

DIOCESE OF MADISON

# Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment

Promulgated: December 1, 2008

Effective: January 1, 2009

**Most Reverend Robert C. Morlino**  
**Bishop of Madison**

## DECREE OF PROMULGATION

The **Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment** updates the 2003 Diocese of Madison **Policy**, and results from the concern that the Church utilizes competent ministers who provide effective ministry. We are convinced that the majority of those who serve in various capacities in the Diocese of Madison are competent, ethical, balanced, and mature. At the same time, we are aware that accusations have been made, and we are concerned that the *Charter for the Protection of Children and Young People* of the United States Conference of Catholic Bishops, with the accompanying *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, are upheld and maintained in the Diocese of Madison.

While this **Policy** statement is necessarily canonical in tone, it is based on the conviction that the root of the problems we face in this area is sinful behavior. Violations of the Sixth Commandment are objectively grave matters and these behaviors are contrary to the provisions of this Policy. Only when one acknowledges the personal sinfulness involved, will it be possible to freely turn to the healing mercy of our loving God. The sexual abuse of minors is a crime and is usually associated with serious psychological illness. Any response must address those two dimensions. But the third dimension, serious sin, must not be overlooked—in fact, the Church's unique competence is to deal with sin primarily, rather than crime or psychological illness—others have competence in those spheres, which may or may not create space for mercy. But in the end, only the Mercy of Christ heals human sin and sinfulness. The Church must overflow with mercy for victims of sexual abuse, and must also not deprive sexual abusers of all hope for mercy.

This Policy contains a few changes from the 2003 policy and becomes effective January 1, 2009. It applies to all priests and deacons incardinated in the Diocese of Madison; to all seminarians affiliated with the Diocese of Madison; to women and men religious; to lay men and women employed by or utilized as volunteers by the Diocese of Madison, its parishes, schools, institutions, offices, or programs; and to all priests and deacons incardinated in a Diocese other than the Diocese of Madison serving in any capacity here, and to women and men religious serving in any capacity within the Diocese of Madison.

In virtue of my authority as Bishop of the Diocese of Madison, this **Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment** is hereby promulgated. This policy is available and can be downloaded online at [www.madisonDiocese.org](http://www.madisonDiocese.org). Copies are to be made available to each priest, deacon, seminarian, and woman and man religious currently serving in the Diocese of Madison. Pastors or institution directors will distribute a copy to each employee and to all volunteers who work with children on a regular basis.

Given at Madison, Wisconsin, this 1st day of December 2008; to take effect on the 1st day of January 2009.



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Signed by: Most Reverend Robert C. Morlino, Bishop of Madison



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Witnessed by: Reverend Monsignor Daniel T. Ganshirt, Vicar General

DIOCESE OF MADISON

# Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment

## GENERAL INTRODUCTION

Scripture tells us that from the very beginning man and woman were created in the image and likeness of God, and that God saw all creation as very good (see Genesis 1:26–31). Therefore, our identity as “good people” is a significant aspect of God’s plan of creation. Consequently, it is with appreciation, wonder, and respect for the goodness of God instilled in all people by their creator that we approach the phenomena of sexual abuse of minors, adult sexual misconduct, and sexual harassment.

In November 1992, the Bishops of the United States stated “all our actions should show our Church as a living, caring, and healing Church. We pledge again our care and concern for all victims of sexual abuse, wherever and however it occurs. We commit ourselves anew to bring the healing ministry of our Church to our people, to dialogue and pray with all who have suffered, and to foster opportunities for reconciliation” (NCCB Resolution, November 19, 1992).

In November 2002, the Bishops of the United States, responding to the crisis involving the sexual abuse of minors and young people by some priests and bishops, issued the *Charter for the Protection of Children and Young People*. In that document, the Bishops reaffirmed the obligation of all involved with the Church to “protect young people and to prevent sexual abuse” since this “flows from the mission and example given to us by Jesus Christ himself.” This Diocesan Church takes seriously the principles in the *Charter* as well as the accompanying *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, which became effective March 1, 2003 and were incorporated into the 2003 policy and this renewed policy of 2009.

Aware that the great majority of priests, seminarians, deacons, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; concerned that any victim of sexual abuse of a minor, sexual misconduct, or sexual harassment be nurtured, treated and healed; concerned for the ministerial well-being of our people in general; and concerned that a perpetrator of sexual abuse be treated justly toward whatever healing is possible; the following **Policy** regarding the sexual abuse of minors, sexual misconduct involving adults, and sexual harassment is adopted by the Diocese of Madison.

This Policy is effective January 1, 2009, replacing the former policy from November 2003, and applies to all priests, seminarians, deacons, women and men religious, and lay men and women employed by or utilized as volunteers by the Diocese of Madison, its parishes, schools, institutions, offices or programs; and to all priests and deacons incardinated in a Diocese other than the Diocese of Madison serving in any capacity here; and to women and men religious serving in any capacity within the Diocese of Madison.

After January 1, 2009, any individual who begins serving as a priest, deacon or seminarian, all women and men religious, all lay men and women employees, and all who are regularly utilized as volunteers working primarily with children, are to sign a statement acknowledging receipt of this policy and their agreement to abide by it (see Appendix V for text). Those individuals listed above who have signed the 2003 policy are not required to sign the 2009 policy as any revisions that were made were for the sake of clarifying the 2003 policy rather than changing the 2003 policy. Failure to sign the statement is deemed reason for termination.

Regarding volunteers:

- (1) Anyone who serves as a volunteer for the Diocese of Madison, its parishes, schools, institutions, offices or programs is expected to abide by the various provisions of this document.
- (2) A background search will be conducted for any person prior to acceptance for service as a volunteer (see Appendix II).
- (3) Those who are regularly utilized as volunteers are to sign the “Statement of Receipt and Agreement” at the time they agree to serve as a volunteer (see Appendix V). Although this requirement also applies to those who serve in liturgical ministries (such as usher, lector, Eucharistic minister, etc.), it primarily applies to those who serve as volunteers in any capacity involving young people under age 18 (such as at the Diocesan summer camp, schools, in religious education programs or other youth ministry programs), or in any position which would otherwise be filled by an employee.

The Sexual Abuse Review Board (see Appendix I for a description of this group) will review the policy at least every three years, making any necessary recommendations for modification.

Any woman or man religious or any lay person employed by or regularly utilized as a volunteer by the Diocese must sign the acknowledgement and agreement at the time of hiring or volunteering (see Appendix V); any man desiring ordination as a priest must sign the acknowledgement and agreement at the time he applies for Diocesan sponsorship; any man desiring ordination as a permanent deacon must sign the acknowledgement and agreement at the time he applies for acceptance into the formation program; any priest or deacon from outside the Diocese of Madison must sign the acknowledgement and agreement before he may serve as priest or deacon here; any woman or man religious must sign the acknowledgement and agreement before serving in any capacity in the Diocese of Madison. Anyone who refuses to sign the statement may not be employed, serve as a volunteer, be accepted for sponsorship as a seminarian, be accepted into the permanent deacon formation program, or serve as a priest or deacon in the Diocese of Madison.

# DIOCESE OF MADISON POLICY REGARDING SEXUAL ABUSE OF A MINOR

## INTRODUCTION

No minor should ever be sexually abused by an adult. However, since we know that sexual abuse of minors can happen, this policy seeks to ensure that should it occur, the sexual abuse of minors by those adults who are clerics, church workers and volunteers in the Diocese of Madison is dealt with swiftly, justly and with the compassion envisioned by the Gospel.

