

ABUSE/HARASSMENT/OFFENSIVE BEHAVIOR

Policy

It is the policy of St. Cecilia to provide a ministerial environment that is safe, both for those receiving its ministries and for those providing its ministries. When employees engage in physical abuse, sexual abuse, sexual exploitation, sexual harassment, or harassment, they violate the terms of their employment and the law. They compromise the safety of those receiving and providing its ministries, and violate the ministerial mission of St. Cecilia.

Provisions

1. General. The Laws of the State of Minnesota specifically define types of prohibited behavior as it relates to minors and vulnerable adults, as well as to workplace environments in general. Under the civil law, a “minor” is a person under the age of 18. Under the Charter for the Protection of Children and Young People (USCCB 2011), a “minor” includes a person 18 years or older who habitually lacks the use of reason and who is often referred to as a “vulnerable adult.” Minnesota law defines “vulnerable adult” as any person 18 years of age or older who is a resident of or receives services from a licensed facility/provider, or who possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the person’s ability to provide adequately for their own care without assistance, and because of the dysfunction or infirmity, has an impaired ability to protect themselves from maltreatment or to report maltreatment (Minn. Stat. 626.5572, Subd 21). Employees of St. Cecilia are prohibited from engaging in any activity (or failure to act) which results in harm or injury to a minor or vulnerable adult, including but not limited to:
 - a) Maltreatment (e.g., abuse, neglect, financial exploitation) of a Vulnerable Adult, as defined in Minn. Stat. 626.5572, Subds, 2,9, 15 and 17.
 - b) Maltreatment of a Minor (e.g., neglect, physical abuse, sexual abuse, criminal sexual conduct, substantial child endangerment, abandonment, medical neglect, emotional abuse, etc.), as defined in Minn. Stat. 626.556.
 - c) Sexual Exploitation, which includes sexual contact between parish employee/minister/counselor and a person who is receiving pastoral care from that caregiver, irrespective of the initiator of the sexual contact. Minnesota Law prohibits counselors and their employers (including members of the clergy) from engaging in such sexual conduct. (See, Minn. Stat. 604.20 et seq; Minn. Stat. 609.342 et seq). Furthermore, St. Cecilia prohibits any sexual contact between its employees and members of the clergy, or between any employee and any other person over whom that employee has any power, authority or direct supervisory responsibility.

- d) Sexual Harassment, which includes unwanted sexualized conduct or language between co-workers in the parish setting. The Minnesota Human Rights Act (Minn.Stat.363A) defines sexual harassment as follows: Unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:
- i. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
 - ii. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
 - iii. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, offensive or hostile work environment.

Non-sexual harassment of any kind is not to be tolerated and allegations of such conduct should be reported according to the provisions herein.

Reporting to Civil Officials Regarding Abuse of a Minor or Vulnerable Adult

2. The Law of the State of Minnesota provides that certain categories of persons must report to civil authorities if they know or have reason to believe that a minor or vulnerable adult is or has recently been the victim of maltreatment, including but not limited to neglected, physically abused, or sexually abused. St. Cecilia directs its employees who are mandated reporters to comply with the requirements of the Law. It should be noted especially that concerns should be reported within twenty-four (24) hours to civil authorities. Furthermore, St. Cecilia directs all of its employees, (even those who are not mandated reporters), to report their knowledge or reasonable suspicion or belief regarding the abuse of minors or vulnerable adults, to the county Child Protection Agency, to the County Welfare Agency, to the Municipal Police, or to the county Sheriff's Department, unless the law specifically exempts the obligation to report based on a legally recognized exception to disclosure. In such cases, the pastor or parish administrator should be advised of the existence of the claimed confidentiality restriction.

Reporting Clergy Violations

3. If you suspect abuse of a minor or vulnerable adult by a member of the clergy, your first call should be to the civil authorities. (See Paragraph 2 above.) In cases of alleged misconduct involving clergy which does not involve a minor or vulnerable adult, employees of St. Cecilia are to report suspected misconduct to the Vicar

General at 651-291-4400 or to the Chancellor for Civil Affairs at 651-291-4405 so an investigation can be conducted and civil authorities notified as required. This includes any priests or deacons, diocesan or religious, who are permanently or temporarily assigned to or ministering at St. Cecilia or at any other parish, community, or other organization within the geographic boundaries of the Archdiocese of St. Paul and Minneapolis, or any clergy serving outside the boundaries. In addition, all employees are asked to advise their supervisor of such allegations, unless the supervisor is the alleged violator.

Reporting Alleged Violations by Others

4. All employees of St. Cecilia are required to report violations of law or policy involving other than clergy to their supervisor unless the supervisor is the alleged perpetrator (or for some other reason the employee does not want to report to the supervisor). In those cases, the report must be made to the pastor or parish administrator. When the report is made to the supervisor, the complaining employee is also invited to report such allegations to the pastor or parish administrator. In addition, all supervisors who receive such a complaint must notify the pastor or parish administrator.

Additionally, if any employee believes there is a hostile work environment or that he or she has been harassed on the job, or is aware of the harassment of others, the employee should speak out right away. If the employee is comfortable doing so, the employee should talk to the person whose behavior is bothering him or her and ask the offending person to stop. If the employee is not comfortable with this, or if doing so has not caused the behavior to stop, he or she should report the situation immediately.

Investigation of Alleged Offensive Behavior

5. When a report is received by the supervisor, the supervisor is to see that the following steps are taken as soon as reasonably possible:
 - a) The allegation is to be investigated promptly. The supervisor will seek the assistance of the pastor or parish administrator.
 - b) The pastor or parish administrator may take interim measures before completing the investigation to ensure that further harassment does not occur. These may include: making schedule changes so as to avoid contact between the parties; transferring the alleged harasser; and placing the alleged harasser on non-disciplinary leave with pay pending the conclusion of the investigation. The complainant should not be involuntarily transferred or otherwise burdened.

- c) Those conducting the investigation will act prudently, expeditiously, and with full consideration to the rights of all involved to achieve resolution of the complaint.
- d) If either party believes that the resolution of the complaint is unsatisfactory, he or she may ask that the decision be reviewed in accordance with the procedures set forth in the section titled "Resolution of Work Related Issues" in *Justice in Employment*.
- e) Retaliation against an employee who makes a claim relative to any such prohibited behavior is illegal and prohibited. Likewise, any retaliation against a witness or other person who acts adversely to the employer during the investigation or such prohibited behavior is illegal and prohibited.

WHISTLEBLOWER POLICY

It is the intention of St. Cecilia to adhere to all laws, rules, and regulations that apply to it. The underlying purpose of this policy is to support the parish's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations.

If any employee reasonably believes that some policy, practice, or activity of St. Cecilia is a violation, suspected violation, or planned violation of any federal, state, or local law, regulation, or common law, the employee must file a written complaint with the pastor or parish administrator of St. Cecilia.

St. Cecilia will not penalize or retaliate against an employee who in good faith has raised a complaint against some practice of the parish, or of another individual or entity with whom the parish has a business relationship, provided that the complaint is not known by the employee to be false or made in reckless disregard of the truth.

An employee is protected from penalty or retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the pastor or parish administrator and provides St. Cecilia with a reasonable opportunity to investigate and correct the alleged unlawful activity.