

§600 EMPLOYMENT EXPECTATIONS AND PRACTICES

§601 SEXUAL HARASSMENT

The Archdiocese of Chicago is committed to maintaining a work environment free of sexual harassment. Please refer to OCS Personnel Policies for policies regarding sexual harassment in schools.

§601.1 Sexual Harassment Claims

§601.1.1. Definition of Sexual Harassment

601.1.1. Policy Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature shall be considered harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; OR
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(Cf. OCS Personnel Policies, Title II, Chapter I)

§601.1.2. Sexual Harassment Reporting

601.1.2.1. Policy All instances of alleged sexual harassment shall be reported to the immediate supervisor, or Pastor, Parochial Administrator, Principal or Agency Director.

Procedures

- a) If any employee believes that he or she has been subjected to conduct which may constitute sexual harassment, that employee shall immediately report the offensive conduct to his or her immediate supervisor. The supervisor shall then report the allegation to the Pastor, Principal or Director, who shall then report the allegation to the Office of Employee Services and/or the Office of Legal Services.
- b) If a complaint arises because of the action of the employee's supervisor or manager, the aggrieved employee shall contact a higher level of management locally, or the Director of Employee Services who, in turn, will advise the employee and consult with the appropriate level of management to resolve the issues surrounding the complaint.

- c) After an immediate and confidential investigation of the employee's complaint has been concluded, the employee shall be advised of the results of that investigation.
- d) Based on a finding of reasonable evidence that sexual harassment has occurred, necessary and appropriate disciplinary action up to and including discharge, shall be taken against the offending party as provided in §703.

601.1.2.2. Policy Retaliation in any form against an employee who exercises his or her right to make a complaint under this section shall be strictly prohibited, and shall itself be cause for appropriate disciplinary action, up to and including discharge as provided in §703.

Procedures

Reporting sexual harassment will not affect the individual's future employment, evaluations, or work assignments.

601.1.2.3. Policy Any one who knowingly makes false charges against an employee in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action up to and including discharge as provided in §703.

§601.2. Confidentiality

601.2. Policy All parties involved in a sexual harassment complaint shall maintain strict confidentiality while the complaint is being investigated and evaluated.

§601.3. Management Responsibility to Communicate and Disseminate Policy

§601.3 Policy Pastors, Parochial Administrators, Principals and Agency Directors have a responsibility to communicate the Archdiocese's position on sexual harassment to all employees, and shall be held accountable for ensuring compliance with these policies in their area of responsibility.

Procedures

The communication and dissemination of these sexual harassment policies will be through the employee handbook, which will accompany these personnel policies.

§602 POLICIES FOR THE PROTECTION OF CHILDREN AND YOUTH: CHILD ABUSE AND NEGLECT

The primary purpose for the establishment of these policies and procedures is to ensure the safety of children, the well being of the community, and the integrity of the Church.

Abuse of minors, any person under the age of 18, by an employee, volunteer or cleric of the Archdiocese of Chicago violates human dignity, accepted professional standards of conduct, the moral teaching of the Catholic Church and Archdiocesan policy. Archdiocesan procedures implementing this policy shall be responsive to the needs of the victim, victim's family, the parish community or institution where the incident took place, and the employee or volunteer against whom an allegation is lodged and his or her family. Any employee and/or volunteer who has "reasonable cause to believe" that a child known to them in their professional or official capacity may be an abused or neglected child shall immediately report to the Illinois Department of Children and Family Services (DCFS) and then inform the Archdiocesan Office for Child Abuse Investigations and Review.

§602.2. Reporting the Allegation of Child Abuse and Neglect of a Minor

602.2.1. Policy The Archdiocese shall follow the Illinois Abused and Neglected Child Reporting Act, and any other applicable Federal, State or Local legislation pertaining to the protection of children/youth as well as Archdiocesan policy/procedures when there are allegations and/or suspicions of child abuse and neglect.

602.2.2. Policy All Archdiocesan "Mandated Reporters"¹ are obligated by State Law² and Archdiocesan Policy to report immediately allegations of abuse first to DCFS and second, if the accused is an employee, volunteer or cleric, to the Office for Child Abuse Investigations and Review.

¹ ANCRA identifies various categories of persons who are required by law to report suspected incidents of abuse and neglect. Such persons are commonly referred to as "mandated reporters". Mandated reporters include "school personnel", "recreational program or facility personnel", "homemakers or child care workers". Since 2003, priests and deacons, in their capacities as such, are also mandated reporters of sexual abuse, excluding privilege communications (e.g. sacramental confession).

