

# INTRODUCTION

The Diocese of New Ulm has, over the years, taken many steps to respond effectively to the issues of sexual misconduct in the Church. In 1990, the Diocese developed a system of advocates for victims. In 1990, the first Diocesan Sexual Misconduct Policy was published and all clergy received training about sexual misconduct and boundary issues. In 1994, a revised version of the policy was promulgated. Officials of the Diocese have attended regional meetings of Catholic dioceses to discuss how the Church can better respond to sexual misconduct. The Diocese also participates in an ecumenical forum which draws on the resources and wisdom of the major Christian denominations to identify ways to prevent and respond to sexual misconduct. In keeping with our commitment to continue to refine our response to clergy sexual misconduct, the Diocese now publishes this revised procedural handbook.

The terms “ministry-related sexual misconduct” and “sexual misconduct,” as used throughout this handbook, refer to three related forms of misconduct:

1. Sexual Abuse – Sexual contact between a church representative and a minor or vulnerable adult.
2. Sexual Exploitation – Sexual contact between a church representative and a person who is receiving pastoral care from the church leader.
3. Sexual Harassment – Unwanted sexualized conduct or language between co-workers/ superiors in the church work setting.

All three are addressed here together because they usually involve an abuse of power or authority. Minnesota state statutes give legal definitions for each of these.

Additional insights into the definition of sexual abuse are gained from the explanation incorporated into the Charter for the Protection of Children and Young People, which was adopted by the Bishops of the United States in June, 2002. That document states: “Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. . . . the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the 6th Commandment.”

Please note two key developments in this handbook. The first relates to a member of the clergy who has admitted or been convicted of even a single act of sexual abuse against a minor. In keeping with the commitment made by the Bishops of the United States at Dallas in June of 2002, and revised in 2005, our policy now includes the provision that the offending priest or deacon in such a situation will be removed permanently from ecclesiastical ministry. Secondly, we are continuing to strengthen our efforts to create safe environment programs within the Diocese. These programs will provide education and training for children, youth, parents, ministers, educators and others about ways to make and maintain a safe environment.

Because the Bishop has a special relationship to clergy, this handbook focuses primarily on how the Diocese responds to instances of sexual misconduct by clergy. This handbook addresses prevention and response to persons who have been harmed, the clergy accused of misconduct, and parishes affected by misconduct. It also provides direction as to how a response to other ministers of the Church accused of sexual misconduct should be handled, but these responses are largely managed at the parish or institution level.

When a priest or deacon engages in sexual misconduct, many persons are harmed. The direct victims of sexual misconduct often suffer intense psychological, spiritual and physical pain. In addition, the families of victims can feel harmed while they struggle to care for loved ones who have been wounded. The parish communities and institutions in which the offender served experience betrayal and sometimes a crisis of faith. Truly, the whole community of believers is affected.

As we publish this handbook, we once again renew the pledge we have made to the people of this Diocese. We will keep learning and growing, as we reflect on our experience.

## **SECTION ONE:**

### **Sexual Misconduct by Church Personnel: Education and Prevention**

As a Church, we continue to grow in our understanding of the short and long term destructive consequences of sexual misconduct. Careful attention is being paid to preventing sexual misconduct and much has been learned about effective ways of intervention. The key is to promote a healthy integration of sexuality into the minister's life and to educate ministers about appropriate interaction with parishioners and others.

A traditional Roman Catholic approach to questions of sexuality emphasizes the importance of chastity, which means fidelity to one's calling to marriage, ~~religious vows~~ ordained, or the single state. We believe that recent psychological and other insights can advance and complement this Gospel value. The intention of this handbook is to promote a ministerial environment in which those who receive the Church's services can expect to do so in safety.

### **General Community Education**

The Diocese utilizes many communication channels uniquely available to the Church to inform and educate Catholics about inappropriate sexual behavior. These include homiletic and other teaching materials and the use of the diocesan newspaper, *The Prairie Catholic*. In addition, at least twice a year the Diocese will publish an announcement in *The Prairie Catholic* to let people know how they can raise concerns about sexual misconduct. Printed materials on this topic will be available upon request from all parishes and the Diocesan Pastoral Center. The diocesan website has a dedicated webpage on safe environment in the Diocese and nationally. It also provides links to recommended reference sites for additional information.

The Diocese of New Ulm makes an effort to respond as fully as possible to the news media both in answering questions about particular cases of alleged misconduct and in addressing the broader questions raised by such cases, while at the same time respecting the privacy and reputation of the individuals involved. We recognize that our Church has both an accountability and an educational role toward society in this regard. We plan to continue this cooperative effort.

Educational materials aimed at specific groups, such as clergy or lay ministers, sometimes apply to more general audiences as well. Our aim is to design materials that have broad applications. We encourage their use in parishes, schools and with other interested groups.