The particular problem of sexual abuse of minors is “a crisis without precedent in our times” in the Church in the United States, according to the *Charter for the Protection of Children and Young People* issued in June 2002 by the United States Conference of Catholic Bishops (USCCB). The damage caused by sexual abuse of minors is devastating and long-lasting, and the USCCB has committed to pastoral outreach to repair the breach with those who have suffered sexual abuse and with all people of the Church, to provide safety and protection for minors and young people in Church ministries and institutions, to manifest accountability to God and His people, to strive to heal the trauma that victims/survivors and their families suffer, and to be in dialogue with all Catholics about the issue.

There is a special need to address the problem of unethical sexual contact by clerics, church workers, and volunteers with transparency and openness. The atmosphere needs to be one where silence, ignorance, and minimization are overcome by understanding, Christian love, and mutual respect.

Aware that the great majority of priests, seminarians, deacons, women and men religious, lay employees, and volunteers are competent, ethical, balanced and mature; concerned that any minor who is the victim of sexual abuse be nurtured, treated and healed; concerned for the ministerial well-being of our people in general; and concerned that a perpetrator of sexual abuse be treated justly toward whatever healing is possible; the following Policy regarding the sexual abuse of minors is adopted for the Diocese of Madison.

## DESCRIPTION OF TERMS

“Adult” denotes a person 18 years of age or older.

“Minor,” “child,” or “young person” all denote a person who is under 18 years of age.

“Sexual abuse of Minors” includes any form of physical or psychological abuse of a sexual nature when perpetrated on a person under 18 years of age by a person older than 18 years of age.

“Sexual Abuse of Minors” includes any form of sexual molestation or sexual exploitation of a minor or any other behavior by which an adult uses a minor as an object of sexual gratification, and thus constitutes an external, objectively grave violation of the sixth commandment.

“Offender” means an individual who has performed an act of sexual abuse of a minor.

“Victim,” “survivor,” or “victim/survivor” means an individual against whom an act of sexual abuse of a minor has been performed, and the family of such an individual.

“Supervisor” means the person to whom an individual is directly responsible, e.g., the school principal (for school employees and volunteers), a program director (for those who are employed by or volunteer in that program), the pastor (for those who are employed by or volunteer in the parish; and for priests and permanent deacons who serve the parish), a Diocesan office director (for directors of programs which fall within that division), the Bishop (for priests, Diocesan division heads, school principals).

“Clerics, church workers, and volunteers” mean all those to whom this policy applies, including priests, deacons, seminarians, women and men religious, lay employees, and volunteers.

## STATEMENT OF POLICY REGARDING SEXUAL ABUSE OF A MINOR

**It is the Policy of the Diocese of Madison that sexual abuse of minors, by priests, deacons, seminarians, women or men religious, or by laypersons employed by or volunteering services to the parishes, schools, institutions, offices and programs of the Diocese is not to be tolerated. Such activity is contrary to basic Christian ethical principles and is a violation of the ministerial relationship of trust between clerics, church workers, and volunteers and those in their care. All clerics, church workers, and volunteers must comply with applicable state and local laws regarding incidents of actual or suspected sexual abuse of a minor, and with the procedures outlined in this document.**

## **PREVENTION**

Everyone needs to be aware of the causes and signs of sexual abuse of minors, the steps to take to protect minors, and what procedures to follow if sexual abuse is suspected or observed.

The priests, deacons, and seminarians of the Diocese, the women and men religious serving here, and those laymen and women employed or regularly utilized as volunteers by the parishes, schools, and other Diocesan institutions, offices or programs have an obligation to be knowledgeable of these matters. These men and women are in a position of leadership in our Diocesan community and, as such, are perceived as special and trustworthy individuals. Additionally, they are responsible for the well-being of minors on a daily basis. Thus, all are to study and accept the provisions contained in this policy statement.

## **EDUCATION**

Educational sessions on these and related matters, including a “safe environment” program, are to be an ongoing part of the continuing formation of priests and the formation and continuing formation of deacons, women and men religious, lay employees, and volunteers.

Recognition, prevention, and reporting of sexual abuse of a minor are to be included in school in-service programs each year, and in the training program for anyone who serves in any capacity at the Diocesan summer camp.

## **PARENTS AND MINORS**

Parents and minors have their part to play in the prevention of sexual abuse of minors. To that end, schools, religious education, and other youth programs are to include in their health and sexuality curricula an appropriate discussion of sexual abuse of minors. It is recommended that parents participate in these programs with their children and that parishes provide programs specifically for parents. Parents are encouraged to develop good open communication with their children.

## **THOSE WHO WORK WITH MINORS**

Persons who serve our young people are among the most valuable assets to our faith community. Along with parents, they contribute to the spiritual, emotional, intellectual, and physical well-being of our young people. Only those persons who are suited, both by temperament and psychological makeup, should be chosen to work with young people.

Therefore, each applicant for employment in a position involving contact with minors in the parishes or institutions of the Diocese must supply the hiring agent with personal information sufficient to assess his or her suitability for contact with minors. Each applicant must agree to a background search (see Appendix II). Each applicant

must supply the names of at least three references, including the most recent employer, in addition to the names of any close friends or relatives that are given as references. At the time of hiring the individual must sign the statement indicating receipt and acceptance of this Policy (see Appendix V).

Candidates for ordination must agree to a background search at the time they apply for Diocesan sponsorship. At the time of acceptance for sponsorship by the Diocese, the seminarian must sign the statement indicating receipt and acceptance of this Policy.

Hiring agents are to speak with all references provided by applicants and are to examine and verify employment history. The background of all personnel who have regular contact with minors will be evaluated, specifically utilizing the resources of law enforcement and other community agencies. In addition, adequate screening and evaluative techniques will be employed in determining the fitness of candidates for ordination. All employment information is gathered by the local hiring agent and is to be kept there in a confidential file until seven years after employment terminates, at which time it is to be destroyed.

In light of the foregoing requirements for employment, those who recruit volunteers who work with children are to exercise due caution in selecting volunteers. Those who regularly are utilized as volunteers must agree to a background search (see Appendix II) and they must sign the statement indicating receipt and acceptance of this Policy (see Appendix V). If there is any cause for concern, the matter should be brought to the attention of the appropriate supervisor and the volunteer should not be placed in a position involving contact with minors until the concern is resolved.

## **CONTACT WITH MINORS**

All who minister to minors in the church devote much time and attention to planning and executing activities that are of benefit to our youth. At the same time, they must be vigilant to guard against words or actions that result in mistaken perceptions, especially regarding sexual abuse.

Except where civil law explicitly permits a person to counsel a minor without parental consent, and in the course of the Sacrament of Penance, a minor may receive regularly scheduled, individual instruction or counseling from a cleric, church worker, or volunteer only with the consent of the minor's parent or guardian.

The written consent of a parent or guardian is required for any minor to participate in an organized program sponsored by a parish or institution of the Diocese. The consent form should include how emergency care for the minor may be provided, as warranted by the program or activity involved.



