

POLICY ON SEXUAL MISCONDUCT IN MINISTRY

INTRODUCTION

Recent years have witnessed an enormous growth in understanding sexual misconduct committed by persons working in the helping professions. Evidence about the long-term impact and the difficulty of detection of such misconduct has received new and much needed attention. Constructive attention has been given to resources for the healthy integration of sexuality into the life of the helping professional.

A traditional Catholic approach to questions of sexuality emphasizes the importance of chastity. We believe that recent psychological and other insights can advance and complement this Gospel value. The intention of all that follows is to promote a ministerial environment in which those who receive the Church's services can expect to do so in safety.

The clerical sexual abuse scandal which swept through the Church in the United States in the year 2002 led to the U.S. Bishops' Charter for the Protection of Children and Young People. This document reflected the U.S. Bishops' commitment to respond appropriately and effectively to the sexual abuse of children and young people by those who represent the Church. Associated with the Charter, the U.S. Bishops also approved particular law for the Church in the United States to deal with this issue. These are the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. These Essential Norms were approved by the Holy See on December 8, 2002. The Diocese of Marquette is committed to following the provisions of both the Charter and the Essential Norms in its handling of cases of sexual abuse of children and young people by church workers. A revision of the diocesan Policy on Sexual Misconduct in Ministry was conducted in 2003, reflecting this commitment and bringing diocesan policy into full conformity with the Charter and Essential Norms.

This policy details our efforts at education, prevention, care for victims, intervention with offenders, and the healing of communities. Emphasis is given to responding appropriately and effectively to allegations of sexual misconduct and a sensitive outreach to victims, while at the same time recognizing the need for due process with respect to the accused. This policy addresses the tragedy of sexual abuse of children and young people, as well as sexual abuse of vulnerable adults and sexual exploitation (as defined below). The difference in response to these forms of sexual misconduct will at times be reflected in this policy.

In addition, the diocese has two related policies already in place that are contained in the Diocese of Marquette Policy Manual: our Code of Ethical Standards for Ministry to Minors and our Sexual Harassment Policy. The Code of Ethical Standards for Ministry to Minors details the standards of ministerial

behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.

The diocese has established a Diocesan Review Board for the Protection of Children and Young People. This Review Board functions as a confidential consultative body to the bishop in discharging his duties with respect to this policy. The Review Board advises the bishop in his assessment of allegations of sexual abuse of minors, advises the bishop in his assessment of the suitability for ministry of a particular individual, reviews diocesan policy for dealing with sexual abuse of minors and offers advice on all aspects of these cases. The Review Board is composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the members of the Review Board are lay persons not in the employ of the Church. At least one respected pastor is a member of the Review Board. At least one who is expert in the treatment of sexual abuse of minors is also a member of the Review Board. The diocesan Promoter of Justice also participates in the meetings of the Review Board. Members of the Review Board are appointed for a term of five years, renewable.

DEFINITIONS

The following terms are used throughout this policy. For the sake of clarity, the following definitions of these terms are provided here:

Church personnel: This includes all persons who work for the Church in the Diocese of Marquette either as paid employees or as volunteers. It includes priests, deacons, religious and laity.

Clergy (or clerics): This includes all those who are ordained for ministry in the Church. It includes bishops, priests and deacons. They can be either diocesan clergy or religious clergy.

Congregation for the Doctrine of the Faith (CDF): This is one of the Vatican congregations in Rome which assists the Pope with his pastoral governance of the universal Church. It is this congregation that has the responsibility for handling the cases of sexual abuse of minors by priests or deacons.

Diocesan officials: This refers to the group of individuals who work under the direct supervision of the bishop in the diocesan offices. It includes such individuals as the Director of Ministry Personnel, the Director of Priest Personnel, the Clergy Support Services Manager, the Director of Administration and Finance, etc... These are the individuals who work most closely with the bishop in implementing the provisions of this policy. They are often involved in the investigation and assessment of allegations of sexual misconduct.

Dismissal from the Clerical State (or “laicization”): This is a penalty which is imposed on members of the clergy which relegates them to the state of being a lay person in the Church. They are still “ordained” (their ordination cannot be “undone”), but they no longer enjoy the rights belonging to clerics in the Church. In popular language this is sometimes referred to as being “defrocked”.