The publication of this handbook is intended to create public awareness of our desire to care for victims, deter offenders, and heal communities. It also signals our willingness to encourage responses and discussion in our parishes and other Catholic communities.

### **Screening, Formation, and Ongoing Education for the Ordained**

For decades, clergy formation programs have included psychological screening of prospective candidates. In recent years we have placed even greater emphasis on this screening and will include criminal background checks for all candidates for Orders. Although no exhaustive screening method

exists, we use the currently accepted methods and work with competent professionals to strengthen that screening.

It is our position that no candidate should be ordained unless he demonstrates the attitudes and behaviors necessary for living a celibate commitment, as a priest or unmarried deacon, or in a faithful marriage, as a married deacon.

All clergy formation programs contain specific curriculum units or classes aimed at developing positive sexual integration and establishing appropriate sexual boundaries in the practice of ministry. We commit ourselves to the ongoing review and strengthening of such curricula. Candidates in formation programs participate in internship programs. Those who know them in that setting are encouraged to comment on all aspects of their fitness for ministry, including their ability to maintain appropriate boundaries.

Seminary and deacon-formation spiritual directors are asked to pay particular attention to psychosexual development concerns. Because spiritual directors have a confidential relationship with their directees, they cannot compromise that confidentiality in order to serve as a formal part of screening programs. Still, they have an important role in encouraging their directees to develop healthy personal boundaries for ministry or, if this is not possible, to reconsider their vocation.

The Bishop of New Ulm has communicated with diocesan clergy on various aspects of specific misconduct cases and changes in relevant laws. This important educational effort will continue. In addition, the Diocese will provide updates and continuing education for all clergy regarding the issue of sexual misconduct. Newly ordained priests and deacons, those priests and deacons seeking incardination within the Diocese, and priests and deacons newly in service here are expected to attend a workshop that addresses sexual misconduct and boundary issues. Whenever appropriate, these same opportunities will be made available to other Church personnel.

No priest or deacon from outside the Diocese of New Ulm will be given general faculties, which is the specific authority to function as a minister of this Diocese, until we have received a thorough background reference from his religious superior or diocesan bishop. Such a reference must include information about any past allegations of sexual misconduct, financial wrongdoing, and/or physical violence.

Visiting clerics are welcome in the New Ulm Diocese, whether for a single event (i.e., to witness a marriage, or for a lengthy substitution). Prior to beginning ministry, they must receive permission for their ministry by the Bishop of New Ulm through the Vicar General or the diocesan Safe Environment Coordinator. The visiting cleric is required to request permission to minister at least one (1) month prior to the date ministry begins. Please see the diocesan Safe Environment Manual for the procedure.

Priests are encouraged to participate in a priest support groups. Such groups help prevent misconduct by strengthening the positive supports for our clergy. We will continue to promote this and other tools for healthy living, including the use of a spiritual director, annual retreats, and continuing education.

## **Screening and Education for Parish Personnel**

Except as specifically stated below or in some other diocesan publication, parishes are responsible for the establishment of their own criteria for engaging and supervising paid staff, independent contractors and volunteers. From time to time, the Diocese will also offer parishes suggested guidelines for adoption or adaptation.

As an exception to this general principle, all parishes and schools are required to perform background checks on most personnel before engaging them in service. A copy of the full diocesan policy on background checks is attached, and is also available from the Diocese of New Ulm, 1400 6th Street North, New Ulm, MN 56073.

Pastors and ministerial professional associations are encouraged to provide some form of regular education about sexual issues in ministry for their staffs, volunteers and members. Diocesan officials are willing to assist in designing specific programs. Educational resources are available on request from the Diocesan Media Resource Center.

## **SECTION TWO:**

### **Services to People Harmed by Sexual Misconduct of Roman Catholic Clergy**

Catholic priests and deacons occupy important places of service in our Church. We are proud that most do so with extraordinary generosity and care. In recent years, however, we have learned more about the misuse of position and power by some clergy. This section is directed to people who believe they or someone close to them have been harmed by the sexual misconduct of the Roman Catholic clergy.

#### **We are open to and respect your complaint**

Both justice and compassion call us to respond to the harm you have experienced. We want to uphold the integrity of our Church's witness and ministry. The pastoral care of our community is aimed at the good of those who receive it. We want to address the hurt that may occur when pastoral care is exercised improperly. Your complaint helps us to do so. Therefore, we respect the report you make.

#### **We will provide an advisor/advocate if you so choose**

We recognize that bringing a misconduct complaint to the Diocese can be a frightening process. It also can be time consuming, since the questions involved are often complicated ones. Still, we want the process to move as rapidly as it reasonably can.

We have found that the process works best when the person bringing the complaint has the support of a knowledgeable companion, often referred to as an advisor/advocate. You may already have an advisor/advocate, such as a counselor, a Church staff member, an attorney, or a friend. We urge you to utilize their support throughout the process.