At least two adults must be present for any activity sponsored by a parish or institution of the Diocese, with the exception of the Sacrament of Penance, and regular school or religion classes. Whenever possible, one of the adults should be a parent of a participant. **Two adults must be present when any overnight activity is involved.** If, for unanticipated reasons, only one adult can be present for a daytime activity, an exception can be made for that particular activity.

No minor may be disciplined corporally or corrected with abusive or other inappropriate language.

No cleric, church worker, or volunteer may provide alcohol to a person less than twenty-one years of age. This prohibition does not apply to sacramental wine at the Eucharistic celebration.

A cleric, church worker, or volunteer must obtain the consent of a minor's parent or guardian before inviting or allowing the minor to visit in the adult's home and a second adult must be present. When religious education classes take place in a home, all parents or guardians must be aware of this and a second adult normally must be present.

No minor may visit overnight in a rectory (or other residence of a priest), or stay overnight with a priest in any other place, unless in the company of his or her parent or guardian. An exception can be made if the minor is a close relative of the priest, provided the parent or guardian consents.

No minor may travel alone with a priest for an extended distance, unless in the company of or with the express permission of his or her parent or guardian. An exception can be made if the minor is a close relative of the priest and when circumstances require assuming parental permission (such as giving a stranded minor a ride home).

## **SEMINARIANS AND DEACON CANDIDATES**

Part of the application process for acceptance as a student for priesthood or as a permanent deacon candidate in the Diocese of Madison is a psychological evaluation. Part of this evaluation is to consider matters relating to sexuality.

The Diocese expects that each seminary will offer sufficient training with regard to clerical continence and celibacy and the necessity of leading a chaste and moral life. This occurs in the academic setting, but more particularly in spiritual direction and pastoral formation. The Diocese will require that the seminary include this aspect of formation in its reports on seminarians.

The Diocesan Program of Diaconate Formation will offer sufficient training with regard to the necessity of leading a chaste and moral life. This occurs both in the academic setting and in spiritual direction and pastoral formation.

Prospective seminarians are to agree to a background search at the time they apply for sponsorship by the Diocese; prospective permanent deacons are to agree to a background search at the time they apply for acceptance into the program of formation (see Appendix II). At the time he is accepted, each must sign the statement indicating that he has received and agrees to adhere to this Policy (see Appendix V).

### **PRIESTS OR DEACONS FROM OUTSIDE THE DIOCESE**

Before a priest or deacon will be accepted for ministry in the Diocese of Madison, he must obtain a letter of recommendation from his bishop (or religious superior). As part of the recommendation, and in keeping with the *Essential Norms*, the bishop or religious superior must indicate that there have been no founded accusations or convictions involving physical or sexual abuse of a minor brought against the priest or deacon.

Further, the individual must agree to a background search (see Appendix II). Prior to beginning his assignment, the priest or deacon must sign the statement indicating that he has received and agrees to adhere to this Policy (see Appendix V).

### **PREVENTATIVE INTERVENTION**

Any cleric, church worker, or volunteer who observes another cleric, church worker, or volunteer behaving in a manner which may pose a potential risk to a minor ordinarily should bring this concern to the attention of that person. Then, when warranted, the matter is to be reported to the proper supervisor. That supervisor is to deal with any situation of potential risk without delay. If the serious potential risk is not resolved in a satisfactory manner, the supervisor may take appropriate action in keeping with these policies and the appropriate personnel policies.

Any adult who observes a cleric, church worker, or volunteer behaving in a manner which may pose a potential risk to a minor is encouraged to call the matter to the attention of that adult. When warranted, any adult should not hesitate to report such concerns to the proper supervisor.

## **RESPONSE**

When there is an alleged violation of the ministerial relationship, the persons involved must have recourse, and the situation must be evaluated and addressed in a manner that is just, compassionate, and understanding. To that end, the Diocese of Madison has developed the following response to situations of sexual abuse of a minor.

The entire Diocesan community, under the leadership of the Bishop, must respond forthrightly and with compassion and care to the victim and the victim's family, to the local church community affected, to the Diocesan church community, and to the offender. The response seeks personal and communal healing, a fair assessment of the accused, and treatment for those who are in fact, offenders. The prevention of further sexual abuse by a known offender is paramount.

## **RESPONSE TO VICTIM**

The first obligation of the Church with regard to victims of sexual abuse of minors is for healing and reconciliation. The Diocese will reach out to victims/survivors of sexual abuse of minors and those claiming to be victims of such sexual abuse. Diocesan outreach may include counseling, spiritual assistance, support groups, and other social services as may be agreed. Through pastoral outreach to victims/survivors of sexual abuse of minors, the Bishop or his designated representative will offer to meet with victims/survivors of sexual abuse of minors or those claiming to be victims of such sexual abuse and their families, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by our Holy Father.

The welfare of the victim is of primary concern. To that end, the Diocese of Madison offers counseling to help the individual deal with the experience he or she has undergone.

The Diocese will provide payment for counseling when assessment determines that the offender was a priest, seminarian, deacon, woman or man religious, employee or volunteer of the Diocese of Madison at the time the sexual abuse of a minor occurred.

Whenever possible, the offender should be the person primarily responsible for the payment of expenses for the victim’s therapy and will be encouraged to reimburse the Diocese for any expenses incurred to the extent possible.

## **RESPONSE TO PARISH/INSTITUTION**

When an allegation regarding sexual abuse of minors involving a cleric, church worker, or volunteer becomes public, the response of the Diocese to the people of the area is an important pastoral concern. Working in conjunction with the pastor, institution supervisor, office or program director, and/or the Dean, the Bishop will determine how the Diocese will assist the local community to respond to such an allegation. The Bishop may consult with the Sexual Abuse Review Board, the Diocesan attorney, and others before coming to a determination.

## **REPORTING TO CIVIL AUTHORITIES**

The Diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to the appropriate District Attorney, or other appropriate governmental agency, and will cooperate in their investigation in accord with applicable law. The Diocese will cooperate with public authorities about reporting in cases where the person is no longer 18 years of age or under. In every instance, the Diocese will advise and support a person’s right to make a report to public authorities.

Wisconsin law requires many individuals who know or have reasonable cause to suspect sexual abuse or neglect of minors to report the matter promptly to the appropriate governmental agency. Any person who knows or has reasonable cause to suspect sexual abuse of a minor or neglect may do this reporting. (See Appendix IV for the text of the applicable Wisconsin law and a listing of those who are required to report). All clerics, church workers, and volunteers of the Diocese are to be familiar with this portion of Wisconsin law. Those who are obligated to report to civil authorities are to do so without delay.

## **REPORTING TO CHURCH AUTHORITIES**

Any cleric, church worker, or volunteer (except a priest when his knowledge is obtained in the Sacrament of Penance; and a person whose knowledge is protected by legal privilege), even when not obligated by state law to report to civil authorities, who witnesses an act of sexual abuse of a minor perpetrated by another or suspects that such an act has occurred or receives a report of such an act, must report the incident immediately to the Diocesan Chancellor (or his delegate), or the Victim's Assistance Coordinator. If the report is not submitted in written format, the Chancellor (or his delegate), or the Sexual abuse Assistance Coordinator shall make a written record of the oral report. The Chancellor may be reached at 608-821-3162, the Victim's Assistance Coordinator at 608-821-3016; or by writing to: 702 S. High Point Road, Madison, WI 53719. Should a complaint involve the Chancellor, it is to be made to the Bishop, who will appoint a person to take the role assigned by this Policy to the Chancellor.