² ANCRA, Illinois Abused and Neglected Child Reporting Act

602.2.3. Policy All Archdiocesan Employees and/or Volunteers³ who work with children and do not fall under the category of “Mandated Reporter” may call DCFS if they have reasonable cause to believe that a child known to them in their professional or official capacity may have been abused or neglected. Non-mandated reporters are required to notify their immediate supervisor or higher-level authority in the Archdiocese if they have reason to believe a child may have been abused or neglected and/or if they call the DCFS hotline. If the allegation or suspicion of abuse is against an employee, volunteer or cleric, living or deceased, the Archdiocesan Office for Child Abuse Investigations and Review must be contacted.

Procedures

All Archdiocesan employees and volunteers should:

Call DCFS immediately at 1(800) 252-2873 which is also 1(800) 25 ABUSE.

Document report on CANTS 5 form found on Archdiocese website.

Send completed CANTS 5 form to DCFS within 48 hours of the phone call and keep a copy.

Document all activities and actions taken. Maintain a log of all activities from the time an allegation is received or when a report is accepted by DCFS documenting all actions and contacts.

Notify immediate supervisor or higher level authority within the Archdiocese.

Call the Archdiocesan Office for Child Abuse Investigations and Review, 312-534-5205, immediately after calling DCFS.

Preserve confidentiality by discussing suspicions only with the alleged victim; the mandated reporter’s supervisor; any employee of DCFS, the Police Department, the State’s Attorney’s Office, and the Archdiocesan Office of Child Abuse Investigations and Review.

In the case of allegations made against Archdiocese employees and volunteers, the local administrator shall inform the parents of children involved when DCFS is called.

§602.3. Allegations and Investigation of Sexual Misconduct with Minors

602.3.1. Policy The Archdiocese shall provide appropriate assistance to those affected by the sexual misconduct of an employee or volunteer with a minor. Professional resources shall be made available through the Office of Assistance Ministry to aid in the pastoral care and emotional recovery of persons affected.

³ Any adult acting within the scope of their position, who is placed in a position of authority, trust, or supervision of minors or vulnerable adults. Includes, but is not limited to, religious educators, youth ministers and coaches. Other volunteer positions not directly engaged with children are left to pastoral discretion.

602.3.2. Policy The employee or volunteer against whom the allegation is lodged shall be notified of the allegation and immediately placed on administrative leave during the investigation/s ordinarily without loss of compensation.

602.3.3. Policy The Archdiocese, through the Office of Child Abuse Investigations and Review, shall investigate allegations received of sexual misconduct against a minor by a lay employee or volunteer.

Procedures

- a) The Archdiocesan investigation concerning the allegation and/or the violation of Archdiocesan policy will proceed as quickly as possible, doing all that is possible to ensure the confidentiality of the accused and the victim.
- b) In cases where DCFS and/or the State's Attorneys Office accept a report of child Abuse, Archdiocesan investigations will proceed with the timely consent of DCFS.
- c) While the employee is on administrative leave during the investigation he/she will be compensated according to the following criteria:
 - 1) She/he will receive full salary and benefits while investigations are being conducted.
 - 2) The outcome of either an internal or external investigation may result in the termination of compensation and/or employment.
 - 3) Compensation during the investigation may be terminated if it is determined that the employee violated Archdiocesan policy.
- d) Violation of Archdiocesan policy may result in immediate dismissal.

602.3.4. Policy If it is determined that the outcome of the investigation results in: an "indicated" finding by DCFS; a serious violation of Archdiocesan policy; acknowledgement by the accused; or a criminal conviction, the employee or volunteer shall be dismissed and shall not be allowed further employment by the Catholic Bishop of Chicago or acceptance as a volunteer in an Archdiocesan institution in which there is any possibility of contact with children.

Procedures

- a) In the case of sexual misconduct, a lay advisory board will make a written recommendation to the Director of the Department of Personnel Services regarding sexual misconduct cases and fitness for employment or volunteer status.
- b) The lay advisory board will consist of no less than five members. The Archdiocesan standing members of the advisory board are: Director of the Office for the Protection of Children and Youth, Chair, a representative from Legal Services and a representative from Human Resources. Other members of the advisory board will be selected that are appropriate to the situation.

602.3.5. Policy If the case is determined to be “unfounded” by DCFS, and the Archdiocese investigation has not identified a serious violation of Archdiocesan Policy, the employee shall be reinstated without loss of compensation or benefits. The volunteer shall be reinstated in his or her work for the Church.