In addition, we want to make you aware of a special resource. A group of Protestant and Catholic churches throughout Minnesota has provided training to individuals who know what support is available to you. They have been trained to promote your interests and direct you toward services offered by churches and other sources. A written statement of the advisor's/advocate's responsibilities is available on request from the Bishop's Delegate in Matters Pertaining to Sexual Misconduct, (507) 359-2966. The services offered by these advocates are confidential and are not reviewed by the diocesan administration.

#### **We will help you obtain counseling support**

Misconduct by a member of the clergy can cause deep hurt. This can be addressed through the assistance of skilled and reputable professional therapists.

We will try to ensure that financial restraints do not prevent you from receiving the competent and specialized therapeutic assistance of your choice. We will try to help you with insurance co-payments for counseling or, where insurance is lacking or insufficient, with your therapy costs. From time to time, we will review with you the ongoing necessity and appropriateness of further assistance from the Diocese.

## **We will provide information about support groups**

We make an effort to keep track of what may be available. If you would like more information you may contact the Bishop's Delegate in Matters Pertaining to Sexual Misconduct, (507) 359-2966.

## **We will help you obtain spiritual direction**

The damage caused by clergy misconduct is often spiritual as well as psychological. We have learned from those who have been harmed that sometimes their relationship with God and with their faith community has been ruptured.

Generally addressing such a spiritual rupture can only be done after other psychological issues have been addressed. When you are ready to do so, we can help you find competent spiritual help. Once again, we will try to ensure that financial constraints do not close this avenue for you.

## **We will help you determine whom to contact if the harm occurred outside our Diocese**

Some people were hurt by clergy outside the Diocese. You may wish to pursue a complaint in another place, but do not know how to do so. We will help you contact the appropriate person of other dioceses, religious orders, or denominations.

If you were harmed by clergy elsewhere, we are unable to provide you with financial assistance for counseling or spiritual direction. However, we will help you seek such support from the diocese, religious community or denomination of the accused clergy.

## **How to bring a complaint**

There are several ways to bring a complaint. You may make a complaint in any of the ways listed below.

*Call the Bishop's Delegate in Matters Pertaining to Sexual Misconduct* at (507) 359-2966. This person is designated to receive the initial complaints.

*Call the Diocesan Victim Assistance Coordinator* at (507) 359-2966. The Victim Assistance Coordinator does not intervene with clergy, but will help you make further connections. You may be unsure about whether you wish to bring a complaint. If you wish, you can give a general description of your concern without giving your name or the name of the clergyman in question. The Victim Assistance Coordinator will describe how the Diocese would be able to respond. You can then decide whether to make a formal complaint.

*Write to the Diocese.* You may write to the Diocese at this address: Diocese of New Ulm, 1400 6th Street North, New Ulm, MN 56073. Please mark your letter "Personal and Confidential" and address it to the Bishop. Please indicate whether you would prefer a response by phone, by letter, or in a meeting.

## **We will take every complaint seriously**

We will respond promptly and seriously to every complaint of sexual misconduct by clergy. As we begin our investigation, we will ask if you are willing and able to reveal your identity to diocesan officials. If you choose not to do so, or ask us to withhold your identity from the accused clergyman, this will severely limit the steps we are able to take, since it is difficult and sometimes impossible to follow through on anonymous complaints.

We pledge to you that we will conduct a serious and thorough investigation of your complaint. But we also ask you to understand that our immediate willingness to respond to your complaint and provide you assistance is not a conviction or judgment of the accused priest or deacon. Those accused of sexual misconduct also have rights, especially during a preliminary investigation. During our investigation, we will strive to protect the rights of all those who are involved, including both the person claiming to have been sexually abused and the person against whom the charge has been made.

For information about the steps we will take with the accused person, please refer to Section Three, “Response to Clergy Who have Been Accused of Sexual Misconduct.”

*We pledge to receive every complaint with openness and respect. In coming forward, you are helping to uphold the integrity of the Church’s witness and ministry, and helping to ensure that pastoral care is beneficial rather than harmful.*

## **SECTION THREE:**

### **Response to Clergy Accused of Sexual Misconduct**

Because the Diocese considers any allegation of sexual misconduct by its clergy to be a serious matter, it will respond swiftly and decisively to all such allegations, whether the abuse is recent or occurred in the past. The following section provides an overview of the Diocese's action taken in response to priests and deacons accused of engaging in sexual abuse, sexual exploitation, or sexual harassment. See Appendix II for the complete procedure.

#### **Receipt of Allegation**

When the Diocese receives an allegation that a priest or deacon has engaged in sexual misconduct, it will immediately begin an investigation and/or refer the matter to the proper civil authorities. The Diocese will help the alleged victim obtain whatever assistance may be required (please see details in Section Two).