Any person who believes that a minor has been sexually abused by a cleric, church worker, or volunteer is encouraged to report the incident to the Chancellor (or his delegate) or to the Sexual Abuse Assistance Coordinator.

The Chancellor (or his delegate) or the Sexual Abuse Assistance Coordinator will notify the Bishop about the reported incident, as well as the Sexual Abuse Review Board, the Diocesan attorney, the insurance carrier as required, and those others who need to be aware that the report has been made. If the complaint involves an individual who is a member of a religious community, or a priest or deacon from another Diocese but residing in the Diocese of Madison, the complaint will be reported immediately to that person's religious superior or Bishop.

If so indicated by preliminary investigation of an allegation of sexual abuse of a minor by a priest or deacon, the Bishop will notify the Congregation for the Doctrine of the Faith.

## **PRELIMINARY INVESTIGATION**

The incident is to be investigated quickly by the Chancellor (or his delegate). (If he deems it appropriate, the Bishop on an ad-hoc basis may appoint others for this investigation). This is a preliminary investigation, aimed at determining whether there is sufficient evidence (*Norm 6*).

A preliminary report of this investigation will be given to the Bishop and the Sexual Abuse Review Board. If the initial complaint is not substantially verified, the original investigation report is to be placed in a confidential file at the Chancery in keeping with the section on records below. The conclusion that the complaint is not credible will be communicated to the one making the complaint and the alleged victim.

If the initial complaint is credible, the following steps will be conducted immediately:

1. Provide effective and compassionate care to the victim and the victim's family. Initially such pastoral care falls to those at the local level, until other care is arranged. Whatever response is made, it is to be coordinated with the civil officials investigating and responding to the reported incident.
2. Inform accused individuals of the investigation and give them every opportunity to respond. He or she will be relieved of his or her duties and placed on administrative leave. During the administrative leave, regular salary and benefits are to be provided. The permanent status should be resolved as soon as possible.
3. When the accused individual is a priest or deacon, ordinarily he will be placed under penal precept and notified that he is not to have private contact with anyone under 18 pending the outcome of the investigation.

He may be requested by the Bishop to undergo and comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the Bishop and the accused, to determine if he is impeded by psychic cause from exercising ministry (canon 1044, §2, 2°) or from fulfilling his obligations of continence (canon 277). For a member of a religious community or cleric incardinated in another Diocese, this is also a condition for remaining in the Diocese.

4. When the accused individual is a seminarian, he may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued Diocesan sponsorship. An accused woman or man religious may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued ministry in the Diocese.
5. When the accused individual is a lay employee or volunteer, that person may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued employment or eligibility to continue providing volunteer services.

6. Appropriate steps to protect the reputation of the accused during an investigation will be taken. The accused will be encouraged to retain the assistance of civil and canonical counsel as may be appropriate, and will be promptly notified of the results of the investigation (Norm 6).

However, if the matter has been reported to civil authorities, it may be better for the local church community to be advised of the accusation by the Chancellor or his delegate, rather than to hear it from rumor.

7. Whenever possible, the investigation is to include interviews with the alleged victim, the alleged victim's parents, the person making the initial report, the accused person, and any other person who may have knowledge of the situation, as well as the report of the psychological assessment.

8. Cooperation by the Diocese with investigations by civil authorities in accord with applicable law. It is recognized that an investigation by civil authorities may delay the church investigation anticipated above. Only in that situation will a final church determination be delayed pending resolution of the investigation by civil authorities.

9. Once the investigation has concluded, a report from the investigator will be presented to the Bishop and the Sexual Abuse Review Board indicating either that the accusations appear to be unfounded and the case should be considered closed (pending the outcome of any civil investigation) or that there is credible evidence that sexual abuse of a minor occurred. The conclusions will be communicated to the one bringing the complaint and the alleged victim.

#### **ACTION WHEN THERE IS SUFFICIENT EVIDENCE THAT SEXUAL ABUSE HAS OCCURRED**

If the investigation report indicates there is credible evidence to believe that sexual abuse of a minor has occurred:

1. The matter will be reported to the civil authorities and, if it involves a priest or deacon, to the Congregation for the Doctrine of the Faith. The Chancellor (or his designate) will notify the person making the report that it has been reported.

2. If the accused person is a layperson and this has not already happened, the person will be placed on administrative leave.

3. If the accused person is a man or woman religious, he or she will be notified that permission to function in ministry in the Diocese is suspended, pending the outcome of the case. The appropriate religious superior will be notified.

4. If the accused person is a seminarian, his sponsorship by the Diocese will be suspended, pending the outcome of the case.

5. If the accused person is a priest or deacon, the Bishop, respecting the right of the accused person to adequate defense and in keeping with any direction from the Congregation for the Doctrine of the Faith, will determine whether to initiate a canonical process appropriate to the results of the evaluation indicated in number three under “preliminary investigation.” Depending on the circumstances, this could be a process to invoke an impediment to the exercise of orders or the canonical penal process, including the possibility of restricting residence, removal from office, or restriction from celebrating Mass in public.

The Diocese may also appoint a monitor who can effectively supervise the individual’s daily activities. If the complaint involves criminal activity, a trained monitor will be appointed to assist in arranging and defining his day-to-day activities, including non-ministerial work, therapy, and living arrangements.

If the priest or deacon is from another Diocese or a member of a religious community, the appropriate bishop or superior will be notified that the individual’s permission to minister in the Diocese of Madison has been suspended.

6. The accused person may receive a recommendation to undergo rehabilitative treatment. If the accusation involves criminal activity, it will be recommended that the individual go to a qualified treatment facility as soon as entrance can be arranged.

#### **WHEN THERE IS ADMITTED OR ESTABLISHED SEXUAL ABUSE OF A MINOR**

1. When sexual abuse of a minor is admitted or established after an appropriate process in accord with canon law, the Bishop will determine a course of action based on the reports of the professional evaluators, the recommendation of the individual’s supervisor, the advice of the Sexual Abuse Review Board, the advice of Diocesan legal counsel, the advice of the Diocesan insurance carrier, and canonical advice as warranted.

2. Sexual abuse of a minor that is admitted or established after an appropriate process in accord with canon law is deemed grounds for dismissal for any employee or volunteer; for immediate return to the Diocese of incardination or religious community for a woman or man religious or priest or deacon incardinated in another Diocese; and for withdrawal of Diocesan sponsorship for a seminarian.

3. When even a single act of sexual abuse of a minor on the part of a priest or deacon of the Diocese of Madison is admitted or established after an appropriate process in accordance with canon law, the offending priest or deacon must be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (Norm 8).

Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances it will direct the Bishop how to proceed. If the case would otherwise not be allowed because the Church's statute of limitations has expired since sexual abuse of a minor is a grave offense, the Bishop must apply to the Congregation for the Doctrine of the Faith for a derogation from prescription—the Church equivalent of a statute of limitations—while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When an accused cleric does not choose canonical counsel, the Bishop will provide him a canonist to help ensure his right of defense is safeguarded throughout the process. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

If the penalty of dismissal from the clerical state is not applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

At all times the Bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. The Bishop must exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor shall not continue in active ministry.

