

DIOCESE OF ST. PETERSBURG

**POLICY ON HARASSMENT
IN NON-EMPLOYMENT SITUATIONS**

In Schools, early childhood Centers, Parish Youth Ministry and Parish Religious Education Programs with Coverage for Our Lady of Good Counsel Camp and for Boy Scout Programs

SCHOOL/CENTER EMPLOYEE HANDOUTS

Nov.6, 2007

DIOCESAN BOARD OF CATHOLIC FORMATION AND EDUCATION

In-Service Training for the Policy and Procedures on Harassment in Non-Employment Situations in Schools & Early Childhood Centers

I. What Is Harassment

A. Harassment Defined

Harassment occurs in two situations. First, when unwelcome sexual advance(s) are linked with a job benefit or detriment. The threats or promises of benefits do not need to be communicated to the victim at the time the sexual advancement is made to constitute harassment. Later retaliation against a victim will make the harassment actionable.

Second, harassment occurs when unwelcome conduct creates an offensive and hostile environment that intimidates, ridicules, or offends individuals or which makes the individual's work environment unbearable. This form of harassment does not necessarily involve any specific benefit or detriment and need not be directed at one individual. Rather, it is created by verbal and nonverbal behavior disparaging an individual because of a protected status (I.e., sex, race, religion, color, gender, sexual orientation, national origin, age, marital status, familial status, veteran status or disability).

B. When is Conduct Unwelcome?

Conduct is "unwelcome" if it is sexual in nature (or based on a protected classification) and the victim did not solicit or incite it and regards it as undesirable and offensive. Consequently, the victim must let the harasser know verbally or through his/her actions that the conduct is unwelcome.

"Unwelcome" and "voluntary" sexual conduct are not the same. Thus, the fact that a harassment victim voluntarily entered into a sexual relationship is no defense where the victim considers some or all of the sexual conduct in the relationship to be unwelcome. Moreover, the fact that a victim welcomed sexual advances from others in the past does not prove that he or she welcomed subsequent sexual advances from a particular harasser.

C. When does conduct rise to the level that it is considered “hostile”?

To constitute a hostile environment, the offensive conduct must be pervasive and repeated. For example, a district court in Florida found that the posting of pornographic calendars and repeated sexual remarks and jokes over a period of months had created a hostile environment for a female. Isolated incidents, on the other hand, will not create a hostile environment unless they are outrageous or severe. For example, single or isolated off color jokes will not create a hostile environment but a single physical touching may create a hostile environment.

D. What are some examples of conduct which may create a harassing environment?

There are several categories delineated in the policy. These categories encompass, but are not limited to, the following behaviors:

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| *Touching him/herself sexually | *Whistling |
| *Using terms of endearment (sweetheart, dear, honey, babe, darling, fox, etc.) | *Leering |
| *Undressing with eyes | *Rubbing against |
| *Making sexual comments about his/her body parts | *Kissing |
| *Patting | *Grabbing |
| *Embracing | *Hugging |
| *Making animal-type sounds | *Pinching |
| *Lip-smacking | *Leaning over/on |
| *Innuendos (turning comments into a meaning) | *Brushing up against |
| *Touching/tearing/pulling/yanking clothing | *Exposing self |
| *Writing suggestive or explicit sexual demands | *Assault |
| *Winking | |

- *Staring at breasts, groin, legs, buttocks, looking person up and down, longing looks
- *Posters, calendars, photos, statues that are Sexually suggestive
- *Name calling that refers to a person's body ("fatso", "fatty", "skinny", "big ears", "the nose")
Anything that puts someone down
- *Improper, suggestive dress
- *Cornering someone/blocking his/her normal movements
- *Peering/looking over bathroom stalls at Individuals
- *Forcing personal reflection in or before a group
- *requiring student to lie prostrate in a liturgical service
- *requiring student to hold hands, give hugs, in a spiritual exercise
- *Forcing a person to touch you
- *Standing too close
- *"Dirty" jokes
- *Touching a person's clothing, body or hair
- *Graffiti/words in bathrooms, lockers, textbooks
- *Requiring student to give a witness talk

E. "Offensive" Conduct

The U.S. Supreme Court has endorsed a "reasonable person" standard to assess the offensiveness of the conduct in employment cases. In a case involving the claim of a woman who had received incoherent love letters and visits from a co-worker who was "smitten" with her, the court concluded that the co-worker's conduct could unreasonably interfere with work performance altering the condition of employment and creating an abusive working environment.

F. Victim Participation

The victim's participation in the creation of a hostile environment will negate a finding of sexual harassment. For example, in one case, an employee claimed she was a victim of a hostile sexual environment in her workplace. She alleged that a co-worker repeatedly harassed her by making verbal and physical advances toward her and engaged in other aggressive behavior. It was held that the employee failed to meet the claim for a hostile sexual environment, because there was strong evidence that she was among the most prevalent and graphic participants in the vulgar and sexually explicit banter.