Faculties: These are special powers given to priests or deacons by the bishop that enable the priest or deacon to carry out certain acts in the performance of their church ministry. Without these faculties, the priest or deacon is not able to carry out fully his ministry.

Laitly (or lay persons): This includes all persons who are not ordained for ministry in the Church (i.e. those who are not members of the clergy).

Promoter of Justice: This is an officer of the diocesan tribunal (or court). His or her job is to ensure the proper and fair administration of justice in tribunal cases in which the public good is at stake. In a penal trial, he or she functions as a “prosecutor”, to use the terminology of the civil court system.

Religious: This category of persons includes those men and women who are members of religious orders in the Catholic Church (e.g. the Franciscans, Capuchins, Dominicans, etc...). They are under the supervision of the ordinary, superior, or leader of their religious community. This includes religious sisters (or nuns), religious brothers, and religious priests or deacons. These latter are different from diocesan priests or deacons who are ordained for service in a particular diocese (e.g. the Diocese of Marquette) and are under the direct supervision of the bishop of the diocese.

Religious province: This is the geographical region within which a religious sister, brother, priest or deacon ministers under the supervision of his or her own religious superior (or religious community leader). A religious province most often encompasses more than one geographical diocese.

Sexual misconduct: The terms “ministry-related sexual misconduct” and “sexual misconduct” as used throughout this policy, refer to three related forms of misconduct. The first, which is called “sexual abuse of a minor”, includes sexual molestation or sexual exploitation of a minor and other behavior by which a church leader uses a minor as an object of sexual gratification. (By minor, we mean someone under the age of 18.) The second involves sexual contact between a church leader and a vulnerable adult. (By vulnerable adult, we mean someone who is mentally or physically incapacitated or impaired.) The third, which is sexual contact or unwanted sexual conduct between a church leader and an adult person who has received pastoral care from the church leader, is often called “sexual exploitation.”

I.

SEXUAL MISCONDUCT BY CHURCH PERSONNEL: EDUCATION AND PREVENTION

GENERAL COMMUNITY EDUCATION

We recognize that our Church has the responsibility both to educate, and to be accountable to, the broader society. We commit ourselves to this two-part effort.

We have undertaken special efforts to inform and educate Catholics through channels of communication uniquely available to the Church. These include teaching materials, parish bulletin inserts and the use of The U.P. Catholic Newspaper. We commit ourselves to continue this cooperative effort.

The diocese, in cooperation with the other dioceses in Michigan, has committed itself to the establishment of a “safe environment program” for the protection of children and young people. The intent of this program is to provide education and training for children, youth, parents, ministers, educators and volunteers about ways to make and maintain a safe environment for children with respect to sexual abuse.

The publication of this policy is intended to promote public awareness. This also signals our willingness to encourage responses and discussion in our parishes and other Catholic communities. The diocese maintains a general communications policy that commits itself to transparency and openness, while respecting the privacy and reputation of the individuals involved.

RESPONSE TO THE NEWS MEDIA

The Diocese of Marquette is committed to responding as openly as possible to the news media in answering questions about particular cases of alleged misconduct, while respecting the rights of those involved, and in addressing the broader questions raised by such cases. The Director of Communication will handle all inquiries from the media in regard to any specific case of alleged misconduct and ordinarily be the only spokesperson for the diocese. Any media inquiries received by a parish or institution should be referred to the Director of Communication at 906-227-9129 or 800-562-9745 Ext. 129.

SCREENING, FORMATION AND ONGOING EDUCATION FOR THE ORDAINED

Programs for seminary formation include psychological screening, with particular attention paid to psychosexual development, and background checks of prospective candidates. In recent years we have placed even greater emphasis on this screening. Although no perfect screening method exists, we are committed to using the current accepted methods and to continue working

with competent professionals in strengthening that screening. This includes using law enforcement agencies and other community agencies to assist with background checks.

The diaconate formation program in the diocese pays due attention to psychological screening of new candidates and background checks. Background checks using the above mentioned civil agencies will be used in the screening of all candidates for the permanent diaconate.

It has been 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. That position continues in force.

Seminary formation programs contain specific curriculum units or classes aimed at promoting positive sexual integration and establishing appropriate sexual boundaries in the practice of ministry. We commit ourselves to encouraging the seminaries we use to continue reviewing and strengthening such curricula. Those in formation 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 they 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.

