To: **All Archdiocese Staff (Lay, Clergy, Non-Ordained Religious, Volunteer)**

Date: **February 2020**

Subject: **SEXUAL HARASSMENT POLICY DISTRIBUTION**

I. POLICY STATEMENT:

In keeping with our belief in the inherent dignity of each and every individual person, it is the goal of the Archdiocese of Boston to provide a work environment where all persons are treated with respect. Consistent with this goal, it is the policy of the Archdiocese of Boston to promote a workplace that is free from sexual harassment.

Sexual harassment occurring in the workplace or in any setting in which staff members may find themselves in connection with their employment or assignment is unlawful, demeaning to the individual, and will not be tolerated. Similarly, retaliation against an individual who has, in good faith, raised a concern about sexual harassment, or against any individual cooperating with a sexual harassment complaint investigation, is also unlawful and will not be tolerated.

To maintain a workplace free from sexual harassment, this policy includes definitions of sexual harassment, examples of inappropriate conduct and a process for reporting complaints of sexual harassment. Additionally, because the Archdiocese takes allegations of sexual harassment seriously, we will respond promptly to such complaints and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy promotes a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for any workplace conduct which the Archdiocese deems unacceptable, regardless of whether or not the conduct meets the definition of sexual harassment.

II. DEFINITIONS:

II.A. Sexual Harassment:

Massachusetts' legal definition for sexual harassment is as follows: "*sexual harassment*" means unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment/assignment or as a basis for employment/assignment decisions; or

(b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a superior for sexual favors in exchange for actual or promised position benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other unwelcome sexually oriented conduct that has the effect (whether it is intended or not) of creating a work place that is sexually hostile, offensive, intimidating or humiliating to male or female staff members, may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; sexually oriented comments about an individual's body; comments about an individual's sexual activity, deficiencies, or prowess;
- The display of sexually suggestive objects, pictures, cartoons, etc.;
- Sexually explicit voice mail, e-mail, graphics, downloaded material or websites in the workplace;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

II.B. Retaliation/Retaliatory Action:

All staff members should take special note that retaliation against an individual who has, in good faith, complained about sexual harassment, and retaliation against individuals for cooperating or assisting with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

For the purpose of this policy, the terms "retaliation" and retaliatory action" can include, but are not limited to (a) the denying or withholding of any tangible job benefits, *e.g.,* promotions, increases in compensation, benefits, and requested transfers or (b) the assessment of an adverse employment decision against the staff member, *e.g.,* job demotion, unfavorable job evaluation, withholding of a favorable recommendation, undesired transfer or change in work schedule, or other unfavorable change in the terms and conditions of employment. Retaliation can be any action that produces an injury or harm that a reasonable employee would find materially adverse and/or which might dissuade a reasonable employee from making or supporting a complaint of harassment. In addition to actions that are materially disadvantageous, retaliation also includes threats, intimidation, coercion, or other interference with employment directed toward a person because the person complained of harassment or assisted or encouraged another who complained of harassment.

III. PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT:

If you feel you have been subjected to sexual harassment, you should report the matter, either orally or in writing, to your immediate supervisor, agency director, parish school principal, parish business manager or pastor. Central Administrative Offices supervisory personnel who receive a complaint should, in turn, promptly inform their agency director. Parish supervisory personnel (parochial vicars, school principals, DREs, business managers, directors of music, youth ministry coordinators, etc.) should promptly inform the pastor of any such complaints. Upon receipt of a complaint, it is the responsibility of the agency director or pastor to promptly notify Human Resources so that an appropriate investigation may be conducted.

If, for any reason, you feel that you cannot report the matter to your immediate supervisor, agency director, school principal, parish business manager or pastor, you should report the incident to Jim DiFrancesco, Director of Human Resources, Archdiocese of Boston, 66 Brooks Drive, Braintree, MA 02184, (617) 746-5829 or Joyce Contrucci, Human Resources Generalist, Archdiocese of Boston, 66 Brooks Drive, Braintree, MA 02184, (617) 779-3886. These individuals are available to discuss any concerns you may have and to provide information to you about our Policy on Sexual Harassment and our complaint process.

IV. SEXUAL HARASSMENT INVESTIGATION:

Upon receipt of a complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include:

- A private interview with the person filing the complaint
- Interview(s) with any/all witnesses
- An interview with the person alleged to have committed sexual harassment

Upon completion of the investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

V. DISCIPLINARY ACTION:

If it is determined that inappropriate conduct has been committed by a staff member, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment and/or assignment and may include such other forms of disciplinary action, as we deem appropriate under the circumstances.

VI. STATE AND FEDERAL REMEDIES:

In addition to the Archdiocesan Sexual Harassment Policy, if you believe you have been subjected to sexual harassment, you may also file a formal complaint with either or both government agencies listed below:

The United States Equal Employment Opportunity Commission ("EEOC")
www.eeoc.gov
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000 TTY: 1-800-669-6820

The Massachusetts Commission Against Discrimination ("MCAD")
www.mass.gov/mcad
One Ashburton Place, Room 601
Boston, MA 02108
Phone: (617) 994-6000
TTY: 617-994-6196

Using the complaint process within the Archdiocese does not prohibit you from filing a complaint with these government agencies. Both agencies have a short time limitation (from the time of alleged harassment) in which you must file a formal complaint/claim: EEOC – 300 days; MCAD – 300 days.