitly or implicitly, made a condition for continued employment, the evaluation of an employee’s performance or the pay, benefits and/or working conditions of any employee;
5. Submission to or rejection of such conduct by an employee is used as a basis for decisions affecting an employee’s pay, benefits, work assignments, and/or working conditions;
6. Such conduct has the purpose or effect of unreasonably interfering with an employee’s ability to perform his or her work or creates an intimidating, hostile or offensive work environment.

7. Conditions exist within the school environment that allow or foster harassing activities of a sexual nature, including but not limited to, obscene pictures, lewd jokes, sexual comments and innuendo, or, among other things, sexual advances.

8. Out of school conduct, including use of the Internet, which creates or contributes to a sexually hostile environment in school, unreasonably interfering with a student's participation in an educational program, extra-curricular activity, and/or academic performance, or an employee's work performance, pay, benefits, and/or (...continued)

(2) The CSO and its component schools specifically prohibit all student-employee relationships of a sexual, quasi-sexual or romantic nature, regardless of whether they are consensual. SYLIB01\550740\1 - 2 - Revised 3/21/07, which creates an intimidating, hostile or offensive learning or working environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, including the creation of a hostile learning or work environment, the following are some examples of conduct that may constitute sexual harassment, depending upon the totality of circumstances, the severity of the conduct and its pervasiveness:

1. Unwelcome sexual advances, regardless of whether they involve physical contact;
2. Sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding an individual's sex life; comments about an individual's body, and/or comments about an individual's sexual activity, deficiencies, or prowess;
3. Displaying sexually suggestive objects, pictures and/or cartoons;
4. Unwelcome leering, whistling, brushing against the body, sexual gestures, and suggestive or insulting comments;
5. Inquiries into one's sexual experiences; and
6. Discussion of one's sexual activities.

The CSO acknowledges that in determining whether sexual harassment has occurred, the perspective of the complaint and/or victim should be considered. While the accuser's conduct and/or intention may be considered, sexual harassment may be found even where the accused has/had no intention to sexually harass another individual.

COMPLAINT PROCEDURES AND PROHIBITION OF RETALIATION

1. Appointment of Sexual Harassment Officers

The CSO's Superintendent of Schools ("Superintendent") shall appoint a Catholic School Sexual Harassment Prevention Officer (CSSHPO) for the diocesan Catholic schools. Each School shall create the position of School Sexual Harassment Prevention Officer ("SSHPO"). At the end of each academic year, each School will submit to the CSO a list of candidates for the position of SSHPO. The CSO will thereafter designate the SSHPO for each school. In Diocesan SYLIB01\550740\1 - 3 - Revised 3/21/07 secondary schools, at least one male and one female SSHPO will be appointed. The SSHPO(s) will serve from September through August of the next school year. The CSSHPO and the various SSHPO's shall receive training in the area of sexual harassment prevention and proper investigation into reports of sexual harassment. Each School shall notify the CSSHPO if its SSHPO's employment should end or its SSHPO should be unable to complete his or her duties during the academic year.

2. Reports of Sexual Harassment

The CSO and its Schools strongly encourage any student or employee who has been subjected to ("subject") or otherwise witnessed ("reporter") conduct that may comprise sexual harassment to report that conduct. Any student or employee who believes that he or she has been the victim of or witness to an incident(s) of sexual harassment may report such incident(s) to the Superintendent, CSSHPO, the Diocesan Assistance Coordinator, any administrator working in the CSO, any SSHPO, School Principal, Assistant Principal or to a School Counselor. The staff member to whom the complainant is made shall

promptly report the complaint to the SSHPO and the Principal of the School where the harassment is reported to have occurred. If the complaint concerns the SSHPO, the staff member need only advise the Principal. Any staff member who fails to report a sexual harassment complaint may be subjected to disciplinary action.

The Principal shall notify the CSSHPO and Superintendent. (3) In the event the report involves the Principal, the staff member receiving the report shall promptly notify the CSSHPO or the Superintendent of the report. In the event the complaint concerns the Superintendent, the CSSHPO.(3) In all events, unless the subject of the report, a staff member receiving such a report shall notify the Principal of the school where the alleged harassment took place and that Principal shall notify the CSSHPO and/or Superintendent of the matter. If the Principal is the subject of the report, the procedure stated *infra* shall apply. SYLIB01\550740\1 – 4 - Revised 3/21/07 CSHPPO shall notify the Chancellor of the Diocese and take such measures as are appropriate, in consultation with the Chancellor. If the CSSHPO should be the subject of the report, the Superintendent shall assume that officer's duties and take any other appropriate action. In all events, the CSSHPO will immediately consult with the Diocesan Assistance Coordinator to ensure compliance with the Diocesan Safe Environment Policy ("VIRTUS"). The CSO, in coordination with the Superintendent and Diocesan Assistance Coordinator, shall make a determination as to who will investigate the complaint (*e.g.*, the Superintendent, CSSHPO, Diocesan Assistance Coordinator, a diocesan Catholic school administrator, Principal, counsel or an outside investigator or a team of these individuals). All complaints of sexual harassment will be held in confidence to the extent practicable and as permitted by law, so as to enable a thorough investigation. While the CSO and its Schools respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy, they cannot guarantee confidentiality. Whenever a School or the CSO has knowledge or reason to believe that an instance of sexual harassment has occurred, the School and/or CSO shall, even in the absence of a complaint, cause a prompt and thorough investigation of any such incident.