The Diocese reaffirms its commitment to work with the proper civil authorities with regard to all criminal sexual misconduct. Because of the particularly heinous nature of crimes involving minors and legally protected adults, we reiterate in a special way our strong commitment to cooperate in the investigation of an allegation concerning these persons. Minnesota law requires that certain categories of persons such as teachers, clergy and counselors are to report to civil authorities if they know or have reason to believe that a minor or vulnerable adult is being abused. In addition to compliance with this law, the Diocese directs all its paid personnel and volunteers, even those who are not mandated reporters, to report their knowledge or belief of the abuse of minors or vulnerable adults, if such knowledge or belief is obtained while engaging in the ministry of the Diocese. Priests are not required to report information that is otherwise privileged.

Because it is important to respond quickly to allegations of ministry-related sexual misconduct, we will do so. Our willingness to make a rapid response is not a "conviction" of the accused priest or deacon. The decision about guilt or innocence will be determined by appropriate legal and/or civil processes.

When an accusation has proved to be unfounded, every reasonable effort will be made to restore the good name of the person falsely accused.

#### **Preliminary Investigation**

When civil authorities are involved with a criminal investigation, the Diocese will defer to their investigative processes. However, we will also use every reasonable means to investigate any allegation of sexual misconduct, since we may believe it necessary to take disciplinary action even if a civil crime is not proven. A preliminary investigation in compliance with canon law will be initiated and conducted (cf c. 1717).

Diocesan officials will carefully interview the alleged victim(s) and/or other persons who bring an allegation. The Diocese will seek out corroborating witnesses and facts whenever it can. The purpose of the investigation is to get as complete a picture as possible of the nature and extent of the alleged inappropriate behavior, to identify other potential victims, and to make a strong case for an intervention

with the accused if indicated. In certain circumstances when a complaint or claim is in civil litigation, the ability of diocesan officials to investigate may depend on matters pertaining to the litigation.

## **Information from Person Making Allegation**

The first source of information for the diocesan/canonical investigation is the person making the allegation. The Diocese will ask the person bringing the allegation to allow his/her name to be used, as well as those of potential witnesses. If that person does not want his/her name used, the Diocese must discern whether it is possible to investigate without risking disclosure of the person's identity. If no such investigation is possible, the Diocese will discuss that fact with the person, along with the danger that the alleged offender may pose to others. In some circumstances, the Diocese's responsibility to those who might be harmed – if the activities of the alleged offender are not stopped – may require the Diocese to conduct an investigation and risk disclosing the identity even of a person who wishes to remain anonymous.

## **Information from Alleged Offender**

The second source of information is the alleged offender. Diocesan officials will interview the priest or deacon to inform him of the allegation made against him, and to ask for his response. (If civil authorities are also investigating the accusation, we must and will respect their procedures.) Before the priest or deacon begins his response, he will be informed that we can give no assurance of confidentiality and that any information he offers may be used in court.

During this intervention interview the priest or deacon will be encouraged to retain the assistance of civil and canonical counsel. At this point in the investigation, it is the cleric's choice whether he wishes to have such assistance. The role of the civil or canonical advisor/advocate is to advise the accused of his rights and afterwards to help him review what was said in the interview.

One of the diocesan officials in attendance at the intervention interview will prepare a written summary. The accused will have the opportunity to respond to this summary. The Bishop will review the summary and any response.

## **Information from Other Sources**

If there is any major discrepancy between the accounts of the alleged victim and the accused, the Diocese will utilize as many resources as possible to investigate further. This may involve contacting those in a position to verify or challenge assertions made by the cleric or by the person making the complaint.

## **Psychological Assessment**

The Diocese requires an independent and objective assessment of the accused priest or deacon by a mental health professional whether or not he admits to any wrongdoing. Participation in an assessment does not constitute an admission of guilt by the accused person. If he refuses to be assessed, the Diocese will immediately impose restrictions on his ministry while making a permanent decision about his future ministry. Refusal to participate in the psychological evaluation does not imply guilt.

## Interim Steps

At the time of the interview with the accused priest or deacon, appropriate administrative restrictions may be imposed on his ministry, pending the outcome of the investigation. These restrictions could include, but are not limited to: 1) no contact with the accuser and his or her family; 2) no contact or careful monitoring of any contact with persons who share characteristics of the alleged victim (e.g. children, vulnerable adults); 3) removal or restriction of priestly faculties; 4) no ministerial activity.

When a permanent deacon is accused of sexual misconduct, the deacon's family will face tremendous strain and will likely need assistance. The Diocese will work with the deacon and his family so they can receive the pastoral and professional support they require.

The diocesan official responsible for monitoring this procedure generally will inform selected co-workers or others in the place of work or residence of the accused cleric that an accusation has been made and temporary restrictions imposed, pending the outcome of the investigation. These persons will be asked to report inappropriate behavior or violations of the imposed ministerial restrictions to a designated diocesan official.

