

**DIOCESE OF NEW ULM**

**POLICY BULLETIN**

June 25, 2007

Administration  
Diocesan 13

**SEXUAL MISCONDUCT POLICY OF THE DIOCESE OF NEW ULM**

To the Clergy, Religious, and People of the Diocese of New Ulm:

Sexual misconduct by personnel of the Diocese is contrary to Christian principles and is unlawful behavior. All personnel of the Diocese must comply with applicable state and local laws regarding incidents of actual or suspected sexual misconduct, and with the following policy.

This document does not address sexual misconduct in general, but only in the special circumstances described herein. It is intended to establish requirements and procedures in an effort to prevent sexual misconduct by personnel of the Diocese and the resulting harm to others, and to provide guidance to the personnel of the Diocese on how to respond to allegations of sexual misconduct if any do occur.

1.0 Definitions. For purposes of this policy only:

- 1.1 "sexual misconduct" means any sexual conduct of diocesan personnel, which is:
  - a. unlawful as described by the laws of the State of Minnesota and in section 3 of this policy; or
  - b. contrary to the moral instructions, doctrines, and canon law of the Catholic Church and causes injury to another.
- 1.2 "Personnel" includes all personnel of the Diocese including officers, lay employees, lay volunteers, clerics, and religious personnel. Of special concern are diocesan personnel in a supervisory capacity or in particularly high-risk areas, such as those who work with or around children, the very elderly, and the physically or mentally infirm, those who counsel others, and generally those who work with people who are less capable of protecting themselves.
- 1.3 "Diocese" or "diocesan" includes the Diocese of New Ulm as a corporate entity and all diocesan, non-profit, grade school and high school corporations, and parish corporate entities within the Diocese. Such entities would be considered the employer.
- 1.4 "Clergy" or "cleric" means all bishops, priests and deacons.

2.0 Policy Distribution. The policy will be broadly distributed. Consideration should be given to obtaining an acknowledgement of receipt of this policy by all primary personnel listed in Section 1.2. At a minimum, the following personnel must acknowledge receipt of this policy:

- 2.1 All paid personnel in parishes of the Diocese and those volunteers of special concern mentioned in Section 1.2.

2.2 all school staff and support staff personnel and religious education catechists/volunteers of the Diocese.

2.3 all personnel of the Diocesan Pastoral Center and campus ministers.

In all cases, a signed acknowledgment of receipt and understanding of this policy and any future revisions will be received from personnel, listed in Sections 2.1 to 2.3, by the parish or Diocese and filed as indicated on the Acknowledgement of Receipt form. A copy of the required receipt is attached to this policy as Form A. The employer must have the signed form before contracts are finalized and employment begins. Failure to do so may result in civil consequences, including, but not limited to fines, attorneys' costs, court fees, and damages. Volunteers are not permitted to minister in any capacity without completing Form A.

All Safe Environment policies will be available in English and Spanish, and apply to all in the above categories regardless of their native language or citizen status.

- 3.0 Applicable Law. This policy is intended to address violations of civil and criminal law. A violation of the criminal law can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.

The Minnesota Criminal Sexual Conduct Code defines the various types of conduct that violate this law. Three of the primary areas of concern are:

Sexual Abuse (as it applies to adult/child or vulnerable person interactions) is the subjection of a child or vulnerable adult, by any person responsible for their care, to any sexual act which is a violation of the Minnesota criminal sexual conduct code.

Sexual Exploitation (as it applies to any formal helper/helpee relationship) is any kind of sexual interaction between counselor and client, whether initiated by either counselor or client.

Sexual Harassment. Minnesota law defines sexual harassment as follows:

"includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public

services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.”

4.0 Education. Education, alone, cannot shape mature attitudes and behavior, nor in all cases change or stop inappropriate sexual behavior. Each adult must be responsible for his or her sexual growth and maturity. To support this responsibility the Diocese will arrange annual programs which include knowledge or training applicable to these areas. The following personnel must participate in designated educational programs concerning sexual misconduct issues such as methods of recognizing and preventing sexual misconduct involving children or others:

4.1 all clerics ministering in the Diocese.

4.2 all pastoral administrators/workers working in the Diocese.

4.3 all diocesan, parish, and school employees.

4.4 all youth ministers working in the Diocese.

4.5 all school principals and directors of religious education.