Procedure

- c) Every effort shall be made to restore any damage to the person’s reputation.

§603 SAFE ENVIRONMENT COMPLIANCE POLICY

603.1. Policy The Archdiocese requires that employees and volunteers working and/or ministering in parishes, schools, and agencies comply with the safe environment protocols for the protection of children.

603.2. Policy A criminal background check shall be completed for all employees, and/or for all volunteers who work with children, prior to beginning service in the Archdiocese.

Procedures

- d) Specific categories of employees, as defined by Illinois State law, shall submit to digital fingerprinting prior to beginning work in the archdiocese.⁴
- e) Employment in the Archdiocese is contingent upon completing an online background check with favorable results.
- f) Acceptance as a volunteer who works with children⁵ is contingent upon completing with favorable results an online background check.
- g) The Archdiocese re-runs background checks on a periodic basis.
- h) A new background check shall be conducted if a cleric, employee, volunteer or clerical candidate has more than one-year gap in their employment, service or formation in the Archdiocese.

603.3. Policy All employees and all volunteers who work with children present shall attend the safe environment training program offered by the Archdiocese within sixty-days of their date of hire or acceptance as a volunteer.

Procedures

- i) Employees who have not completed safe environment training, currently Virtus/Protecting God’s Children for Adults, within sixty-days (60) will be suspended without pay for up to thirty-days (30).
- j) Employees who do not complete safe environment training within the thirty-day (30) suspension time period will be terminated.

⁴ Effective July 1, 2007 all new school employees must submit to digital fingerprinting.

- k) Volunteers who work with children present and who have not completed safe environment training within sixty-days (60) will be suspended from their volunteer service for up to thirty-days (30) days.
- l) Volunteers who work with children present and who do not complete safe environment training within the thirty-day (30) suspension time period will be terminated.

603.4. Policy All employees shall read the Code of Conduct and sign the Code of Conduct Acknowledgement Form at the time they are hired. All volunteers who work with children and vulnerable adults⁶ shall read the Code of Conduct and sign the Code of Conduct Acknowledgement Form when they are accepted for a volunteer position.

Procedure

- m) Signed copies of the Code of Conduct Acknowledgement Form shall be kept in the employee's or volunteer's personnel file at their site of employment or service.

603.5. Policy All employees and volunteers who work with children and vulnerable adults shall complete the CANTS (Child Abuse and Neglect Tracking System) background check form at the time of hire and/or acceptance for a volunteer position.

Procedures

- a) The parish, school, or agency collects the CANTS forms, makes a copy of the completed form, and then mails the completed forms directly to the Department of Children and Family Services in Springfield, Illinois.
- b) The processed CANTS forms are then mailed directly by the State of Illinois to the Office for the Protection of Children and Youth.
- c) Any person working/volunteering with children who has an indicated case of abuse and neglect by DCFS may be terminated.

603.6. Policy All employees who work with children and all volunteers who work with children shall complete Mandated Reporter Training.

603.7. Policy Employees and volunteers shall meet the ongoing safe environment education requirements of the Archdiocese and attend programs as required by the Archdiocese.

603.8. Policy The Archdiocese requires that employees and volunteers working with or ministering to vulnerable adults shall comply with the background check and Code of Conduct requirements. These ministries include, but are not limited to, nursing homes, in-home visits with the elderly, and hospital ministry.

§604 SUPERVISORY TREATMENT

604.1. Policy All supervisors shall treat their employees with dignity and respect. Serious, continued or deliberate violations of this policy by any supervisor at any level shall be grounds for disciplinary action, including discharge as provided in §703.

Procedures

- a) Supervisors should be sensitive not to:
 - 1) publicly reprimand or criticize subordinate employees;
 - 2) make unreasonable demands which cannot humanly be met;
 - 3) retaliate against any subordinate employees who exercise their rights to file work related claims with a government agency, file claims for worker's compensation or relate grievances to the personnel department or to higher levels of management;
 - 4) communicate in ways that can be construed as haranguing or harassment.
- b) Supervisors are expected to listen with courtesy and empathy to the concerns of their employees, and provide adequate opportunity for employees to seek counsel or advice in connection with their work.
- c) Supervisors are expected to clearly communicate their expectations for their employees, and the responsibilities for which the employees will be held accountable.
- d) Supervisors are expected to cooperate with and assist employees who seek to clarify responsibilities, expectations or instructions by asking questions, or by submitting a written summary of such instructions for the supervisor's confirmation and approval.
- e) Supervisors are expected to allow employees to give, without undue interruption, their side of any dispute regarding their work.
- f) Whenever necessary, correction or reprimand of an employee is to be administered privately and confidentially. Direction and criticism are to be given respectfully and courteously, without belittling or demeaning the employee.

