

<p>DIOCESE OF DES MOINES</p> <p>Catholic Schools Policies/Regulations</p>

STAFF PERSONNEL

Sexual Harassment and/or Abuse by Staff Personnel

It shall be the policy of the Diocesan Catholic Schools Office, under the aegis of the Bishop, that all schools maintain an environment free from sexual harassment and abuse. Each school must promote a sexual harassment and abuse free environment through information, training, supervision and investigation of allegations of such behavior.

Sexual harassment and abuse shall include but is not limited to, inappropriate, intentional or unwelcome sexual advances, touches, or behaviors, pressure or requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) submission to the conduct is implicitly or explicitly a term or condition of education or employment.
- 2) submission to or rejection of the conduct is used as the basis for academic decisions affecting a student or an individual's employment.
- 3) such conduct has the purpose or effect of substantially interfering with a student's academic performance by creating an intimidating, hostile or offensive education environment or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

School personnel (students, employees, volunteers), who believe they or others have or may have been sexually harassed and/or abused by school employees/volunteers, should report this matter to local officials (Level I Investigator) and to the Diocesan Chancellor.

Persons who have been sexually harassed and/or abused always have the right to notify the civil authorities.

The Level-One investigator must respond promptly to complaints/allegations of sexual harassment and/or abuse. School personnel (employees/volunteers and students) are required to assist in the investigation when requested to provide information all involved are to maintain confidentiality to the extent practical in the reporting and investigating process.

No one shall retaliate against a student or employee/volunteer because they have filed a sexual harassment or abuse complaint or participated in an investigation of such a complaint.

The school administrator shall normally serve as the designated Level-One investigator unless the allegation involves the Level-One investigator, in which case the Diocesan Superintendent of Schools shall be notified. The name and telephone number of the Level-One investigator and an alternate shall be published annually in the Student/Parent and Faculty/Staff Handbooks.

If students and/or personnel believe sexual harassment and abuse has occurred but do not wish, or believe it would be inappropriate, to file a complaint of harassment or abuse with a Level-One investigator, they may inform the principal (Diocesan Superintendent if the allegation involves the principal) about the incident(s). In such case, the principal (Superintendent) shall handle the concern as a personnel matter. (281-IAC 10.2)

School officials must report to Board of Educational Examiners the resignation of a licensed employee or the non-renewal or termination of a licensed employee's contract for an allegation of or actual sexual misconduct of a student. (282-IAC 11.37)

Policy Adopted:	January 31, 1994
Policy Revised:	March 25, 2013
Policy Reviewed:	January 21, 2019
Policy Revised:	July 30, 2021

Sexual Harassment and/or Abuse by Staff Personnel: Investigation Regulation 478.1

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

- 1) Any person having knowledge of sexual harassment and/or abuse should file a report with the school's designated Level-One investigator, by using the form, Alleged Sexual Harassment and/or Abuse by Staff Personnel Report (Regulation 478.2).
Any school employee/volunteer receiving a verbal or written report of sexual harassment or abuse must immediately pass on the information to the Level-One investigator.
- 2) If the alleged victim of abuse is under age 19 and younger, the incident must first be reported to the Department of Human Services (DHS). Then the school should proceed with its investigation.
- 3) The Level-One investigator must secure a written report of the allegation and provide a copy to the person filing, the parents of alleged victim if below age 19, and the immediate supervisor of the employee/volunteer. The alleged offender named in the report shall receive a copy of the report at the time he/she is initially interviewed by the Level-One investigator.
- 4) The Level-One investigator shall complete an informal investigation within five working days following receipt of the written report. The investigator shall have access to any records of the alleged victim and alleged offender for the purpose of interviewing and investigating. Personnel under investigation are required to be placed on administrative leave.
- 5) If, in the opinion of the Level-One investigator, the alleged victim would be placed in eminent danger through continued contact between the alleged victim and alleged offender, provision shall be made to temporarily remove possible contact by or between the two.
- 6) The Level-One investigation must be deferred, if the investigator believes the magnitude of the allegations suggest an immediate law enforcement 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 alleged victim if the person is under 19 years of age. All steps involved in this process must be documented.
- 7) Within 5 days of receipt of the completed alleged Sexual Harassment and/or Abuse by Staff Personnel Report, the Level-One investigator shall interview the alleged victim, the alleged accused

named in the report and any other persons who may have knowledge of the circumstances contained in the report. The investigator must notify the parent of a child in pre-kindergarten through grade 6 of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parents' place. The investigator should notify the parents of older involved students.