4. A priest or deacon who has committed an act of sexual abuse of a minor may at any time request dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

5. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another Diocese or eparchy or religious province. Before a priest or deacon may be transferred for residence to another Diocese or eparchy or religious province, the Bishop shall forward in a confidential manner to the local bishop or eparch or religious ordinary (if applicable) of the proposed place of residence, all information concerning any established or alleged act(s) of sexual abuse of a minor and any other information indicating that he has been or may be a danger to minors or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.



Before receiving any priest or deacon from outside the jurisdiction of the Diocese of Madison, in accord with *Essential Norms*, the Bishop will obtain the necessary information regarding any past established or alleged act(s) of sexual abuse of a minor by the priest or deacon in question from the cleric's Diocese of incardination. Additionally, the priest or deacon will agree to a background search (see Appendix II).

### **RETURN TO ACTIVE MINISTRY WHEN A COMPLAINT IS UNFOUNDED**

When a complaint is determined to be unfounded and the cleric, church worker, or volunteer did not engage in sexual abuse of a minor, the Bishop will determine how the accused person's good name is to be restored. Administrative leave will be terminated. Every effort will be made to return the individual to ministry or employment in the Diocese.

In the event that the circumstances and publicity associated with the accusation prevent a woman or man religious or a layperson from ministry or employment in the Diocese of Madison at least for a period of time, every effort will be made to assist the person to find employment elsewhere.

A priest or deacon has a canonical right to remain in his appointment and cannot be removed without an appropriate canonical process. However, if the priest or deacon concludes that the circumstances or publicity associated with the accusation prevent him from effective pastoral ministry in the place where he had been assigned, the Bishop will either provide another assignment in the Diocese of Madison, or assist him to find a pastoral assignment in another Diocese with the understanding that when the circumstances have changed, the Bishop will provide him with an assignment in the Diocese of Madison.

# DIOCESE OF MADISON POLICY REGARDING SEXUAL MISCONDUCT INVOLVING ADULTS

## INTRODUCTION

Sexual misconduct by a priest, deacon, seminarian, man or woman religious, lay employee or volunteer is contrary to Catholic moral teaching and obviously outside the scope of the duties of such individuals. The Church expects clerics, church workers, and volunteers to live their lives in a chaste and moral manner. Any inappropriate sexual behavior on the part of a cleric, church worker, or volunteer is an abuse of his or her position, pastoral role, and responsibility.

Aware that the great majority of priests, deacons, seminarians, women and men religious, lay employees, and volunteers are competent, ethical, balanced and mature; concerned that any victim of sexual misconduct be nurtured, treated, and healed; concerned for the ministerial well-being of our people in general; and concerned that a perpetrator of sexual misconduct be treated justly toward whatever healing is possible; the following Policy regarding sexual misconduct involving adults is adopted for the Diocese of Madison.

## DESCRIPTION OF TERMS

“Adult” means a person eighteen years of age or older.

“Sexual misconduct” The performance of ministry does not allow for any sexual conduct. Therefore, any sexual conduct in the course of performing ministry is sexual misconduct, thus constitutes an external, objectively grave violation of the sixth commandment.

Additionally, priests and religious are bound to the obligation of perfect and perpetual continence and to celibacy (see canons 277 and 672). Deacons are bound to continence with all except their wives. Failure to comply with these obligations is a violation of this Policy.

“Offender” means an individual who has performed an act of sexual misconduct with another adult.

“Victim” means a person who has suffered from the sexual misconduct of another.

“Supervisor” means the person to whom an individual is directly responsible, e.g., the school principal (for school employees and volunteers), a program director (for those who are employed by or volunteer in that program), the pastor (for those who are employed by or volunteer in the parish; and for priests and permanent deacons who serve the parish), a Diocesan office director (for directors of programs which fall within that division), or the Bishop (for priests, Diocesan division heads, school principals).

“Clerics, church workers, and volunteers” means all those to whom the policy applies, including priests, deacons, seminarians, women and men religious, lay employees, and volunteers.

## STATEMENT OF POLICY REGARDING SEXUAL MISCONDUCT

**It is the Policy of the Diocese of Madison that sexual misconduct involving adults by priests, deacons, seminarians, women or men religious, or by laypersons employed by or volunteering services to the parishes, schools, institutions, offices or programs of the Diocese is not to be tolerated. Such activity is contrary to basic Christian ethical principles and is a violation of the ministerial relationship of trust between clerics, church workers, and volunteers and those whom they serve. All clerics, church workers, and volunteers must comply with applicable state and local laws regarding incidents of sexual misconduct and with the procedures outlined in this document.**

**Priests, deacons, and men and women religious also are bound by their ordination or vows to observe perfect and perpetual continence and to celibacy, except for permanent deacons, who are bound to continence with all except their spouse.**

## PREVENTION

The priests, deacons and seminarians of the Diocese, the women and men religious serving here, and those laymen and women employed or regularly utilized as volunteers by the parishes, schools, and other Diocesan institutions, offices, and programs must acknowledge the gift of their sexuality and consequently have an obligation to lead chaste lives, in accordance with their state in life. These men and women are in a position of leadership in our Diocesan community and as such are perceived as special and trustworthy individuals. Thus, all are to study and accept the provisions contained in this policy statement.

## EDUCATION

Educational sessions on these and related matters are to be an ongoing part of the formation and continuing formation of priests, deacons, women and men religious, lay employees, and volunteers. The links between alcohol consumption and sexual misconduct are to be treated specifically.

## RELIGIOUS AND LAYPERSONS

Each applicant for employment in a position in the parishes or institutions of the Diocese must agree to a background search (see Appendix II). Each applicant must supply the names of at least three references, including their most recent employer. At the time of hiring, the individual must sign the statement indicating that he or she has received and agrees to adhere to this Policy (see Appendix V for text).

### **SEMINARIANS AND DEACON CANDIDATES**

Part of the application process for acceptance as a student for priesthood or as a permanent deacon candidate in the Diocese of Madison is a psychological evaluation. Part of this evaluation is to consider matters relating to sexuality.

The Diocese expects that each seminary will offer sufficient training with regard to clerical continence and celibacy and the necessity of leading a chaste and moral life. This occurs in the academic setting, but more particularly in spiritual direction and pastoral formation. The Diocese will require that the seminary include this aspect of formation in its reports on seminarians.

The Diocesan Program of Formation for Permanent Deacons will offer sufficient training with regard to the necessity of leading a chaste and moral life. This occurs both in the academic setting and in spiritual direction and pastoral formation.

Prospective seminarians are to agree to a background search at the time they apply for sponsorship by the Diocese; prospective permanent deacons are to agree to a background search at the time they apply for acceptance into the program of formation (see Appendix II). At the time he is accepted, each must sign the statement indicating that he has received and agrees to adhere to this Policy (see Appendix V).

### **PRIESTS OR DEACONS FROM OUTSIDE THE DIOCESE**

Before a priest will be accepted for ministry in the Diocese of Madison, he must request a letter of recommendation from his bishop (or religious superior). As part of the recommendation, the bishop or religious superior must indicate that there have been no founded accusations or convictions involving sexual misconduct brought against the priest or deacon. Further, the individual himself must agree to a background search (see Appendix II). Prior to beginning his assignment, the priest or deacon must sign the statement indicating that he has received and agrees to adhere to this Policy (see Appendix V).

