



CRISTO REY SAN JOSÉ JESUIT HIGH SCHOOL

AB500 Policy

Guidelines for Faculty/Staff Student Interactions:

Assembly Bill 500 (AB500), effective January 1, 2018, adds section 44050 of the California Education Code, which requires schools to provide the section on employee interactions with students in its code of conduct, to parents and guardians of enrolled students on the School's website. The below portions of Cristo Rey San Jose High School policies, which are included in the School's Faculty/Staff Handbook, include language relating to interactions between students and employees.

PARKING AND PROVISION OF TRANSPORTATION TO STUDENTS

The school does not expect or encourage employees to give rides to students other than for Corporate Work Study duties. Doing so poses significant risks for the employee:

- In the event of an accident/injury, the employee's personal vehicle insurance would be primary. (In contrast, Cristo Rey San Jose's insurance would be primary in an accident involving Cristo Rey San Jose's vehicle.)
- Giving a student a ride, particularly if no one else is in the vehicle, can make the employee vulnerable to an allegation by the student of inappropriate conduct.

If an employee chooses to give a student a ride home from school in his/her personal vehicle, the employee should contact the parent/guardian to ask for permission. This is for the protection of the students and the employee. Employees are discouraged from providing rides to locations other than the student's home unless part of the employee's job responsibility.

SEXUAL MISCONDUCT POLICY

Sexual Misconduct Arising In A Ministerial Relationship

A ministerial relationship is one in which a person is receiving pastoral care from a church leader. Whenever a person begins a relationship with any person in his or her capacity as a church official or leader, a ministerial relationship is created.

This applies to:

- clergy (bishops, priests, and deacons);
- members of religious communities (priests, brothers, sisters);
- lay ministers, lay pastoral associates, youth ministers, and liturgical ministers;
- spiritual directors and pastoral counselors;
- school personnel;
- seminary faculty, staff, and administrators;
- religious education teachers, church camp counselors, choir directors, coaches, etc.

The Nature of Sexual Misconduct

Sexual misconduct is a general term that includes sexual harassment, sexual exploitation, and sexual abuse.

Sexual Abuse Arising From the Ministerial Relationship

While ministry is never about sexual contact, sexualized contact or sexualized behavior may arise within a ministerial relationship. In our Catholic faith, this is never acceptable in a pastoral relationship with a parishioner, employee, students, spiritual director, counseling client, or anyone who has sought the church's ministry.

Sexual Harassment

Sexual harassment is unwanted sexualized conduct or language between co-workers in the church setting. Although difficult to define precisely, sexual harassment may include, but is not limited to the following:

- making unsolicited sexual advances and propositions;
- using sexually degrading words to describe an individual or an individual's body;
- telling inappropriate or sexually related jokes;
- retaliating against the co-worker who refuses sexual advances;
- offering favor or employment benefits, such as promotions, favorable performance evaluations, favorably assigned duties or shifts, recommendations, etc. in exchange for sexual favors.

Sexual Exploitation

Sexual exploitation is the sexual contact between a church leader and a person who is receiving pastoral care from the church leader.

Sexual Abuse

Sexual abuse is sexual contact between a church leader and a minor or a "vulnerable adult" as defined by law.

Physical Contact

Either sexual exploitation or sexual abuse can include physical contact from the church leader such as:

- sexual touching or other intrusive touching (i.e., tickling, wrestling, or other physical contact) that causes uneasiness or discomfort to the one touched;
- inappropriate gifts (such as lingerie);
- a prolonged hug when a brief hug is customary behavior;
- kissing on the lips when a kiss on the cheek would be appropriate;
- showing sexually suggestive objects or pornography;
- sexual intercourse, anal or oral sex.

Verbal Behavior

Sexual exploitation or sexual abuse can also include verbal behavior such as:

- innuendo or sexual talk;
- suggestive comments;
- tales of sexual exploits, experience, or conflicts;
- making sexual propositions.

Factors That Might Lead to Sexual Misconduct in a Ministerial Setting

It is a common dynamic in ministry for some to feel attracted to those in church leadership positions, or to feel flattered by his or her attention. This never excuses any form of sexual misconduct. Clergy or other church leaders who engage in any form of sexual misconduct are violating the ministerial relationship, misusing their authority and power, and are taking advantage of the vulnerability of those who are seeking spiritual guidance.

Because of the respect and even reverence with which many people seek help from the Church's ministries, there is an imbalance of power and hence a vulnerability inherent in the ministerial relationship. In these circumstances there is an absence of meaningful consent to any sexual activity, even if the person is an adult. This imbalance of power makes it never okay. It is the responsibility of the Church leader to maintain appropriate emotional and sexual boundaries with those with whom they work or serve.

Impact Of Ministerial Sexual Misconduct On Its Victims

Victims of ministerial sexual misconduct frequently feel deep shame or self-condemnation. They may fear not being believed or fear being blamed by church officials or members. Many times they may not even realize that the way they were treated was abusive. Sadly, victims can experience a crisis of faith and even leave the Church altogether.

RESPONSE TO COMPLAINTS OF SEXUAL MISCONDUCT

How Complaints Or Allegations Of Sexual Misconduct Are Handled By Cristo Rey San Jose

Cristo Rey San Jose treats all complaints of sexual misconduct seriously and deals with such allegations in a prompt, confidential, and thorough manner with compassion and consideration for all those involved.

- A complaint against school personnel may be initiated in writing or by telephoning the San Jose Diocese Director of the Office for the Protection of Children and Vulnerable Adults ([408-983-0113](tel:408-983-0113))
- Complaints against religious order priests or women religious are made to their own religious superior. The Office for the Protection of Children and Vulnerable Adults is able to assist directing such a complaint to the proper authority.