**Policy on Harassment in Non-Employment
Situations in Schools, Early Childhood Centers,
Parish Youth Ministry and Parish Religious
Education Programs with Coverage for Our Lady
Of Good Counsel Camp and for Boy Scout
Programs**

**Most Reverend Robert N. Lynch, D.D.
St. Petersburg, FL**

January 22, 2002

Diocesan Board of Catholic Formation and Education



Harassment Policy for Non-Employment Situations in Schools/Centers, Parish Religious Education and Parish Youth Ministry Programs of the Diocese of St. Petersburg

POLICY:

The Diocese of St. Petersburg requires that each parish, Catholic school or early childhood center establish and adopt this policy that prohibits any form of harassment by any individual. The Diocese of St. Petersburg strives for the establishment of a Christian, professional and supportive educational environment for all persons engaged in or involved with religious education programs, schools and early childhood centers, and parish youth ministry programs in non-employment situations. No parish, school, or early childhood center will be responsible for off campus harassment, unless it occurs at a parish, school, or early childhood center-sponsored event.

PURPOSE OF POLICY:

This policy intends:

- That each individual is free from physical, psychological or verbal intimidation and harassment in the schools, early childhood centers, religious education and youth ministry settings;
- That each individual involved in schools, early childhood centers, religious education and youth ministry programs maintain and further develop attitudes and behaviors which express respect for others and are reflective of each person's God-given dignity;
- To encourage a heightened sensitivity toward behaviors that others may find offensive and intimidating, whether these behaviors refer to race, religion, color, gender, sexual orientation, national origin, age, marital status, familial status, veteran status or disability.

This policy is not intended to otherwise limit the expectation of staff, children, students, and volunteers to engage fully in the traditions of teaching, celebrating, participating in and being formed by the Catholic faith, including but not limited to curriculum, catechesis, the Sacraments, other liturgies, worship services and ministries.

EXPLANATION OF HARASSMENT:

Harassment can result from a single incident or from a pattern of behavior involving verbal, written or physical conduct or communication.

Harassment encompasses a broad range of behaviors, which could include, but are not limited to:

1. Physical, mental or verbal abuse
2. Insults, jokes, or derogatory slurs based on one or more of an individual's protected status(es)
3. Unwelcome sexual advances or touching
4. Implicit or explicit requests for sexual favors
5. Unwanted sexual comments (serious or humorous)
6. Unwanted sexually suggestive telephone calls, letters, e-mail, etc.
7. Comments or jokes based on issues of modesty and developing social awareness

8. Unwanted forced involvement in activities (e.g., physical, religious, etc.)
9. Coercion of religious styles or personal beliefs upon a participant
10. Intimidation in front of a group or forced personal sharing in groups
11. Inappropriate media or music use which would violate this policy

CONFIDENTIALITY:

The right to confidentiality, both of the complainant and of the accused, will be respected to the extent possible, but will be consistent with legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

REPORTING PROCEDURES:

When an individual believes (s)he is being harassed or feels uncomfortable with the actions or comments of another, or observes harassment of another person, the individual must report his/her concerns in writing as follows:

1. Individuals involved with Schools/Centers must report their concerns to the School Principal, Early Childhood Center Director, Dean of Students, Guidance Counselor, School Pastor, or Diocesan Superintendent. It is desirable that the Principal and the Early Childhood Center Director, as administrative authorities, are informed as promptly as possible in accordance with designated procedures. The investigation will not be delayed due to the inability to make immediate contact with administrative authorities.
2. Individuals involved with Parish Religious Education programs must report their concerns to their Catechetical Leader, the Pastor, or the Diocesan Director of Religious Education. It is desirable that the Pastor and Parish Catechetical Leader, as canonical and/or administrative authorities, are informed as to any allegations, but the investigation must be conducted nonetheless as promptly as possible in accordance with designated procedures. The investigation will not be delayed due to the inability to make immediate contact with administrative authorities.
3. Individuals involved with Parish Youth Ministry Programs must report their concerns to the Parish Coordinator of Youth Ministry, the Pastor, or the Diocesan Director for Youth Ministry. It is desirable that the Pastor and the Parish Coordinator of Youth Ministry, as canonical and/or administrative authorities, are informed as to any allegation, but the investigation must be conducted nonetheless as promptly as possible in accordance with designated procedures. The investigation will not be delayed due to the inability to make immediate contact with administrative authorities.
4. If any individual is uncomfortable reporting to the above persons, the report should be made to the office of the Executive Director for the Diocesan Department of Secretary of Christian Service and Formation.