3. Investigation of Reports of Sexual Harassment

Upon receipt of any complaint of sexual harassment, the CSSHPO will facilitate a thorough, prompt and impartial investigation of the report or complaint to be conducted. Barring extenuating circumstances, all such investigations shall be completed within 30 calendar days of receipt of a complaint or report. Such investigations shall be conducted according to this policy. It is the policy of the CSO that all complaints of sexual harassment shall be taken seriously and that an investigation shall be conducted to the fullest extent possible. SYLIB01\550740\1 - 5 - Revised 3/21/07 Upon completion of the investigation, the investigator shall prepare a written report that details the substance of the investigation, statements obtained, documents reviewed, the investigator's findings of fact and recommendations as to any appropriate remedial action. The investigator shall the report with the CSSHPO, who will review it for completeness. If the CSSHPO determines that additional work is required, the CSSHPO shall document what additional work is required and return the report to the investigator for completion. Upon its completion, the report shall be filed with the Superintendent's office, via the CSSHPO. The Superintendent's office shall share the report and/or the necessary content of the report, as is appropriate in each case. As set forth below, the outcome of an investigation of a sexual harassment complaint shall be related to the accused, the reporter and/or subject and, in the case of a student, the parent/guardian of an accused or subject (individually, "Interested Party"). Such information shall be given to these individuals within 30 days of the report's completion, in summary fashion, taking care to preserve any confidential material, to the extent practicable, and consistent with the law, any relevant contract, and CSO personnel policies.

4. Corrective Action Based on Investigation

If the result of the investigation indicates that sexual harassment or other inappropriate behavior has occurred, immediate and appropriate corrective action will be taken. It is the policy of the CSO to appropriately discipline an offending individual consistent with the law, CSO policy and any applicable contract or agreement. As appropriate, the School or CSO may direct remedial training. If the alleged behavior constitutes or may constitute a crime, the Superintendent shall advise the Chancellor of the Diocese, and those Diocesan officers shall facilitate the immediate notification of the appropriate law enforcement agency. SYLIB01\550740\1 - 6 - Revised 3/21/07 In the event any Interested Party should disagree with the conclusions of the investigation and/or the remedial action selected, such individual may file a written appeal of the findings to the Superintendent within 14 calendar days from the date on which the Interested Party is advised of the investigation's conclusions and the remedial action to be taken. The Superintendent shall promptly review and consider the appeal, the investigation report and any other relevant information and decide the appeal, to the extent possible, within 14 calendar days of its receipt. Thereafter, the Superintendent may amend the investigation report or alter the disposition of the matter, as appropriate, and supported by the evidence, within the Superintendent's sole discretion.

5. Prohibition of Retaliation and Follow-up to Investigation and/or Corrective Action

The CSO and the Schools prohibit any conduct that is intended, may be construed as constituting or which constitutes retaliation against a complainant or reporter for the good faith reporting of an incident pursuant to this policy, as well as against any person who testifies or otherwise provides information or otherwise assists in a sexual harassment investigation. Follow-up inquiries by the appointed investigator CSSHPO, SSHPO and/or School Principal shall be made to ensure that the reporter, subject and/or witnesses have not suffered any retaliation. In addition, the SSHPO and/or the investigator shall follow-up with such individuals at regular intervals during the school year to determine if any enacted remedies have been effective and to insure the absence of any retaliation by any student, staff, parent or other person. If the CSO reported the matter to a law enforcement agency, as detailed above, the Superintendent's Office shall follow-up with the appropriate law enforcement agency to determine the status and outcome of any criminal investigation or prosecution, and shall act as a SYLIB01\550740\1 - 7 - Revised 3/21/07 liaison with such law enforcement agency to assist it in obtaining necessary information to the extent appropriate and lawful.

TRAINING AND DISTRIBUTION OF POLICY

The Catholic Schools of the Diocese of Syracuse shall provide appropriate training to staff and students regarding awareness of and sensitivity to issues involving sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

A copy of this policy shall be distributed to all personnel, students and parents/guardians posted in appropriate places and included in all school handbooks. SYLIB01\550740\1 - 8 - Revised 3/21/07