## **RESPONSE**

An adult who wishes to report that he or she has suffered sexual misconduct from a cleric, church worker, or volunteer may do so to the Chancellor (or his delegate). The initial report may be made by contacting the Victim's Assistance Coordinator at 608-

821-3016 or completion of a report form (see Appendix VI). The Chancellor will request that it be made in writing as quickly as possible. The Chancellor may be reached at 608-821-3162 or by writing to: 702 S. High Point Road, Madison, WI 53719. Should a complaint involve the Chancellor, it is to be made to the Bishop, who will appoint a person to take the role assigned by this Policy to the Chancellor.

The Chancellor will notify the Bishop about the reported incident, as well as the Diocesan attorney, the insurance carrier as required, and those others who need to be aware that the report has been made. If the complaint involves an individual who is a member of a religious community or a priest from another Diocese but residing in the Diocese of Madison, the complaint will be reported immediately to that person's religious superior or bishop.

### **RESPONSE TO VICTIMS**

The welfare of the victim is of primary concern. To that end, the Diocese of Madison offers counseling to help the individual deal with the experience he or she has undergone.

The Diocese will provide payment for counseling when assessment determines that the offender was a priest, deacon, seminarian, woman or man religious, employee or volunteer of the Diocese of Madison at the time the sexual misconduct occurred.

Whenever possible, the offender should be the person primarily responsible for the payment of expenses for the victim's therapy, and will be encouraged to reimburse the Diocese for any expenses incurred to the extent possible.

### **RESPONSE TO PARISH/INSTITUTION**

When an allegation regarding sexual misconduct involving a cleric, church worker, or volunteer becomes public, the response of the Diocese to the people of the area is an important pastoral concern. Working in conjunction with the pastor, institution supervisor, office or program director, and/or the Dean, the Bishop will determine how the Diocese will assist the local community to respond to such an allegation. The Bishop may consult with the Review Board, the Diocesan attorney, and others before coming to a determination.

### **PRELIMINARY INVESTIGATION**

The incident is to be investigated quickly by the Chancellor or his delegate. (If he deems it appropriate, the Bishop on an ad-hoc basis may appoint others for this investigation). This is a preliminary investigation, aimed at determining whether the report is substantially verifiable.

A preliminary report of this investigation will be given to the Bishop. If the initial complaint is determined to be unfounded, the original investigation report is to be placed in a confidential file at the Chancery in keeping with the section on records below. The conclusion that the complaint has been determined to be unfounded will be communicated to the one making the complaint and the alleged victim.

If it is determined that there is sufficient evidence that sexual misconduct with an adult has occurred, the following steps will be conducted immediately:

1. Provide effective and compassionate care to the victim and the victim's family. Initially such pastoral care ordinarily falls to those at the local level, until other care is arranged. Whatever response is made is to be coordinated with the civil officials investigating and responding to the reported incident.
2. Inform the accused individual of the investigation and provide every opportunity for a response. He or she ordinarily will be relieved of his or her duties on a temporary basis (administrative leave). During the administrative leave, regular salary and benefits are to be provided. The permanent status should be resolved as soon as possible.
3. When the accused individual is a priest, a preliminary investigation will be conducted. Ordinarily the priest will be placed under penal precept, threatening suspension from the exercise of sacred orders if there is sexual activity with anyone pending the outcome of the investigation.
4. If the case warrants, an accused priest or deacon will be required to undergo an appropriate psychological assessment to determine if he is impeded by a psychic cause from exercising ministry (canon 1044, §2, 2º) or from fulfilling his obligations of continence (canon 277). For a member of a religious community or cleric incardinated in another Diocese, this requirement, when warranted, also is a condition for remaining in the Diocese.

If the case warrants, an accused seminarian will be required to undergo such a psychological assessment as a condition for continued Diocesan sponsorship. An accused woman or man religious will be required to undergo such a psychological assessment as a condition for continued ministry in the Diocese.

If the case warrants, an accused lay employee or volunteer will be required to undergo such a psychological assessment as a condition for continued employment.

5. If the case involves criminal accusations, the cleric, church worker, or volunteer will be advised to obtain legal counsel distinct from the Diocesan attorney.
6. All appropriate steps must be taken to protect the reputation of the accused during an investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel as may be necessary, and will be promptly notified of the results of the investigation. If the case is not already well-known, the Chancellor (or

his delegate), when appropriate, will notify the local church community only that the accused person has taken a leave of absence for personal reasons.

7. Whenever possible, the investigation is to include interviews with the alleged victim, the accused person, and any other person who may have knowledge of the situation, as well as a report of the psychological assessment.

8. The Diocese will cooperate with investigations by civil authorities in accord with applicable law. It is recognized that an investigation by civil authorities may delay the church investigation anticipated above. Only in that situation will a final church determination be delayed pending resolution of the investigation by civil authorities.

Once the investigation has concluded, a report will be presented to the Bishop and the Sexual Abuse Review Board indicating either that there appears to be no substance to the accusations and the case should be considered closed (pending the outcome of any civil action, either criminal or civil), or that there is substance to the complaint and cause for further action. The conclusion will be communicated to the one bringing the complaint and the alleged victim.

#### **ACTION WHEN THERE IS SUFFICIENT EVIDENCE THAT SEXUAL MISCONDUCT HAS OCCURRED**

If the investigation report indicates there is sufficient evidence to believe that sexual misconduct involving adults has occurred:

1. If the accused person is a layperson and this has not already happened, the person will be placed on administrative leave.
2. If the accused person is a man or woman religious, he or she will be notified that permission to function in ministry in the Diocese is suspended, pending the outcome of the case. The appropriate religious superior will be notified.
3. If the accused person is a seminarian, his sponsorship by the Diocese will be suspended, pending the outcome of the case.
4. If the accused person is a priest or deacon, the Bishop, respecting the right of the accused person to adequate defense, will determine whether to initiate a canonical process appropriate to the results of the evaluation indicated in number four under “preliminary investigation.” Depending on the circumstances, this could be a process to invoke an impediment to the exercise of orders or the canonical penal process, including the possibility of restricting residence, removal from office, or restriction from celebrating Mass in public.

If the accused person is a priest, deacon, or religious, the Bishop also could determine to initiate a process which would result in the imposition of penalties

applicable to clerics and religious who attempt marriage or clerics who are involved in an external sin against the sixth commandment.

If the priest or deacon is from another Diocese or a member of a religious community, the appropriate bishop or superior will be notified that the individual's permission to minister in the Diocese of Madison has been suspended.

5. If the case warrants, an accused person may be required to undergo rehabilitative treatment. If the accusation involves criminal activity, the individual will be required to contact the treatment facility as soon as entrance can be arranged.

### **ACTION WHEN THERE IS ADMITTED OR ESTABLISHED SEXUAL MISCONDUCT INVOLVING ADULTS**

1. When it violates state law, sexual misconduct that is admitted or established is deemed grounds for dismissal for any employee or volunteer; for immediate return to the Diocese of incardination or religious community for a woman or man religious, priest, or deacon incardinated in another Diocese; and for withdrawal of Diocesan sponsorship for a seminarian.

2. When sexual misconduct that is admitted or established violates only canon law, the canonical process indicated under number four in the section above will be brought to its completion.

