

DIOCESE OF DES MOINES
Catholic Schools Policies/Regulations

STUDENT PERSONNEL

Investigation of Sexual Harassment and/or Abuse by Students

The following procedures shall be implemented in the investigation of allegations of sexual harassment and/or abuse by students:

- 1) Any person having knowledge of sexual harassment and/or abuse should file a report with the program's designated Level-One investigator by using the Alleged Sexual Harassment and/or Abuse by Students Report form.

Any program employee/volunteer receiving a verbal or written report of harassment or abuse must immediately pass on the information to the Level-One investigator.

- 2) The Level-One investigator must secure a written report of the allegation and provide a copy to the person filing, and the parents (if complainant is below age 19). The person named as the accused in the report shall receive a copy of the report at the time the person is initially interviewed by the Level-One investigator.
- 3) The Level-One investigator shall complete an informal investigation within five working days following receipt of a report. The investigator shall have access to any records of the alleged victim and the accused for the purpose of interviewing and investigating.

If, in the opinion of the Level-One investigator, the alleged victim would be placed in eminent danger if continued contact between the alleged victim and alleged offender, provision shall be made to temporarily remove possible contact by or between the two.

- 4) The Level-One investigation may be deferred, if the investigator believes the magnitude of the allegations suggest an immediate professional investigation. If such is the case, the Level-One investigator shall contact the appropriate law enforcement officials, the person filing the report and the parents of same if the person is under 19 years of age. All steps involved in this process must be documented.

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- 5) The investigator's role is to determine whether it is likely an incident occurred. Therefore, the investigator shall interview the alleged victim, the accused, and any other person who may have knowledge of the circumstances contained in the report. The parents of any involved students should be notified of the day and time of the interview so they or a representative may attend. If an involved student is in a grade from pre-kindergarten through grade 6, the parents must be informed.
- 6) If there was sexual abuse, the Level-One investigator must notify the law enforcement authorities. This places the case in their hands and brings closure unless the legal authorities decline to pursue an investigation. If this happens, the case must be referred to Level-Two.
- 7) The Level-One Investigation of Sexual Harassment and/or Abuse by Students Report shall be completed within fifteen calendar days of receipt of the report unless the investigation was temporarily delayed by law officials. Copies of this report shall be given to the alleged victim and the accused and the parents of any involved person under age 19.
- 8) At the conclusion of the Level-One investigation, the person filing the report shall be notified of the next step.

The investigation may be concluded at Level-One if:

- a) the allegation is withdrawn
- b) there is no preponderance of evidence to support the allegation
- c) the accused withdraws from the program

All other cases shall be referred to the Level-Two investigator. (IAC-281.102)

Regulation Adopted: January 31, 1994

Regulation Revised: May 19, 2008

Regulation Reviewed: March 25, 2013

Diocese of Des Moines

Alleged Sexual Harassment and/or Abuse by Students Report

(To Be Completed By the Alleged Victim. If Assistance is Needed
Contact the Level-One Investigator for Your School/Program)

Victim's name and address: _____

Victim's telephone #: _____ Victim's School/Program: _____

Name of accused: _____ Telephone #: _____

Allegation is of: _____ Sexual Harassment _____ Sexual Abuse

Please describe what was said and/or happened. Include the date, time and place where incident took place and what was said/done. Also state the nature of any injury, if such occurred.

Was there any witnesses to the incident or are there any persons who may have information about this incident? _____ yes _____ no

If yes, please list by name, if known or classification (for example "fifth period gym class".)

Has any professional person examined or treated the victim as the result of this incident?

_____ yes _____ no _____ unknown

If yes, please provide the name and address of the professional(s) and the date(s) of examination or treatment, if known.

Alleged Sexual Harassment and/or Abuse by Students Report (page 2)

Has anyone contacted law enforcement about this incident? _____ yes _____ no

Please provide any additional information you have which may be helpful to the investigator. Attach additional pages if needed. Also, attach any evidence, i.e. letters, photos, drawings, etc.

Reporter's name, address and phone number (if different than alleged victim):

Relationship to victim: _____

Complainant Signature

Witness Signature

Date

Witness Name (please print)

Witness Address

Be advised that you have the right to contact the police or sheriff's office, the county attorney, a private attorney, or State Board of Educational Examiners (if the accused is a licensed employee) for investigation of this incident. The filing of this report does not deny you that opportunity.

You, the victim or victim's parent/guardian if victim is under age 19 will receive a copy of this report and a copy of the Investigator's Report within fifteen calendar days of filing this report unless the investigation is turned over to law enforcement.

Diocese of Des Moines

Level-One Investigation of Sexual Harassment and/or Abuse By Students Form

Victim's name and address: _____

Victim's telephone #: _____ Victim's School/Program: _____

Name of accused: _____ Telephone #: _____

Name and address of person filing report if different than victim: _____

Name and address of parent or guardian if victim is below age 19: _____

Date report of harassment/abuse was filed: _____

Allegation is of: _____ Sexual Harassment _____ Sexual Abuse

Describe the nature, extent and cause of the sexual harassment/abuse and injury, if any and if known:
(attach additional pages if needed.)

Describe the investigation: Attach additional pages if needed. (Please do not use witnesses' full names.)

Level-One Investigation of Sexual Harassment and/or Abuse by Students Form (Page 2)

Were audio tapes made of any interviews? _____ yes _____ no

Were video tapes made of interviews? _____ yes _____ no

Was any action taken to protect the victim during or as a result of the investigation? _____ yes _____ no

If yes, describe:

_____ victim excused from school/program/work assignment

_____ victim assigned to different class/program/work assignment

_____ accused placed on suspension/leave

_____ other (please specify) _____

Level-One investigator's conclusions:

_____ Sexual abuse was alleged; but the alleged actions of the accused, even if true, would not meet the minimum definition of sexual abuse in the rules.

_____ Alleged victim has no connection with the school/parish program.

_____ Alleged accused is not connected to or with the school/parish program.

_____ Alleged incident did not occur on school/parish program grounds, on school/parish program time, at a school/parish program sponsored activity, nor in a school/parish program related context.

_____ The complaint has been investigated and conducted at Level-One as unfounded.

_____ Complaint was withdrawn.

_____ Insufficient evidence exists that an incident of sexual harassment/abuse took place.

_____ The complaint has been investigated at Level-One and is founded.

_____ The investigation is founded at Level-One and has been turned over to Level-Two for further investigation.

_____ Investigation of the complaint was deferred at Level-One and referred to law enforcement at this time.

_____ The investigation is concluded at Level-One because the accused resigned/withdrew from school/parish program or has agreed to relinquish any educational license held.

Level-One Investigation of Sexual Harassment and/or Abuse by Students Form (Page 3)

Current status of investigation:

_____ Closed. No further investigation is warranted.

_____ Closed and referred to school/parish program officials for further investigation as a personnel matter.

_____ Deferred to law enforcement officials.

_____ Turned over to a Level-Two investigator.

Other comments: _____

I have given a copy of the report of sexual harassment and/or abuse and of this investigative report to the accused named in the report, the accused's supervisor, and the victim (parent/guardian if victim is under 19 years of age) and informed person filing the report of the options of contacting law enforcement, private counsel, or the State Board of Educational Examiners, if the accused holds an Iowa educator's certificate or license.

Name of investigator (please print)

Investigator's place of employment

Signature of Investigator

Date