## Decisions Regarding Ministerial Activity

The information gathered through the preliminary investigation will be reviewed by the Diocesan Review Board for Sexual Misconduct, after which the Board will make a recommendation to the Bishop regarding the priest's or deacon's continued ministry in the Diocese. Options available include: immediate resignation or involuntary removal, resolution of the complaint in favor of the accused with full restoration of ministry, or assignment to therapy.

## Role of Diocesan Review Board for Sexual Misconduct

In 1993, the Diocese instituted a Review Board, to provide objective recommendations and review of the diocesan response to instances of sexual misconduct. The Board consists of seven members of outstanding integrity and good judgment, at least five of whom are in full communion with the Church. Two are priests or deacons. Three of the lay persons are chosen because of their expertise in psychiatry, psychology or social work, and law. Two other lay persons are chosen at large. The Promoter of Justice serves as an *ex officio* member of the Board. If none of the members are canon lawyers, an additional person who is one, is to be appointed *ex officio*.

The Board is responsible for several tasks:

1. Review and make recommendations regarding the continuation in ministry of clerics who allegedly committed sexual abuse, exploitation or harassment.
2. Review and make recommendations regarding the return to ministry of priests and deacons following their removal from active ministry.
3. Review, to the extent necessary to carry out the above purposes, current programs for treatment, rehabilitation and supervision of such clergy.
4. Periodically review prior decisions about the method and process of clergy assignments.
5. Review and make recommendations concerning changes to existing policies or the adoption of new policies involving allegations of sexual misconduct by clergy.

## **Cases Involving Sexual Abuse of Minors**

When a preliminary investigation indicates there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith will be notified. At this time, the following restrictions may be imposed unless this has already occurred: the accused priest or deacon will be removed from the sacred ministry or from any ecclesiastical office or function; residence in a given place or territory may be imposed or prohibited; public participation in the Most Holy Eucharist may be prohibited (cf c. 1722). These restrictions remain in place pending the final outcome of the canonical process.

An appropriate process, as provided for in canon law, will then be observed in order to arrive at a just determination regarding the imposition of canonical penalties, not excluding dismissal from the clerical state, if the case so warrants (cf. c. 1395, §2). When even a single act of sexual abuse by a priest or deacon has been admitted or established after an appropriate process conducted according to canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry. If he is unwilling to resign from ministry voluntarily, a canonical penal trial may be utilized in order to seek the imposition of that penalty. The offending priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father for his involuntary dismissal. The Congregation for the Doctrine of Faith determines if a penal trial is to be convened or if the case is to be handled administratively by the Congregation, regardless of the Bishop's *votum*.

## **Cases Involving Other Instances of Ministry-Related Sexual Misconduct**

In cases in which ministry-related sexual misconduct with a person other than a minor has been admitted or established after an appropriate process in accord with canon law, the Bishop, in consultation with the Review Board, will determine whether there is any possibility that the priest or deacon may be permitted to continue in ministry in the Diocese. This decision will be based upon the results of the original investigation and psychological assessment. Options include, but are not limited to: immediate resignation or involuntary removal, assignment to therapy, or resolution of the complaint in favor of the accused with full restoration of ministry.

### *Therapy*

The Diocese provides competent specialized therapy for any of its priests or deacons who engage in or appear to have engaged in ministry-related sexual misconduct.

The Diocese will share with the treatment provider the information it has gained from its investigation which may be helpful in the therapy process.

Second, the Diocese, through an assigned official, will stay in close contact with the therapeutic process. This may involve providing additional information about the cleric, restating to the priest or deacon the consequences of non-cooperation with therapy, and being available for a feedback session. This contact of diocesan officials with the therapy process is designed so it does not compromise the confidentiality of the therapist/patient relationship.

If a priest or deacon is being treated in an outpatient program, the Diocese will provide appropriate disclosure of the cleric's past behavior to selected co-workers and persons at his residence. These persons will be instructed to report inappropriate behavior or violations of the imposed ministerial restrictions to a designated diocesan official.

The treatment center's recommendation is essential to help determine the scope and nature of the priest or deacon's ongoing ministry. If the Diocese has concerns about the recommendation that the treatment center makes, we will review the recommendations with the aid of other competent professionals.

### *Short-Term Aftercare*

As the priest or deacon prepares to complete primary therapy, the diocesan official who has been working with him will develop a behavior contract, in conjunction with the treatment provider and/or other competent professionals. The purpose of the contract is to make explicit what the Diocese expects of the cleric, i.e. what is acceptable behavior and what is not. It also helps define appropriate boundaries regarding which (if any) relationships from his former ministerial setting can be maintained and under what conditions. The contract also names members of the cleric's monitoring team and states explicit consequences if the priest or deacon does not adhere to the contract.

The diocesan official who has been the liaison to the priest or deacon will meet with him regularly: at least quarterly during the first two years following therapy; at least semi-annually for the next three years; and at least annually thereafter.

During the aftercare period there will be clear restrictions on what sort of ministry, if any, the priest or deacon can exercise. These restrictions are designed to prevent the repetition of sexual misconduct by the cleric.