No clergy from outside the Diocese of Marquette will be given the general faculties of this diocese nor allowed to take up residence in 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 physical violence. If an offending priest or deacon from the Diocese of Marquette desires to transfer or take up residence in another diocese or religious province, this diocese will report to the local bishop or religious ordinary any and all information concerning acts of sexual misconduct committed by the priest or deacon.

For several years, the Bishop has communicated with diocesan clergy on various aspects of specific misconduct cases and changes in relevant laws. This important educational effort will continue.

Seminars and educational materials have been developed for use by the clergy. We commit ourselves to make this an ongoing part of our continuing education efforts. Whenever appropriate, these same opportunities will be made available to other church personnel.

The Bishop encourages the clergy to participate in support groups. Such groups help to prevent misconduct by strengthening the positive supports for our clergy. We will continue to promote this and other encouragements to healthy living, including the use of a spiritual director, required annual retreats, continuing education and regular meetings with the local dean.

SCREENING AND EDUCATION FOR PARISH PERSONNEL

The Diocese of Marquette commits itself to evaluating the background of all diocesan, parish and school personnel who have regular contact with minors. This includes prospective personnel as well as those already engaged in ministry or work for the church in our diocese. By “personnel” we mean both paid employees and volunteers. The diocesan offices will assist parishes, schools and other institutions of the diocese in conducting these background checks. The services of law enforcement and other community agencies will be utilized in conducting these background checks.

Pastors are encouraged to provide some form of education about sexual issues in ministry for their staff, volunteers and members on a regular basis. The diocese will provide educational materials and forums to assist in this effort.

II.

SERVICES TO PEOPLE HARMED BY THE SEXUAL MISCONDUCT OF CLERGY, RELIGIOUS AND LAY EMPLOYEES AND VOLUNTEERS

This section of the policy is directed to people who believe they or someone close to them have been harmed by the sexual misconduct of the clergy, religious or lay employees or volunteers who provide services within parishes and other institutions of the diocese.

WE ARE OPEN TO AND RESPECT COMPLAINTS

Both justice and compassion call us to respond to the harm an individual has experienced. We are concerned 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 correct the hurt that may occur when pastoral care is exercised improperly. Complaints help us to do so. Therefore, we respect the report someone makes.

Our Church law also protects the rights of those accused of misconduct. We ask people to understand that our immediate willingness to respond to their complaint and provide them with assistance is not a “conviction” or judgment of the accused.

We will respond to every complaint of sexual misconduct, insofar as we are able. As it is difficult to follow through on anonymous complaints, we will ask the person to reveal his or her identity to diocesan officials to assist our investigation. If the person asks us to withhold his or her identity from the accused, this can severely limit the steps we can take.

At times, it may be impossible to conduct an investigation without revealing the complainant’s name, due to our concern for others who may be harmed, due to our own policy requirements or to civil reporting requirements. When that is the case, we will inform the complainant before he or she reveals

information that we would be required to report to civil authorities according to our own policy or according to civil reporting requirements.

WE URGE THE USE OF AN ADVISOR/ADVOCATE

We recognize that bringing a complaint of misconduct 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. The complainant may already have an advisor/advocate, such as a counselor, a Church staff member, or a friend. We urge that their support be utilized throughout the process.

In addition, we want to make people aware of a special resource. The diocese has provided training to individuals who know what support is available to a person bringing a complaint. They have been trained to promote the complainant's interests and direct him or her toward services offered by the diocese and other sources. These services include provision of counseling, spiritual assistance, support groups and other social services. A written statement of the advisor's/advocate's responsibilities is available on request from Director of Ministry Personnel, Diocese of Marquette, P.O. Box 1000, Marquette, Michigan 49855. The services offered by these advocates are confidential unless there is a reporting requirement according to our own policy or civil law. The complainant will be informed of this before he or she reveals information to the advocate that we would be required to report to civil authorities according to our own policy or according to civil reporting requirements.

WE WILL HELP OBTAIN COUNSELING SUPPORT

Misconduct by church personnel causes deep hurt. This can be addressed through the assistance of skilled and reputable professional counselors.

We will help with payments for counseling when appropriate.