- 8) The designated investigator shall determine, by a preponderance of the evidence and based upon the investigator's training and experience and the credibility of the victim, whether it is likely that an incident took place between the victim and the accused. If an incident took place it is referred to Level II.
- 9) The Level-One Investigation of Sexual Harassment and/or Abuse by Staff Personnel form (Regulation 478.3) shall be completed within fifteen calendar days of receipt of the report unless the investigation was temporarily suspended. Copies of this completed form shall be given to the alleged victim, the parents of any involved person under age 19, the accused, and the immediate supervisor of the accused.
- 10) 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) there is no preponderance of evidence to support the allegation
- b) the complaint is withdrawn, the form should be marked "withdrawn". If a reason is given for the withdrawal, a dated memo stating such should be attached to the Alleged Sexual Harassment and/or Abuse by Staff Personnel Report form. The form shall be kept in the alleged accused's file.

All other cases shall be referred to the Level-Two investigator for further determinations.

Regulation Adopted: May 21, 1990
Regulation Revised: January 21, 2019
Regulation Revised: July 30, 2021

Sexual Harassment and/or Abuse by Staff Personnel
Level Two Investigation of Sexual Harassment and/or Abuse by Staff Personnel
Regulation 478.4

Upon determination that there is need for a Level-Two investigation of sexual harassment and/or abuse, the Level-One investigator shall contact the Diocesan Superintendent of Schools. The Superintendent, in consultation with the Diocesan Chancellor, shall appoint a Level-Two investigator who may not be a school or AEA employee.

The Level-Two investigation should ordinarily be completed within a period of three weeks from receipt of the Level-One reports and forms.

The Level-Two investigator shall:

- 1) review the Alleged Sexual Harassment and/or Abuse by Staff Personnel Report.
- 2) review the Level-One Investigation of Sexual Harassment and/or Abuse by Staff Personnel form.
- 3) conduct further investigation if, and as much as, deemed necessary to determine whether the preponderance of evidence to support sexual harassment and/or abuse allegations. (Any involved

person, who is below seventh grade, must have their parents informed previous to the interview when the interview will be held.)

- 4) make a written narrative report which shall include:
 - a) whether any exceptions apply.
 - b) whether the allegation is founded or unfounded at Level-Two.
- 5) send a copy of the report to the Level-One investigator and Superintendent of Schools.

If the Level-Two investigation is founded, the Level-One investigator upon receipt of the narrative report must:

- 1) forward copies of the report to the student victim or parents (if the student is younger than 19), the school employee named as the alleged abuser, the employee's supervisor and the person filing the Alleged Sexual Harassment and/or Abuse Report.
- 2) contact the Superintendent of Schools about filing a complaint with the State Board of Educational Examiners (if the employee holds a professional license) or report to the Department of Education (if the abuser is a bus driver) for the purpose of a hearing to revoke the license or permit.
- 3) report all other school employees/volunteers to the local board of education where disciplinary action is left to the discretion of the administration and board.
- 4) arrange for counseling services for the student upon the request of the student and/or parents. (281-IAC 102)

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Sexual Abuse and/or Harassment by Staff Personnel
Retention of Investigation Records of Sexual Harassment and/or Abuse by Staff Personnel
Regulation 478.5

All notes, tapes, memoranda, alleged victim reports, investigator reports, and other related materials compiled during an investigation shall be retained by the school for a minimum of two years.

Records of reports found to be substantiated shall be placed in the accused's personnel file/permanent record. The accused shall be permitted to attach a personal statement to such a record.

Records of reports found to be unsubstantiated shall not be placed in the alleged accused's personnel file/permanent record.

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