§605 STANDARDS OF CONDUCT

In any organization, there are rules and responsibilities which contribute to a harmonious work environment for all staff. Cooperation with these rules and responsibilities is the responsibility of all Archdiocesan personnel because we should be held to a higher standard of fair treatment and the potential for scandal and embarrassment is greater than with many other employers.

605.1. Policy It is the responsibility of every member of the staff to act in an honest and forthright manner in all workplace concerns; treat co-workers, supervisors, volunteers, parishioners, and visitors with respect; and conduct oneself in a moral and ethical manner consistent with Catholic principles.

Procedures

- a) Ministerial personnel must teach and/or act in accordance with the doctrine and moral teaching of the Catholic Church.
- b) Some of the actions which violate this policy on standards of conduct include but are not limited to:
 - 1) Falsification of employee or institutional records;
 - 2) Unauthorized possession of co-workers, parish, school or Archdiocesan property;
 - 3) Immoral or unethical conduct when such conduct has an adverse impact on the Church;
 - 4) Insubordination;
 - 5) Possession of unauthorized weapons on premises;
 - 6) Misappropriation of funds or other assets of the Archdiocese, parish, school or agency.

§606 CONFIDENTIALITY

606.1. Policy Employees are not to disclose without proper authorization, or outside the normal execution of their job responsibilities, any confidential matters which come to their attention as a result of their employment with the Archdiocese of Chicago. Disclosure to anyone of such information without proper authorization, or outside the normal context of one's job, may be cause for disciplinary action, including discharge as provided in §703.

Procedures

Confidential information includes, but is not limited to the following:

- a) correspondence and contributions,
- b) personnel and payroll matters,
- c) relationships between business and benefactors.

§607 CONFLICT OF INTEREST

607.1. Policy Personnel shall avoid situations that present actual, perceived, or potential conflict between their interest and the interest of the Archdiocese.

Procedures

- a) The implementation of this policy implies a continuing requirement that all personnel make prompt disclosure to their supervisor or other appropriate official of any fact or circumstance that may involve a conflict of interest.
- b) Disclosure can assist staff in resolving honest doubts as to the propriety of a particular relationship or course of conduct.
- c) Any activities that create the appearance of a conflict of interest should be avoided.

§608 GIFTS AND ENTERTAINMENT

Receipt of gifts and entertainment may present potential or perceived conflicts of interest.

608.1. Policy While business courtesies are to be encouraged, employees shall not accept from anyone with whom the Archdiocese does, or is seeking to do, business any personal gifts, services, travel or entertainment that may reasonably be perceived by others to affect their judgment or actions in the performance of their duties.

608.2. Policy Personal gifts of cash shall not be accepted from anyone with whom the Archdiocese does or is seeking to do business.

§609 SOLICITATION OF FUNDS AND FUNDRAISING

§609.1. Active Solicitation of Funds

609.1. Policy Active solicitation of funds by employees during work hours shall be strongly discouraged. Supervisors shall not solicit subordinate employees for funds under any circumstances.

Procedures

- a) Employees may actively solicit funds before and after work, during lunch hour and break time. Active solicitation is subject to the approval of the supervisor.
- b) Those fundraising efforts which are sanctioned by the parish, Archdiocese or agency may occur at appropriate times including during working hours, subject to the supervisor's approval and discretion. Sanctioned fundraising includes, but is not limited to, the Cardinal's Appeal, United Way and any local fundraising initiative (e.g. parish raffle).

§609.2. Passive Fundraising

609.2. Policy Passive fundraising, such as placement of notices of fundraising efforts on bulletin boards, shall be allowed at any time, including during work time.

§610 SMOKING

610.1. Policy To assure and provide a healthier work environment, and in order to be in compliance with state and local ordinances, smoking shall be allowed only in designated areas, or may not be allowed on the premises at all.

(Cf. OCS Personnel Policies, Title II, Chapter I)

§611 ALCOHOL AND OTHER DRUGS

611.1. Policy Being under the influence of illegal substances, alcohol or other intoxicants while on the job is strictly prohibited. Violation of this policy may result in immediate suspension and possible dismissal as provided in §703. When an individual's job performance is negatively affected as a result of suspected substance abuse, the parish, school or agency is responsible for intervention.