WE WILL PROVIDE INFORMATION ABOUT SUPPORT GROUPS

As society's awareness of these problems grows, self-help and facilitated support groups are multiplying. Such groups are available in various communities across our diocese. Please ask and we will provide information about those groups that are active and respected.

The diocese commits itself to cooperating with social service agencies and other churches to foster and encourage these support groups for victims/survivors in the various communities of the diocese.

WE WILL HELP OBTAIN SPIRITUAL DIRECTION

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

The person harmed may wish to address such a spiritual rupture. Generally this can only be done after other psychological issues have been addressed. When one is ready to do so, we can help him or her find competent spiritual help.

WE WILL HELP BRING CONCERNS TO THE PROPER CHURCH OFFICIALS OUTSIDE OUR DIOCESE

Because of the mobility of our society, some people were hurt by church personnel elsewhere before moving to our diocese. A person may wish to pursue a complaint in another place, but does not know how to do so. We will assist in contacting the leadership of other dioceses, religious orders, or denominations.

HOW TO BRING A COMPLAINT

There are several ways to bring a complaint:

Write to the diocese. One may write to the diocese at this address: Director of Ministry Personnel, Diocese of Marquette, P.O. Box 1000, Marquette, MI 49855. Please mark the letter "Personal and Confidential." Please indicate the means of response desired (by phone, by letter, in a meeting).

Call the Diocesan Pastoral Office. One may call our Pastoral Office at 906-227-9107 or 800-562-9745, Ext. 107. This is the office of the Director of Ministry Personnel, whom the Bishop has designated to receive the initial reports of complaints. One may also e-mail the Director of Ministry Personnel at rbrowne@dioceseofmarquette.org. If the Director of Ministry Personnel is unavailable, please call the Bishop at 906-227-9115 or 800-562-9745, Ext. 115.

Call the Advisor/Advocate Coordinator. One may call Father Ronald T. Browne at 800-562-9745, Ext. 107 (Toll Free).

III.

DIOCESAN RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT **EXCLUDING** SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS

(N.B. The following section describes the policy, response and procedures of the Diocese of Marquette concerning sexual misconduct by clergy that is NOT the sexual abuse of a minor. This section also describes the diocesan response to allegations of all forms of sexual misconduct by other religious and lay church workers. For the diocesan response to allegations of sexual abuse of minors by priests or deacons, the special response and procedures outlined in the next section will be followed, in compliance with the Charter and Essential Norms.)

HOW TO RESPOND TO A COMPLAINT

Any clergy, religious, administrator, staff person, or volunteer of the diocese receiving a complaint or allegation of sexual misconduct must indicate to the person making the complaint that the diocese has both a policy and a procedure to be followed in this matter. The person receiving the complaint must report the matter immediately to the Director of Ministry Personnel at 906-227-9107 or 800-562-9745 Ext. 107, providing details as known, including the identity and means of contacting the person making the complaint. The person receiving the complaint must observe the provisions of Michigan law.

THE INVESTIGATION

The diocese considers any allegation of sexual misconduct to be a serious matter. When the diocese receives such an allegation it will immediately begin an investigation

Our Church law also protects the rights of those accused of sexual misconduct. In accord with our own system of justice, guilt is not presumed. Because of the special difficulties surrounding ministry-related sexual misconduct, we must take some responsive steps quickly.

We will use every reasonable means to investigate any allegation of sexual misconduct. The first source of information for the investigation is the person making the allegation. The diocese will ask the person bringing the allegation to allow his/her name to be used. With this permission, the diocese will use this information as part of its investigation. If that person does not want his/her name used, the diocese must discern whether it is possible to investigate without risking the 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. The diocese may need to conduct

an investigation and risk disclosing the identity of a person who wishes to remain anonymous due to its responsibility to others who might be harmed or due to our own policy requirements. The person requesting anonymity will be informed of this risk.

Diocesan officials will carefully interview the alleged victim(s) and/or other persons who bring an allegation to gain as clear a picture as possible of the alleged misconduct. The diocese will seek out corroborating witnesses and facts whenever possible. 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 as strong a case as possible for an intervention with the accused if indicated. In certain circumstances when a complaint or claim is in litigation, the ability of diocesan officials to investigate may be dependent on matters pertaining to the litigation.

The second source of information is the alleged offender. At some point in their investigation diocesan officials will interview the accused, informing that person of the allegation made against him/her and ask for his/her response.

