



Catholic Archdiocese of Adelaide

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## Diocesan Offices and Parishes

# Sexual Harassment Policy and Procedures

Approved by:

A handwritten signature in black ink that reads "Philip Marshall".

Moderator of the Curia

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# SEXUAL HARASSMENT

## *Policy Vision Statement*

*The Archdiocese of Adelaide is a community of believers drawing on our rich Catholic tradition and celebrating our diversity, striving for fullness of life in God. We seek to build a family-centred Church, strengthening community and spreading the good news of Jesus Christ, with a particular concern for those who are poor and disadvantaged.*

## **1. Policy**

The Catholic Archdiocese of Adelaide is committed to ensuring that all clergy, employees, volunteers, visitors, contractors and parishioners are not subjected to any form of sexual harassment as they undertake their work.

The Archdiocese promotes ethical behaviour and social justice principles in the work environment and ensures that clergy, employees and volunteers are bound by the principles articulated in the *Towards Healing* and *Integrity in the Service of the Church* documents.

The Catholic Archdiocese of Adelaide is committed to providing a clear and fair process by which clergy, employees and volunteers in parishes may have their complaints managed in an impartial and confidential manner.

## **2. Occupational Health, Safety & Welfare and Child Protection**

At all stages of the process, all parties are to ensure that all provisions relating to the legislative and Archdiocesan requirements relating to Occupational Health, Safety and Welfare and Child Protection are adhered to and followed.

## **3. Definition**

“Sexual harassment” refers to any unwanted, unwelcome and uninvited behaviour of a sexual nature that results in a person feeling humiliated and offended. The perception by an employee that they have been sexually harassed is sufficient for them to lodge a complaint.

Sexual harassment does not refer to behaviour based on mutual attraction, friendship and respect if the interaction is consensual, welcome and reciprocated.

Sexual harassment is unlawful under both the Equal Opportunity Act 1984 and the Sex Discrimination Act 1984.

Sexual harassment may involve a series of incidents or a one-off occurrence and may include, but is not limited to actions such as:

- displays of offensive or pornographic material including posters, photographs, calendars, graffiti or cartoons
- offensive or pornographic material downloaded from the internet
- offensive communications including email messages, voice mail messages, screen savers, letters, telephone calls or faxes
- uninvited touching or fondling
- uninvited kisses or embraces
- making promises or threats in return for sexual favours
- sexually explicit conversation
- stalking (Criminal offence)
- demands that revealing clothing be worn
- sexual assault (Criminal offence)
- sexual jokes or innuendo
- unwelcome comments about a person's sex life or physical appearance
- sexual propositions or continual requests for dates
- "flashing" or sexual gestures (Criminal offence)
- sex based insults, teasing or name calling
- staring or leering at a person or at parts of their body
- unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them
- inappropriate use of electronic technology/cyber issues - inappropriate text messages, inappropriate use of facebook, twitter, blogs etc

#### **4. Scope**

The Catholic Archdiocese of Adelaide recognises and acknowledges that sexual harassment may involve comments and behaviours that offend some persons and not others. The Catholic Archdiocese accepts that individuals may react differently to certain comments and behaviours, and as a result, has determined that a high standard of behaviour is required by all staff.

Sexual harassment by or towards any clergy, employee, volunteer, contractor, supplier or customer in any work related context will not be tolerated under any circumstances.

##### **4.1 Additional requirement for all Clergy**

If an allegation of sexual harassment is made about a Priest or a member of a Religious Institute, and/or involves a member of the community, then the Moderator of the Curia and the Archbishop must be informed in the first instance and the guidelines contained in the "Integrity in Ministry" document must be followed.

## 5. Responsibility of the Catholic Archdiocese of Adelaide

The Catholic Archdiocese of Adelaide has a legal responsibility to take all reasonable steps to prevent sexual harassment from occurring in any agency of the Catholic Church.

