

DIOCESE OF DES MOINES
Catholic Schools Policies/Regulations

STUDENT PERSONNEL

Sexual Harassment and/or Abuse by Students

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/or abuse. The schools must promote a sexual harassment and abuse free environment through information, supervision and investigation of allegations of such behavior.

Sexual harassment and/or 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 such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment.

Students who believe they have been sexually harassed and/or abused by students shall report such to the school's Level-One investigator.

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. The processing of a complaint or allegation shall be handled confidentially to the extent possible. Program personnel (employees/volunteers and students) are required to assist in the investigation when requested to provide information and to maintain confidentiality of 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 program administrator shall normally serve as the designated Level-One investigator. The name and telephone number of the Level-One investigator and an alternate shall be published annually in Student/Parent, Faculty/Staff and Catechist Handbooks.

If a student believes sexual harassment and abuse has occurred but does 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 Program Administrator about the incident(s) but are not seeking Level-One investigation. In such case the program administrator should handle the concern as a discipline matter. (IAC-281.102)

Policy Adopted: January 31, 1994
Policy Revised: May 19, 2008
Policy Reviewed: January 30, 2020
Policy Revised: July 30, 2021

Sexual Harassment and/or Abuse by Students
Investigation of Sexual Harassment and/or Abuse by Students
Regulation 582.1

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.
- 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: January 30, 2020
July 30, 2021

**Sexual Harassment and/or Abuse by a Student
Level 2 Investigation
Regulation 582.2**

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 Director of Catholic Charities, shall appoint a Level-Two investigator who shall 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 Students Report.
- 2) review the Level-One Investigation of Sexual Harassment and/or Abuse by Students form.
- 3) conduct further investigation if, and as much as, deemed necessary to determine whether their 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. The parents of any involved students should be notified of the day and time of the interview so they or a representative may attend.
- 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 alleged abuser, and the person filing the Alleged Sexual Harassment and/or Abuse by Students Report.
- 2) arrange for counseling services for the student upon the request of the student and/or parents. (IAC-281.102)

Regulation Adopted: May 21, 1990
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July 30, 2021

Sexual Harassment and/or Abuse by Student
Retention of Investigation Records of Sexual Harassment and/or Abuse by Students
Regulation 582.3

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

Records of reports found to be substantiated shall be placed in the accused's 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 permanent record.

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Regulation Revised: January 30, 2020
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