A professional assistance plan may be established as needed for each individual. This plan could include such elements as professional counseling, spiritual direction, and the services of other helping professionals. Some priests or deacons may be expected to participate in support groups and/or 12-step groups to provide support and peer accountability. Each individual's situation will be reviewed with one or more competent professionals and will be designed accordingly. In the case of a priest, the Diocese will assign him to an appropriate residence. Deacons will be required to live in an appropriate residence or face suspension. No priest will be allowed to live alone or outside of a supervised setting. The residence will be safe both in terms of geography (distant from site of abuse/exploitation) and ministry.

### *Reassignment/Outplacement*

Upon conclusion of therapy and aftercare, a priest or deacon may be assigned to a parochial ministry, be assigned to a non-parochial ministry, be asked to resign from all clerical ministry or be involuntarily removed from ministry. The Diocese uses an independent forensic psychiatrist, psychologist or other qualified professional (who was not involved in the therapy of the offender) to determine the individual's competency to continue in ministry. Factors that will be considered in deciding to return a cleric to active ministry are: the victim's feelings, ability to assure the safety of the community or organization to be served, availability of an appropriate assignment.

An assignment will be made only after the Review Board has completed its review of the case. The final decision is made by the Bishop.

If the priest or deacon is returned to active ministry, the Diocese will see that there is a proper level of disclosure of the person's history in the ministerial setting. The cleric will continue to operate under the contract described above.

## **SECTION FOUR:**

### **Response to Religious and Lay Professional Employees, Independent Contractors and Volunteers Accused of Sexual Misconduct**

The problem of ministry-related sexual misconduct can involve church personnel other than clergy. The Diocese is also concerned about ministry-related sexual misconduct by religious and lay professional employees, independent contractors, or volunteers who provide services within parishes and other institutions of the Diocese.

When an accusation of ministry-related sexual misconduct is brought against a religious or lay professional employee, independent contractor, or volunteer serving in a diocesan parish or institution, the Diocese stands ready to act as a resource to the parish or institution in responding to the matter. However, since our parishes and institutions function independently, they are responsible for establishing adequate guidelines and procedures to address these accusations.

Parishes and institutions should see that those in supervisory positions are sufficiently trained to understand complaints of sexual misconduct and their investigation. If possible, professional counseling should be offered to persons who believe they have been victimized.

The following outlines essential components that a parish or other institution in the Diocese should consider in responding to an allegation of sexual misconduct. The Diocese will provide consultation and assistance to parishes that face instances of sexual misconduct.

#### **Receipt of the allegation and investigation**

The person responsible to see that an investigation of an allegation happens should be the pastor in the case of a parish, or the person who is in a major supervisory position in institutions where the accused is employed, contracted, or volunteering. Each parish or institution should designate and make known the person responsible for conducting an investigation if it is necessary. In addition, this person ought to take great care to see that allegations of sexual abuse of children or legally protected adults are referred to the proper civil authorities, as required by law.

Every allegation is to be taken seriously. Upon receiving a complaint the pastor or supervisor should immediately pass this information on to the person designated to conduct the investigation. The following are some of the steps which should promptly be taken:

- report the allegation to the proper civil authorities if it involves suspected abuse of minors or vulnerable adults;
- call the Bishop's Delegate for Matters Pertaining to Sexual Misconduct;
- contact the legal counsel of the parish or institution;
- call the parish's or institution's insurer;
- consider establishing an investigation team that is gender balanced;
- establish the relevant facts relating to the allegation;
- interview the person bringing the complaint;

- encourage the complainant to be accompanied by an advisor, friend, co-worker, or family member;
- take careful notes of the interview; **and**
- interview others who may have knowledge of the accusation.

If the accused is a member of a vowed-religious community, the involvement of the immediate superior of the accused is necessary.

## **Intervention**

If the investigation establishes that there is credibility to the allegation, the pastor or supervisor should meet with the accused employee, independent contractor, or volunteer. For this meeting, the accused employee, independent contractor, or volunteer should be encouraged to have another person present. The purpose of this meeting is to formally present the allegation and to listen to the accused.

If the employee acknowledges that the allegation is true, then the supervisor should invoke the appropriate disciplinary procedures (including possible termination) as found in parish or institutional employment guidelines and/or policy/procedure manual. If the employee denies the allegation, then the pastor or supervisor should consider suspending the employee with pay, or taking some similar action, until a better understanding of the allegation can be gained. The parish or institution may choose to arrange a psychological assessment of the accused to help gain further understanding.

If a volunteer acknowledges the allegation is true, then his or her voluntary service with the parish or institution is reviewed by the pastor or supervisor. This review may indicate that the person's volunteer service should end. If the volunteer denies the allegation, then the pastor or supervisor should consider stopping the services he or she provides until a better understanding of the allegation can be obtained.