4.6 all catechists and volunteers who work with minors.

5.0 Background and Reference Checks. The following prospective and current personnel of the Diocese shall complete an informational questionnaire, a copy of which is attached to this policy as Form B, and an Authorization Form for the Diocese to process a comprehensive background check. The employer must have the signed forms and processed the background check before contracts are finalized and employment is begun. Failure to do so may result in civil consequences, including, but not limited to fines, attorneys' costs, court fees, and damages.

Volunteers must complete Form B, and an Authorization Form for the Diocese to process a comprehensive background check. They are not permitted to assist in any

capacity without returning the signed forms to the local safe environment coordinator and the processing of a background check.

5.1 all clerics ministering in the Diocese.

5.2 all pastoral administrators/workers working in the Diocese.

5.3 all diocesan, parish, and school employees.

5.4 all lay personnel of Catholic schools.

5.5 all lay religious education catechists.

5.6 all lay youth ministers.

5.7 all volunteers involved with minors.

Applicants who refuse to grant permission for the background check and other screening will not be considered for any employee/volunteer position in the diocese/parish/school.

The minimum background check protocol for all pastoral leaders, employees, and volunteers shall include:

- a. a completed employment/volunteer application (no missing relevant information)
- b. a completed Authorization for Background Check form
- c. reference checks.

With regard to non-incardinated priests and religious personnel, an agreement will be reached with their respective diocese/religious order which stipulates that the Diocese will be informed immediately of any physical or sexual abuse that the diocese/religious order may become aware of.

The results of background checks will be reviewed by the Bishop's Delegate or diocesan Safe Environment Coordinator.

- 6.0 **Obligation to Report to Civil Authorities.** Any personnel of the Diocese who knows or has reason to know of an incident of sexual misconduct by any personnel of the Diocese shall comply with any applicable reporting or other requirements of state and local laws (unless to do so would violate priest/penitent relationship of the Sacrament of Reconciliation). See Appendix I on Mandated Reporting in the state of Minnesota.
- 7.0 **Investigation of Incident Reports.** Each reported incident will be immediately investigated internally, with care taken not to interfere with any criminal investigation, and with a high level of Christian care, concern, and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator (c.1717 and cf.).
  - 7.1 Within a reasonable amount of time, legal advice, both civil and canonical, shall be obtained for the alleged perpetrator.
  - 7.2 An appropriate investigation shall be conducted. See Appendix II for the current Congregation for the Doctrine of the Faith protocol which will be followed by the Diocese.
  - 7.3 Appropriate records will be kept by the Bishop (or his delegate) of each incident reported and of the investigation and the results thereof. Such records (as noted in Form C) will be kept in accord with canon law with access limited to the Bishop of the Diocese or his delegates.

- 7.4 Any media contact or inquiries regarding an incident of sexual misconduct should be directed to the Diocesan Director of Communications.
- 8.0 Action Where Guilt Determined. Any non-clergy personnel of the Diocese who admits to, does not contest, or is found guilty of an incident of sexual misconduct shall be immediately terminated from employment and any position of responsibility with the Diocese. Any clergy in similar circumstances will be suspended from the exercise of his ministerial duties according to the provisions of canon law and the Charter. A cleric will be urged to seek diagnostic evaluation and treatment. Further penal sanctions, including, but not limited to, dismissal from the clerical state, may be contemplated pending the outcome of any civil/criminal actions, if any.
- 9.0 False accusation and unsubstantiated claims. There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. It is important for all diocesan personnel to know that both civil law and canon law (cc. 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny.
- 10.0 The accused is advised to retain civil and canonical counsel.
- 10.1 The diocese/parish/school has a right to take action against guilty parties to recover judgments and/or legal expenses it incurs as a result of sexual abuse of minors by clergy, religious, employees, and/or volunteers.
- 11.0 A copy of this policy will be available for review by all volunteers who do not have unsupervised contact with minors in every parish/school upon request. All new and returning pastoral leaders, diocesan/parish/school employees and all volunteers who work or minister unsupervised with minors, must read, complete, sign and date this revised policy and attached forms.

Cordially yours in Christ,

The Most Reverend John C. Nienstedt  
Apostolic Administrator of New Ulm

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Msgr. Eugene L. Lozinski  
Chancellor

This Policy Bulletin is to be inserted in the Handbook of Diocesan Policies under Administration, Diocesan 13, replacing the bulletin of May 19, 2003.