(Cf. OCS Personnel Policies, Title II, Chapter I)

Procedures:

- a) The Archdiocese recognizes that alcohol and/or drug dependency is an illness requiring appropriate intervention and treatment. Employees with such dependency are, therefore, encouraged to seek treatment before a problem interferes with the performance of their job.
- b) When an employee comes forward or is suspected of this type of dependency, a pastoral approach ordinarily shall be used, i.e.

conferences and treatment shall have priority consistent with the needs of the parish, school or agency.

- c) A pastoral approach to alcohol and/or other drug dependency includes, but is not limited to:
 - 1) Evaluation by substance abuse professionals, as requested by the parish, school or agency.
 - 2) Application of Sick Leave Policy
- d) Employment status will be determined at the local level. Where appropriate, suspension of the employee may occur pending the outcomes of evaluation and treatment.
- e) Ordinarily, when reasonable pastoral and other measures have been taken without rehabilitation and the good of the parish, school or agency is in jeopardy, disciplinary/dismissal procedures may be initiated.

611.2. Policy The possession and/or sale of an illegal substance during working hours, or on the employer's premises, may result in immediate suspension and possible dismissal as provided in §703.

611.3. Policy The consuming of alcoholic beverages during working hours shall be prohibited.

Procedures

During celebrations or special events on rare occasions, a pastor, parochial administrator, agency director or principal may approve the use of alcoholic beverages.

§612 PERSONAL PROPERTY

612.1. Policy To ensure that personal property is returned to the employee in the event that the employee terminates or transfers, the employee shall provide a list of personal property to his/her immediate supervisor at the time the property is brought to the workplace. The employee shall update his/her personal property list as necessary.

§613 COPYRIGHT

§613.1. Material Belonging to the Archdiocese of Chicago

613.1.1. Policy All materials created, designed or modified by Archdiocesan personnel in the course of, or in connection with, their employment shall be the property of the Archdiocese of Chicago.

Procedures

- a) Materials created, designed or modified by Archdiocesan personnel at the direction of a supervisor and during work hours are Archdiocesan property.
- b) Personal creations used in connection with work, but not directed by the employer, should be discussed with the supervisor to decide who will own such property. A written agreement should evidence whether the employee or employer owns the material.

613.1.2. Policy “Materials” shall include, but shall not be limited to: written works, presentations, computer programs, manuals, instructions, advertisements, bulletins, magazines, books, newsletters and newspapers.

§613.2. Computer Software

The Archdiocese of Chicago recognizes that although computer software is a new medium of intellectual property, its protection is grounded in the long-established copyright rules of the United States and therefore it is illegal to use software on more than one computer or to make or distribute copies of that software for any other purpose unless specific permission has been obtained from the copyright owner. The parish, school or agency purchases or licenses the use of copies of computer software from a variety of outside companies. The Archdiocese does not own the copyright to this software or its related documentation.

The Archdiocese recognizes that by protecting the investment of companies who develop computer software, we also protect the interests of the Archdiocese, and our employees. When software developers gain fair returns on their software development costs, they are able to produce new and even better products for us, the consumer. In addition to fulfilling legal requirements, there is great value in purchasing legal copies of computer software and documentation since these legal copies entitle the user to software upgrades, technical assistance, training manuals, and tutorials. (Software Use and the Law, Software Publishers Association)

613.2.1. Policy The Archdiocese of Chicago employees shall use computer software only in accordance with the license agreement.

Procedures

- a) The operating systems, such as MS-DOS and IBM-DOS, are also protected by the US Copyright laws. Employees may not copy operating systems to more than one computer or server without permission from the copyright owner.
- b) Since computer software is not sold but “licensed” to a user, the Archdiocese may not “sell” software with a computer which the Archdiocese may be disposing.
- c) If the Archdiocese disposes of an old computer, the hard drive should be re-formatted to remove all software before ownership of the hardware is transferred to the new owner. The new owner should sign a bill of sale stating that the computer is sold “as is” without software. The serial numbers of the computer and monitor should also be included on the bill of sale.

Note

According to the current US Copyright Law, illegal reproduction of software may result in civil damages of as much as \$100,000 per work copied, and criminal penalties, including fines and imprisonment of up to five years.

§614 APPEARANCE

614.1. Policy The clothes an employee wears are a matter of personal preference, but the clothes shall be reasonably proper for the duties the employee performs and the environment in which an employee works.

Procedures

Specific criteria may be established at the local level.