In the event that the accused denies the allegation, the pastor or supervisor should seek investigation assistance. Others who may be helpful at this stage include: an attorney, a trustee, diocesan officials, fellow pastors or supervisors. Additional detailed information is gathered by further interviewing the victim, the accused and others who might have direct knowledge of the allegation. At this stage, the person bringing the accusation and the accused should both be assisted by an advisor or friend.

## **Resolution**

After sufficient information has been gathered, the supervisor must resolve the matter. The supervisor must either invoke the appropriate termination procedure found in parish employment guidelines for the suspended employee or volunteer, take some intermediate disciplinary action, or reinstate the individual's employment or service.

A parish or institution may choose to arrange psychological assessments, treatment, or aftercare for (to) religious or lay employees, independent contractors, or volunteers. Insurance assistance may also be available to pay for such care. This possibility should be reviewed carefully. The Diocese is ready and willing to offer the parish or institution's supervisor support and suggestions, but is not in a position to pay for these services.

In all cases, the procedure for discipline or termination of employment must follow the steps laid out by the parish or institution for other instances of discipline or termination. In addition, adherence to reporting requirements, as determined by civil law, and full cooperation with civil authorities, must always be rendered.

## **SECTION FIVE:**

### **Response to Parishes Experiencing the Pain of Clergy Sexual Misconduct**

When members of the clergy engage in sexual misconduct, many people may be harmed or affected. This is true not only of those directly involved in the misconduct, but also of parish members where the clergyman currently serves or served in the past. We outline here the key elements of the responses we take to help heal this pain. These responses are guided by three key principles.

First, we acknowledge that parishes undergo a process of grieving. When people learn that a respected leader has been accused, there may be a reluctance to believe that the report could be true. This denial is a reflection of the belief that an accused person is innocent until proven guilty. But the same denial also can create a burden on those who, often after a long struggle, have found the ability to bring forth important information. Denial is usually followed by other well-known steps in grieving a loss, including depression and significant anger against the accused, the accuser(s), the Diocese, and the whole Catholic Church. Only after time passes and the appropriate steps are taken can a congregation truly move on in the continuation of its mission.

Second, we also acknowledge that one of the most important elements in healing is that the parish receive information about what happened that is as full and accurate as possible. Information helps dispel the atmosphere of distrust that may be fed by rumor, by the sudden departure of a clergyman assigned to the parish, and by the feeling that a “cover-up” is being imposed. Information also assists other victims to come forward, if there are any, and assures that appropriate steps are taken so that a congregation can truly move ahead.

While committed to disclosure where possible, significant communication limitations may exist, because of the need to respect the privacy of the victim and his/her family, as well as the need to protect the rights of the accused, especially when lawsuits or criminal action may be threatened. Neither is it always appropriate to share all information gathered during the early stages of an investigation, since this information is frequently confusing, contradictory, or unsubstantiated.

Third, we acknowledge that the healing of a parish is a multidisciplinary challenge. Our experience has taught us that neither diocesan officials nor a new pastor alone can respond to all of the concerns and problems that arise in the aftermath of clergy misconduct. As a result, we usually involve teachers, therapists, lawyers, and communication experts in a team approach to specific parishes.

We closely follow work done by professionals who help congregations heal from the effects of pastoral misconduct. We are committed to help develop models or approaches that will foster healing in our affected parishes.

### **Response in the Current Parish of the Accused Clergyman**

When a report of ministry-related sexual misconduct by a clergy member is received, diocesan officials work with trained professionals to assess whether the accused priest or deacon can remain in his current assignment while the investigation progresses. If he remains, restrictions may (or may not) be imposed on his ministry. (These steps are discussed in Section Three of this document, “Responses to

Clergy who have Engaged in Sexual Misconduct”). Whether he remains or leaves, the parish faces communication issues.

## **During the investigation**

### *When the accused clergyman is removed from his assignment*

- a. If the accused is the pastor, a temporary administrator will be appointed in his place by the Bishop. The administrator is informed of the accusation and of the follow-up steps.
- b. Key parish personnel will be informed as soon as possible. Depending on the organization of the particular parish, they may include the lay trustees, the professional staff, and the chairperson of the parish council.
- c. The new pastor or administrator, after consulting with diocesan staff and with the parish leadership, will notify parishioners about the absence of the accused clergyman. This announcement may happen in several ways: pulpit announcements, bulletin notices, or a parish mailing. Because the early stages of the investigation can be complex, the first announcement to the parish will sometimes include minimal information and may indicate only a temporary absence. It will also include, however, an assurance that more information will be provided as it becomes available.
- d. The investigation of the matter will proceed as quickly as possible, with the assistance of trained professionals, to determine the reliability of the accusation and its implications for the ministry of the accused. As soon as possible, the parish will receive a more comprehensive report about the reason for the clergyman’s absence. The parishioners will be told of his resignation, vindication, or other result. Along with this announcement, parish members may be invited to a parish meeting within the following few days.
- e. The parish meeting is a key step in the parish healing process. It allows for a more complete discussion of the complaint, its investigation, and its implications for the parish. The meeting should include participation of some or all of the following: a diocesan official, the pastor or temporary administrator, a facilitator, a therapist, civil and canonical attorney, and a communications expert. Because it is a pastoral gathering of the parish, non-members are generally excluded.