**ACKNOWLEDGEMENT OF RECEIPT:  
SEXUAL MISCONDUCT POLICY/CODE OF CONDUCT OF THE DIOCESE OF NEW  
ULM**

I hereby acknowledge that I have received on \_\_\_\_\_, 20\_\_\_\_\_, a copy of the SEXUAL MISCONDUCT POLICY and the CODE OF CONDUCT of the DIOCESE OF NEW ULM, dated \_\_\_\_\_, 20\_\_\_\_\_, that I have read the policy, understand the meaning, and agree to conduct myself in accordance with the policy.

I also hereby declare that I have completed the attached questionnaire in truth, not withholding pertinent information that would be regarded with concern in relationship to the matters covered by the SEXUAL MISCONDUCT POLICY.

I understand that similar acknowledgement forms will be obtained at the time amendments to the policy are made and distributed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

**NOTE:** *Completed Forms A and B for priests, deacons, pastoral administrators/pastoral administrator interns, and diocesan employees/volunteers are to be forwarded to the Safe Environment Coordinator at the Diocesan Pastoral Center.*

*In the case of parish or school personnel, Forms A and B are to be kept in the respective parish or school personnel files. In the case of volunteers, Forms A and B should be kept in a separate parish or school file.*



Employed by: \_\_\_\_\_

Address: \_\_\_\_\_

City & State: \_\_\_\_\_

Your Supervisor: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_

Employed from (mo./yr.) \_\_\_\_\_ to (mo./yr.) \_\_\_\_\_

Why did you leave?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Reference checked by: \_\_\_\_\_, (position) \_\_\_\_\_ on \_\_\_\_\_.  
List any and all reservations concerning the applicant on back if applicable.*

Employed by: \_\_\_\_\_

Address: \_\_\_\_\_

City & State: \_\_\_\_\_

Your Supervisor: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_

Employed from (mo./yr.) \_\_\_\_\_ to (mo./yr.) \_\_\_\_\_

Why did you leave?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Reference checked by: \_\_\_\_\_, (position) \_\_\_\_\_ on \_\_\_\_\_.  
List any and all reservations concerning the applicant on back if applicable.*

\*Has any formal allegation or civil or criminal complaint ever been made against you alleging physical abuse, sexual abuse, sexual harassment, or exploitation?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, give a short explanation of the complaint. (Please indicate the date, nature, and place of the incident leading to the complaint, where the complaint was filed, and the disposition of the complaint.)

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\*Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of physical abuse, sexual abuse, sexual harassment, or exploitation by you?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, give a short explanation of the allegations. (Please indicate the date, nature, and place of the allegations, the disposition of the allegations, and your employer at the time, including your employer's name, address, and telephone number).

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\*Have you ever received any treatment, physical, psychological or other, for reasons involving physical abuse, sexual abuse, sexual harassment, or exploitation by you?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, give a short description of the treatment, including date(s), nature and location(s), identifying the treating physician with name, address, and telephone number.

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The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Diocese of New Ulm. I agree to execute any releases necessary to permit the release to the Diocese of New Ulm of prior employment, medical, judicial, and law enforcement records and information pertinent to matters addressed in this questionnaire.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**REPORT OF SUSPECTED SEXUAL MISCONDUCT**  
(by diocesan personnel while performing the work of the Diocese)

Reported by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone Number

Date of Report: \_\_\_\_\_

Person Suspected  
of Misconduct:

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone Number

Other Person(s) Involved:

Name \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

Name \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

**\* IMMEDIATELY complete this form and mail it to the diocesan Pastoral Center, ATT: Bishop's Delegate in Matters Pertaining to Sexual Misconduct. Then call the Bishop's Delegate in Matters Pertaining to Sexual Misconduct at 507-359-2966.**

Describe incident of suspected sexual misconduct, including date, time, and location:

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Identify eyewitnesses to the incident, including names, addresses, and telephone numbers, where available:

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Other information that may be helpful to the investigation:

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The foregoing report was investigated by:

\_\_\_\_\_

Name

\_\_\_\_\_ on \_\_\_\_\_ with the following results:  
Title Date

Report in the following space or attach the investigation report.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date