3. When sexual misconduct on the part of a priest or deacon of the Diocese of Madison is admitted or established, the Bishop, taking into consideration his canonical obligations to the individual and respecting his right to adequate defense, will determine a course of action based on the evaluations of professionals, including the diagnosis and prognosis, and the advice of the Diocesan attorney. Until advised by experts and counsel to revise these prohibitions, this decision may include prohibiting any public ministry for the individual or limiting public ministry to certain times and places; the place of residence; the continuing appointment and responsibilities of a monitor; whether to recommend that the individual seek laicization; and whether to begin a canonical penal process for dismissal from the clerical state.

### **RETURN TO ACTIVE MINISTRY**

#### **WHEN THE COMPLAINT IS DETERMINED TO BE UNFOUNDED**

When the complaint is determined to be unfounded and the cleric, church worker, or volunteer did not engage in sexual misconduct involving an adult, the Bishop, in collaboration with the individual involved and the person's supervisor, will determine how the accused person's good name is to be restored. Administrative leave will be terminated. Every effort will be made to return the individual to ministry or employment in the Diocese.



In the event that the circumstances and publicity associated with the accusation prevent a religious woman or man or layperson from returning to ministry or employment in the Diocese of Madison at least for a period of time, every effort will be made to assist the person to find employment elsewhere.

A priest or deacon has a right to remain in his appointment and cannot be removed without an appropriate canonical process. However, if the priest or deacon concludes that the circumstances or publicity associated with the accusation prevent him from effective pastoral ministry in the place where he had been assigned, the Bishop will either provide another assignment in the Diocese of Madison, or assist him to find a pastoral assignment in another Diocese with the understanding that when the circumstances have changed, the Bishop will provide him with an assignment in the Diocese of Madison.

### **WHEN A COMPLAINT IS TRUE**

If a complaint of canonical sexual misconduct involving a priest, deacon, or religious is true; the Bishop will make a decision about continuing the employment or ministry assignment. In coming to that decision, he will rely on the results of any canonical penal process that had been conducted, any reports from professional evaluators, the recommendation of the individual's supervisor, the advice of the Review Board, and appropriate canonical advice. As warranted, he also may obtain the advice of Diocesan legal counsel and the Diocesan insurance carrier.

It is unlikely that a cleric, church worker, or volunteer who has been convicted in civil law of sexual misconduct with an adult or who has been diagnosed as one suffering from this proclivity will be able to function in a ministry assignment in any parish, school, institution, office or program of the Diocese of Madison. The Bishop alone is authorized to make the determination that such a cleric, church worker, or volunteer may be assigned or employed by any parish, school, institution, office or program of the Diocese. In making that determination, the Bishop will rely on the reports of professional evaluators, the recommendation of the individual's supervisor including input from the community (parish, school, etc.), the advice of the Review Board, the advice of Diocesan legal counsel, the advice of the Diocesan insurance carrier, and canonical advice as warranted.

## **RECORDS**

The original copy of written reports of all stages of the investigation above will be kept in a confidential file at the Chancery. All other copies of such reports as well as the personal notes of those involved will be destroyed. The originals may be destroyed upon the death of the one accused, with the Chancery retaining only a brief summary of the reports.

# DIOCESE OF MADISON POLICY REGARDING SEXUAL HARASSMENT

## INTRODUCTION

All who are associated with any parish, school, institution, office or program of the Diocese of Madison expect to be treated in a manner consistent with Catholic teaching regarding the dignity of each human being. Consequently, sexual harassment will not be tolerated. Any such harassment on the part of a cleric, church worker, or volunteer is an abuse of his or her position, pastoral role, and responsibility.

Aware that the great majority of priests, deacons, seminarians, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; concerned that any victim of sexual harassment be nurtured, treated and healed; concerned for the ministerial well-being of our people in general; and concerned that a perpetrator of sexual harassment be treated justly toward whatever healing is possible; the following Policy regarding sexual harassment is adopted for the Diocese of Madison.

## DESCRIPTION

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- submission to the conduct is explicitly or implicitly made a term or condition of employment.
- submission to or rejection of the conduct is used as the basis for an employment decision.
- the conduct has the effect of unreasonably interfering with work performance or creates an intimidating, hostile or offensive work environment.

Note that other terms described in preceding portions of the Policy also are used here.

# STATEMENT OF POLICY REGARDING SEXUAL HARASSMENT

**It is the Policy of the Diocese of Madison that sexual harassment by priests, seminarians, deacons, women or men religious, or by laypersons employed by or volunteering services to the parishes, schools, institutions, offices, and programs of the Diocese is not to be tolerated. Such activity is contrary to basic Christian ethical principles and is a violation of the ministerial relationship of trust between clerics, church workers, and volunteers and those they serve. All clerics, church workers, and volunteers must comply with the procedures outlined in this document.**

## PREVENTION

The priests, deacons and seminarians of the Diocese, the women and men religious serving here, and those laymen and women employed or regularly utilized as volunteers by the parishes, schools, and other Diocesan institutions, offices, and programs have a right to expect a safe environment in which to minister; an environment that is free from harassment, especially sexual harassment. These men and women are in a position of leadership in our Diocesan community and as such are perceived as special and trustworthy individuals. Thus, all are to study and accept the provisions contained in this policy statement.

## EDUCATION

Educational sessions on these and related matters are to be an ongoing part of the continuing formation of priests and the formation and continuing formation of deacons, women and men religious, lay employees, and volunteers. Appropriate materials are available from the Diocesan office.

## RESPONSE

Clergy, church workers, and volunteers who consider themselves to be victims of sexual harassment or who are offended by sexual jokes, comments or other conduct in the workplace are immediately to report the behavior to their supervisor or to the person in charge of personnel.

Verified sexual or other harassment of co-workers or others contacted in the course of work by lay employees or volunteers is to be disciplined in the following manner:

First offense—written warning

Second offense—written warning and appropriate counseling

Third offense—termination or suspension without pay (at employer's discretion)

When the one accused of harassment is a woman or man religious, the report is to be made to the pastor or institution/office/program supervisor who will act in accord with the steps outlined above for lay employees. A copy of the second written warning is to be forwarded to the Chancellor, who will notify the Bishop of the warning. The individual will be notified that any further verified offense will result in suspension of permission to remain in ministry in the Diocese of Madison. The fact of a written warning will be reported to that person's religious superior, along with the information that a third verified offense will result in the person being denied further permission to remain in ministry in the Diocese of Madison.

When the one accused of harassment is a seminarian, the report is to be made to the Chancellor who will notify the Bishop and the Vocations Director. If the seminarian is at the seminary, seminary officials will be asked to conduct an appropriate investigation. If the seminarian is on assignment in the Diocese, the Chancellor and the Dean (or other priest from the area) will investigate the complaint. If the complaint is verified, the seminarian will be required to obtain professional counseling as a condition for continued Diocesan sponsorship. Any further verified offense will result in the Diocese terminating sponsorship of the seminarian.

If the one accused of harassment is a priest or deacon, the complaint is to be made to the Chancellor. Along with the Dean of the area (or another priest of the area), the Chancellor (or his designee) will investigate the complaint. Should a complaint involve the Chancellor, it is to be made to the Bishop, who will ask two persons to conduct the investigation. If the complaint is admitted or established, the Bishop will be notified so he may take appropriate action.