### *When the clergyman remains in his assignment*

- a. Key parish personnel such as the lay trustees, the professional staff, and the chairperson of the parish council are informed of the accusation, of the process of assessment, and of any restrictions that may be in place. They are asked to report inappropriate behavior or violations of ministerial restrictions to a designated diocesan official.
- b. If there is reason to believe that the accusation will become public knowledge while the initial assessment is being performed, then a parish meeting will be convened as possible, as described above in step e. The accused clergyman will also be offered the opportunity to resign rather than remain in his assignment, but he will not be required to do so.

## **At the conclusion of the investigation**

- a. The investigation of the matter will proceed as quickly as possible, with the assistance of trained professionals, to determine the reliability of the accusation and its implications for the ministry of the accused. As soon as possible, all persons to whom disclosure had been made earlier will receive a

more comprehensive report about the results of the investigation. Options include an announcement of the clergyman's resignation, his vindication, or some intermediate result.

- b. If the investigation suggests that the accused is a risk for further misconduct, he will be required to resign. If he chooses not to resign, the Bishop can suspend and/or remove him from office.
- c. If the investigation suggests that no current risk of misconduct exists, a diocesan official will convene a meeting including the accused clergyman and key parish personnel such as the lay trustees, the professional staff, and the chairperson of the parish council. They will assess the continued viability of the clergyman's ministry in the parish.
- d. When an accusation has proved to be unfounded, every reasonable effort will be made to restore the good name of the person falsely accused.
- e. Whether the clergyman is removed from the parish or remains, careful consideration should be given to fully disclosing the matter to the whole parish, if this has not already been done. This is not required in all cases, but can help avoid a subsequent sense of betrayal should the matter later become public knowledge.
- f. A parish team will be formed to assess the immediate results of the parish meeting, if one has been held, and to address other healing issues that may arise in the parish. The team includes the new pastor or administrator, some or all members of the professional staff, the trustees, and the parish council chairperson. An outside expert should meet with the team. The team sets its own mode of operating but it should meet with the diocesan representative at least twice during the first year following the parish meeting.
- g. In consultation with the diocesan representative, the team arranges for whatever further healing measures are needed in the parish. These may include: additional general meetings, a small group process of reflection, a reconciliation service, and/or a request for communication from the resigned clergyman.

## **Response in parishes of the accused clergyman**

Two reasons may cause the Diocese to inform members of former parishes that a priest or deacon has been accused of sexual misconduct. The first and more pressing reason is so persons who may have been victims of misconduct in other settings will know that they may come forward for assistance. The second is to encourage healing of the hurt and betrayal that can result from knowledge of the accusations. Diocesan officials will assess how each of these reasons applies to each former parish. Generally speaking, the current parish pastor will be consulted. If disclosure is called for, then the following steps will be taken:

- a. Key parish personnel will be informed of the accusation, the follow-up steps that are planned, and will be asked to evaluate the potential impact of the news on their parish. They will work with a diocesan official to plan the best way to inform the entire parish, or at least those subgroups that may be affected by the news.
- b. The pastor, after consulting with diocesan officials and parish leadership, will notify the parish of the accusation against their former clergyman. The disclosure announcement also indicates that some process for immediate follow-up has been put in place. This is generally a parish meeting, but other options might include a parish "hot line" or opportunities for individual meetings with a counselor.
- c. Key parish personnel will form a team to assess the ongoing impact of the disclosure in the parish. The team should meet at least once with the diocesan representative, about 3-6 weeks after the initial disclosure. More meetings can be scheduled if needed.

It may also happen that although a clergyman was accused of sexual misconduct, it was not a credible accusation. In this situation, there may still be a need for disclosure to parishes where the cleric was or will be assigned, and to restore the good name and reputation of the falsely accused cleric.

# CONCLUSION

Sexual misconduct is complex as well as terribly harmful. No simple or uniform methodology can provide an effective response because each instance has unique aspects that require adaptation.

However, our experience over the past seventeen years tells us it is possible for individuals and communities to heal from the effects of sexual misconduct. This is not easily or quickly accomplished. Counseling, support groups and spiritual direction are tools which are often required for this healing.

The Diocese is committed to doing all that it can to:

- Promote safe, healthy communities of faith
- Effectively deter misconduct
- Respond fairly and compassionately to those harmed by misconduct

We do this because of our faith in Jesus Christ and His call to us to act justly and compassionately.

The Diocese will continue to refine its response to clergy sexual misconduct. Careful reflection on experience, and more study by us and others will contribute to a better response.

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