In this regard, the Catholic Archdiocese of Adelaide will:

- provide training or information for all clergy, employees and volunteers within the organisation relating to sexual harassment
- provide training for managers/supervisors and other employees involved in the complaint resolution process and establish the complaint resolution procedure to be used when dealing with sexual harassment and complaints
- distribute and promote this Policy statement for all existing and new employees
- model appropriate behaviour and monitor the working environment to ensure that the appropriate standards of conduct are observed at all times
- treat all complaints seriously and take immediate action to investigate and resolve any complaints quickly and fairly and with complete confidentiality
- take all reasonable steps to ensure there is no recurrence of the offence

## 6. Responsibility of all clergy, employees and volunteers

All clergy, employees and volunteers in the Archdiocese of Adelaide will comply with this policy. They all have a role to play in the elimination of sexual harassment. They will:

- ensure that their behaviour is appropriate and respectful
- report any incidents of sexual harassment if they witness it to the Parish Priest or Manager
- maintain confidentiality if they are involved in any investigation that may take place in a sexual harassment complaint

## 7. Pastoral Support Person

If a Priest is involved in a sexual harassment issue, either as a complainant or respondent, they may seek support for their pastoral care and wellbeing from a Priest who has been designated with this role. They may also utilise the services of ACCESS-OCAR.

If an employee or volunteer is involved in a sexual harassment issue, either as a complainant or a respondent, they may seek support for their pastoral care and well-being from ACCESS-OCAR.

## 8. Process

Any complaint made about sexual harassment will be dealt with in a confidential and timely manner.

When an allegation is made of sexual harassment this must be reported to the Chancellor who will forward the allegation to the Moderator of the Curia. The Moderator of the Curia will determine whether the allegation warrants assessment by the Grievance Panel or an investigation. Any clergy, employee or volunteer found guilty of perpetrating sexual harassment will be disciplined, or in serious cases, dismissed. Any manager/supervisor found guilty of condoning sexual harassment will be disciplined, or in serious cases, dismissed.

## **Attachments**

Grievance Management Panel Terms of Reference – Appendix A  
Sexual Harassment Procedure Flowchart

## APPENDIX A

### GRIEVANCE MANAGEMENT PANEL

#### Terms of Reference

#### **PURPOSE:**

The role of the Grievance Management Panel is to make an initial assessment upon the receipt of a complaint – either received directly or indirectly. The Panel will be convened as soon as possible after receiving the complaint.

It is the role of the Panel to assess the complaint and determine the best possible process with which to resolve it.

#### **MEMBERSHIP:**

The Panel will consist primarily of a Chancellor, the Mediation Advisor and an Agency specific member. The aim of the Panel is to use Alternative Dispute Resolution practices primarily and therefore a lawyer may not ordinarily be included. However, one could be appointed to the Panel by the Chancellor if required.

#### **CORE MEMBERS:**

- Chancellor
- Mediation Advisor

#### **AGENCY MEMBERS:**

Agency Members may include the following:

- Vicar General
- Priests (as selected by the Archbishop or the Moderator of the Curia)
- Religious (at least 2 nominated by Congregation Leaders)
- Diocesan Centre (at least 2 nominated)
- Legal representative as required
- Parish or chaplaincy representatives

Only one person from any given agency to which the grievance assessment applies will be required to participate on the Panel at a time. All Panel members will be inducted into the process at the outset.

All Agency representatives' contact details will be kept on file by the Chancellor and participation of each of the Agency representatives will be conditional upon their availability.

**PROCESS:**

The Grievance Management Panel will convene upon receipt of a complaint. There will be regular meetings scheduled for the direction of ongoing cases.

**DUTIES OF THE CHANCELLOR, CHAIR OF THE GRIEVANCE PANEL:**

The Chancellor or the person to whom a disclosure has been made will seek the advice of the Moderator of the Curia. In consultation with the Archbishop and the Moderator of the Curia, the appropriate process will be determined. This could involve an investigation by a specifically trained independent person as determined by the Moderator of the Curia and the Archbishop.

**CASE CLOSURE:**

All cases will remain active until they are officially closed as determined by the Panel. At this point a report is written and all file notes are retained as per diocesan policy/procedure for the management of case notes.

A case will be considered closed when the Panel determine the case has been completed. The case file will be filed in a closed cases filing system. Where appropriate a report of the outcome of a case will be forwarded to those requiring it.

**REQUIREMENTS OF PANEL:**

- all Panel members will be inducted and required to sign a confidentiality agreement at their first meeting
- the Panel members' role will be to discern the most appropriate method of resolving the current issue
- the Panel will continue to be involved with the progress of the particular dispute until a conclusion has been reached