

Procedure for Policy 4580

Sexual/Racial Harassment Prohibition

This policy and procedure covers situations in which a student claims to be the victim of harassment (see Policy 3630 and accompanying Procedure relating to employees who claim to be victims).

I. Sexual Harassment

- A. Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any employee to a student, or made by any student to another student.
- B. Conduct of a sexual nature may include verbal or physical sexual advances, looks, leers, gestures, comments, jokes, or other inappropriate conduct based on the victim's sex.
- C. The Diocese forbids sexual harassment and retains the right to address sexual harassment or inappropriate conduct of a sexual nature in the schools through whatever means it determines are reasonable and appropriate.

II. Other Forms of Harassment

- A. Harassment may be based on any protected characteristic, including race, color, religion, national origin, age, disability, or other protected area. Harassment may consist of unwelcome, derogatory, and/or inappropriate verbal or physical comments or conduct relating to the victim's race, color, religion, national origin, age, disability, or other protected trait, made by any employee to a student, or made by any student to another student.
- B. Comments or conduct of an offensive or harassing nature may include verbal or written comments, jokes, or physical gestures regarding physical, personality, or other characteristics related to a person's race, color, religion, national origin, age, disability, or other protected trait. See also Policy 4620 - Diocesan Internet Acceptable Use and Policy 4630 - Student Use of Internet Off Campus.
- C. The Diocese prohibits harassment and retains the right to address harassing conduct through whatever means it determines are reasonable and appropriate.

III. Complaint Procedures for Students

- A. Students and/or their parents/guardians may bring a harassment complaint by notifying the pastor (in the case of an elementary school),

principal, assistant principal, or other person specifically designated by the school, of the alleged harassment. School officials who receive complaints must insure that the complaint procedure explained below in Section III, C is followed.

- B. The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the school's legal obligations and the necessity to investigate allegations of misconduct and to take reasonable and appropriate action if warranted.
- C. All complaints of harassment shall be handled in the following manner:
1. Complaints must be made by student, and parent/guardian if under age 18, in writing on forms supplied by the school.
 2. The principal should determine if the allegations in the report and the information readily available appears to meet the definition of harassment as given under Section I or II, respectively.
 - a. If the information received or discovered, at any stage of the investigation, gives the recipient reason to believe that an alleged victim is a victim of child abuse or neglect as defined by law, the matter must also be handled according to the child Abuse Reporting Policy 3610;
 - b. If the allegations and information initially appear to constitute harassment, the principal shall take the following steps:
 - (1) Complete the Investigative Report of Alleged Harassment;
 - (2) Conduct any necessary follow-up, gather additional information, conduct interviews with any students or staff having information, and gather witnesses who have knowledge of the situation;
 - (3) Contact the parents of all students known to be involved.
 3. The principal who receives a written report of harassment shall immediately review the report and information readily available and should consult with the superintendent;

4. The principal is responsible for the decision in the matter but may establish a Discipline Board assist. The report and results of the investigation will be utilized by the school to:
 - a. determine appropriate disciplinary action;
 - b. determine need for counseling referral; and,
 - c. determine who will be responsible for continued monitoring and appropriate follow-up of the situation.

IV. Sanctions for Misconduct

A substantiated charge against an employee or student in the school shall subject that employee or student to such disciplinary action that the pastor/principal determines necessary consistent with Diocesan Policy and/or the school disciplinary policy.

V. False Reporting

Any person who knowingly files false charges of harassment against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual may be subject to appropriate disciplinary action.