Complaints Lodged Against A Member Of The Clergy (I.E., Bishops, Priests, And Deacons)

When a member of the clergy is accused, Cristo Rey San Jose will:

- make every effort to act in a way that protects people from being harmed, including relieving an accused priest or deacon from ministerial duties if there is sufficient evidence to support the allegations;
- comply with all civil reporting mandates governing sexual abuse;
- strive impartially to determine the facts and circumstances as accurately as possible;
- offer victims and their families assistance in obtaining psychological counseling and spiritual directions;
- deal as openly as possible with members of the parish community while respecting the privacy of the individuals involved and in accordance with Church law governing such situations.

Preventing Sexual Misconduct

What Is Being Done To Prevent Sexual Misconduct In The Church

Every effort is made to assure that all persons ministering in Cristo Rey San Jose are aware of and will abide by the policies prohibiting sexual harassment, exploitation or abuse, and of the procedures for dealing with incidents of sexual misconduct.

School personnel are screened for their ability to work safely with children, are provided information to help recognize and deal with issues of child sexual abuse, and are offered guidance and instruction on appropriate professional conduct with students.

All seminarians and candidates for the diaconate go through an extensive evaluation and psychological assessment before entering formation. After ordination, priests and deacons receive ongoing training on maintaining the integrity of the ministerial relationship.

Every person has the right to be respected and treated with dignity befitting a child of God. Every person has the right to have appropriate boundaries respected. Every person has the right to challenge any behavior or comment that is offensive or inappropriate. It is the responsibility of everyone to protect the safety of children, families, women and men, and to promote healing where there is injury with firm justice and mercy toward all.

EMPLOYEE/STUDENT RELATIONSHIPS: POLICIES AND PROCEDURES

Adults acting in a staff, faculty, ministerial or other paid or volunteer position in Cristo Rey San Jose are role models who are called to treat each minor with respect and care. Clergy/staff members/faculty/volunteers serving either in a paid or volunteer position need to maintain professional relationships with minors whether on or off the school's property. **Please review the following guidelines:**

- Clergy/staff members/faculty/volunteers will ensure that minors are properly supervised at all times, thus providing them a safe environment. Minors must be viewed as “restricted individuals” because they are not adults and are not independent.
- If clergy/staff members/faculty/volunteers who are supervising minors observe a situation where civil law, parish and/or school rules are being violated, they must take appropriate action immediately.
- Clergy/staff members/faculty/volunteers should always be aware they have considerable personal power because of their ministerial positions. Therefore, they will maintain respectful ministerial relationships, avoiding manipulation and other abuses of power.
- Clergy/staff members/faculty/volunteers must avoid assuming the role of a “father or mother figure,” which may create an excessive emotional attachment for all parties.
- Attraction between adults and minors is possible, and care and caution should be taken in all interactions. The parish/school administration should be informed immediately if such an attraction exists. Dating or sexual relationships between a clergy/staff member/faculty/volunteer and a minor are inappropriate and unethical. Dating or sexual relationships between a clergy/staff member/faculty/volunteer and a minor are unlawful.

- Communications with minors (e.g., notes, letters, e-mail and Internet exchanges, telephone calls) must be for professional reasons only.
- Discussions of a sexual nature must always take place in an appropriate educational context. Sexual jokes, slang or innuendo are inappropriate when interacting with minors.
- Clergy/staff members/faculty/volunteers will respect confidential information concerning minors or confidential information of a personal nature shared by a minor. However, if a minor shares confidential information that could pose a threat to the minor or to others, the clergy/staff member/faculty/volunteer has an obligation to notify the proper authorities.
- When clergy/staff members/faculty/volunteers are supervising minors or young adults at school-sponsored activities, they may not be under the influence of alcohol, may not consume alcohol in the presence of persons under age 21, nor offer alcohol to them.
- When a clergy/staff member/faculty/volunteer is alone in a room with a minor, the door must be open, or there must be clear visibility through windows.
- Clergy/staff members/faculty/volunteers are to engage in games or sports activities with minors only in the presence of other adults, or in a place openly accessible/visible to others.
- Clergy/staff members/faculty/volunteers planning parish/school events in their homes with minors must have the permission of the parish/school administration. In addition, clergy/staff members/faculty/volunteers may not have any minors in their homes without the knowledge of the minor's parent or guardian.
- Clergy/staff members/faculty/volunteers may not drive minors unless it is to or from a school-sponsored activity. Driving minors requires parental permission slips that indicate the transportation is by personal vehicle. The parish/parish school administration must approve any use of personal vehicles. Trips involving minors must have a sufficient number of adult chaperones and minors to preclude the appearance of inappropriate personal involvement with minors.
- Parent/guardian written permission is required for the publication of a picture of a minor.
- Adults are permitted to interact alone with minor/minors only after complying with school policies regarding fingerprinting and safe environment training. They may work with minors only as part of a team if they have not met those requirements.

All verbal interactions between teacher and student, even when dealing with disciplinary issues, will be characterized by respectful and professional language. No foul language, swear words, name-calling or personal characterizations of students by teachers is permitted. We are to model to the students the exact behavior we expect from them.

Verbal/Written Confidences Policies

Teachers, Counselors, Retreat Leaders and other school personnel will respect the verbal or written confidences of students, except in cases where the health or safety of the student or others is involved. In these cases the appropriate administrator should be notified immediately. Further, teachers are obligated to read assignments given to students;

teachers should avoid such techniques as telling students to clip together pages they do not want the teacher to read or to have students write at the top of such pages, "Please do not read"; and journal writing, if given, should be directed assignments rather than diary form or stream of consciousness.

ELECTRONIC COMMUNICATIONS

Communicating with Students

Employees may not communicate with students using personal cell phones, personal email accounts, social network sites (i.e., Facebook), blogs (this includes chat websites) or text messaging.