After a second instance of sexual harassment by a priest or deacon is admitted or established, the Bishop will issue a penal precept, threatening suspension from the exercise of sacred orders, if there is further verified instance of sexual harassment. If the individual is a priest or deacon from another Diocese but residing in the Diocese of Madison, after a second verified offense, his bishop or religious superior will be notified that his permission to minister in the Diocese has been suspended, pending the completion of appropriate therapy.

## RETURN TO ACTIVE MINISTRY

Only with the permission of the Bishop can: 1) a lay employee or volunteer who was terminated due to sexual harassment be re-employed; 2) a woman or man religious or a priest or deacon from another Diocese whose permission to function here was suspended due to sexual harassment return to ministry in the Diocese of Madison; 3) a seminarian who lost Diocesan sponsorship due to sexual harassment regain Diocesan sponsorship. This will occur only if there is an affirmative evaluation from the counselor indicating the problem that led to the offense is controlled and that there is no further danger of harassment, a positive recommendation from the supervisor is obtained, and upon the advice of the Review Board (see Appendix I).

For a priest or deacon of the Diocese, lifting the suspension will depend upon an affirmative evaluation from the counselor, as well as an appropriate apology to the offended parties, and the advice of the Review Board (see Appendix I).

## RESPONSE TO VICTIM/PARISH/INSTITUTION

The welfare of the victim is of primary concern. To that end, the Bishop or supervisor will offer to help the individual deal with the experience he or she has undergone, including professional counseling, as warranted.

When counseling is warranted, the Diocese or parish/institution will provide for such counseling when the offender was a priest, seminarian, deacon, woman or man religious, employee, or volunteer of the Diocese of Madison at the time the sexual harassment occurred.

Whenever possible, the offender should be the person primarily responsible for the payment of expenses for the victim's counseling and will be encouraged to reimburse the Diocese for any expenses incurred to the extent possible.

When it is necessary, the Bishop or supervisor, working in conjunction with the pastor, institution supervisor, office or program director, and/or the Dean, will determine how the Diocese will assist the local parish, school, institution, office or program to respond to an allegation of sexual harassment. Depending on the circumstances involved, the Bishop may consult with the Review Board, the Diocesan attorney, and others before coming to a determination.

# APPENDIX I

## REVIEW BOARD

The Sexual Abuse Review Board, (SARB) is a group of qualified women and men who agree to serve in this capacity. Members of the Review Board will be appointed for five-year terms, which can be renewed. There is one Review Board for all areas covered by this policy statement.

The Review Board functions as a confidential consultative body to the Bishop in discharging his responsibilities. The functions of this Board may include:

- A. advising the Bishop in his assessment of allegations of sexual abuse of a minor, sexual misconduct, and sexual harassment and in his determination of suitability for ministry, employment or volunteering services to the parishes, schools, institutions, offices, and programs of the Diocese;
- B. reviewing Diocesan policies for dealing with sexual abuse, sexual misconduct, and sexual harassment; and
- C. offering advice on all aspects of matters governed by this policy, whether retrospectively or prospectively.

The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of Review Board members at any time will be laypersons who are not in the employ of the Diocese. At least one member will be a pastor of a Diocesan parish. One member will be a person with particular expertise in the treatment of sexual abuse of minors. It is also desirable that the Promoter of Justice participate in meetings of the Review Board.

The entire Review Board will meet when called together by the Bishop or the Chancellor.

Individual members of the Review Board may be called upon to assist the Chancellor (or his designate) in any investigations provided for by this policy.

All work of the Review Board is to be kept confidential. Members will return any written information given them about particular individuals and cases.

From time to time and at least every three years, the Review Board will review this policy and advise or make recommendations to the Bishop regarding any potential modification of this policy.

Expenses for the work of the Review Board will be covered through the Diocesan budget.

## APPENDIX II

### POLICY ON BACKGROUND SEARCHES

It is mandatory that all people (paid and unpaid) working for the Diocese of Madison in its pastoral center, institutions, schools or parishes will have a background search completed before they are employed or transferred into this Diocese. If, for some reason, this does not happen before employment, this search is to be requested before the end of thirty (30) days of employment.

This policy is in response to Article 13 of the *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops, July 2002. This article states: “Dioceses/eparchies will evaluate the background of all Diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).”

## WISCONSIN LAW

2001–02 Wisconsin Statutes, Chapter 48.981, Abuse, including sexual abuse or neglected children (in part)

### **PERSONS REQUIRED TO REPORT**

A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, or other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, dietician, speech-language pathologist, audiologist, emergency medical technician or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub (3). Any other person, including an attorney, having reason to believe that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

(2) m) Exceptions

(3) **Reports:** investigation.

(a) *Referral of report.* A person required to report under sub (2) shall immediately inform, by telephone or personally, the county department or the sheriff or city, village or town police department of the facts and circumstances contributing to the suspicion of child abuse or neglect or to believe that abuse or neglect will occur.



## Statement of Receipt and Agreement

*By signing this statement, I acknowledge that I have received the document **A Safe Environment for All: Diocese of Madison Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment** issued in 2003 and the document **Diocese of Madison Code of Pastoral Conduct**. I have been given the opportunity to read and ask questions about the policy and the code.*

*Further, by signing this statement, I agree to abide by all the provisions contained in both documents. I understand that this agreement is required for me to serve in any capacity of ministry, or to be employed by or volunteer for the Diocese of Madison, its parishes, schools, institutions, offices, or programs.*

*I understand that failure to comply with the policy and the code subjects me to the responses outlined therein, including termination.*

*I hereby acknowledge receipt of the **Diocese of Madison Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment** and the **Diocese of Madison Code of Pastoral Conduct**. I agree to abide by the provisions of both.*

---

Date

---

Name of Individual (***Please Print***)      Signature      of Individual

---

Name of Witness (***Please Print***)      Signature of witness

---

Name of Parish or Institution (***Please Print***)      City

### **Return completed Statement of Receipt and Agreement to:**

Office of Safe Environment  
Diocese of Madison  
PO Box 44983  
Madison, WI 53744-4983

## APPENDIX VI

### **DIOCESE OF MADISON REPORT FORM SEXUAL ABUSE BY CLERGY OR CHURCH EMPLOYEES**

**This report will be shared with the Bishop of Madison and the Diocesan  
Sexual Abuse Review Board**

Today's date: \_\_\_\_\_

Name of person making this report: \_\_\_\_\_

Name of sexual abuser: \_\_\_\_\_

Dates of occurrence: \_\_\_\_\_

Age of victim at time of sexual abuse: \_\_\_\_\_

Place(s) sexual abuse occurred: \_\_\_\_\_

Position of sexual abuser at time of occurrence: \_\_\_\_\_

(Bishop, priest, deacon, teacher, religious education coordinator, parish  
employee, etc.)

I would be willing to provide details

\_\_\_\_\_ in writing

\_\_\_\_\_ telephone interview

\_\_\_ \_\_\_\_\_ in-person interview

Person sexually abused knows of this report: \_\_\_\_\_ Yes \_\_\_\_\_ No

Others who may corroborate this report: \_\_\_\_\_

How may we contact you (phone, mail, e-mail) \_\_\_\_\_

For information or to speak to the Diocesan Assistance Coordinator, please call  
Mr. Phelan at 608-821-3162.

Please return this form to:

Kevin Phelan

Victim Assistance Coordinator

Diocese of Madison

PO Box 44983

Madison, WI 53744-4983