If there is any major discrepancy between the accounts of the alleged victim and the accused, the diocese will utilize whatever other sources of information it can identify. This may involve contacting those in a position to verify or challenge assertions made by the accused or by the person making the complaint.

RESPONSE TO CLERGY WHO HAVE BEEN ACCUSED OF SEXUAL MISCONDUCT (excluding the sexual abuse of a minor)

1. Intervention:

When a priest or deacon has been accused of sexual misconduct, officials of the diocese will meet with the cleric and inform him of the allegation. (If civil authorities are also investigating the accusation, we must and will respect their procedures). The diocesan officials will ask him for his response. Before he 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 the courts.

At the intervention the priest or deacon is offered the opportunity to have an advisor/advocate present. The role of the advisor/advocate is to advise the accused on his rights and afterwards to help him review what was said in the interview. He may also wish to have an attorney present.

If the intervention interview raises serious doubts about the accuracy of the accusation, the diocese will use as many resources as possible to investigate further.

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

At the time of the interview appropriate restrictions on the ministry of the accused cleric may be imposed. These restrictions could include, but are not

limited to: 1) prohibition from contact with the accuser and his or her family; 2) prohibition of or careful monitoring of any contact with persons who share characteristics of the alleged victim; 3) prohibition of any ministerial activity; 4) placing the cleric on administrative leave and moving him to a neutral place.

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

Whenever indicated by the investigation, the diocese will refer the accused to a qualified psychological center for an independent and objective assessment. The diocese will require this assessment whether or not the accused admits to any wrongdoing. Agreement to participate in an assessment does not constitute an admission of guilt by the accused. If an accused refuses to be assessed, the diocese will immediately impose restrictions on his ministry while making a decision as to the future of his ministry.

The investigation, intervention interview, and assessment will guide the diocese in making a decision about the accused's continued ministry in the diocese. Options available include: immediate resignation or removal, resolution of the complaint in favor of the accused with full restoration of ministry, or assignment to therapy.

2. Therapy:

The diocese is committed to providing competent specialized therapy for any of its priests or deacons who have engaged in or appear to have engaged in ministry-related sexual misconduct.

First, the diocese will share with the treatment provider the information that it has gained from its investigation that may be helpful in the therapy process.

Second, the diocese will keep in regular 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 with the therapy process is designed so that 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 the Director of Ministry Personnel.

The treatment center's recommendation is essential to the discernment process regarding the scope and nature of the priest's or deacon's ongoing ministry. If diocesan officials have concerns about the recommendation, they will review it with the aid of other competent professionals.

3. Short-term aftercare (up to three years after primary therapy):

As the priest or deacon is preparing to complete primary therapy the Director of Ministry Personnel or his staff 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 in terms of behavior, i.e. what is acceptable and what is not. It also helps to define appropriate boundaries in terms of which 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.

A designated diocesan official will meet with the priest or deacon on a regular basis: 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 plan of ongoing professional assistance may be established as needed for each individual. This plan could include elements such as ongoing professional counseling, spiritual direction, and the services of other helping professions. 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.

The diocese will assign the priest to an appropriate residence. The residence will be safe both in terms of geography (distance from the site of misconduct) and ministry (minimal contact with persons who share the characteristics of victims).

4. Reassignment/outplacement:

Upon the conclusion of therapy and aftercare a priest or deacon may be assigned to a parochial ministry, be assigned to a non-parochial ministry, or be assisted to resign from all clerical ministry. Some of the factors that will be considered in deciding to return a cleric to active ministry are: feelings of the victim(s), ability to assure the safety of the community or organization to be served, and availability of an appropriate assignment. The bishop may choose to consult the Diocesan Review Board in his assessment of this reassignment issue in the case where the victim was a vulnerable adult.

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.

RESPONSE TO RELIGIOUS AND LAY EMPLOYEES AND VOLUNTEERS WHO HAVE BEEN ACCUSED OF SEXUAL MISCONDUCT (including the sexual abuse of a minor by a non-cleric)

1. Intervention:

(N.B. In what follows, if the allegation of sexual misconduct involves the *sexual abuse of a minor* by a *religious priest* or *deacon*, it will be reported to the civil authorities and the matter is referred to his own religious ordinary to be handled according to the policy and procedures of the religious community, but always in conformity with the Charter and Essential Norms. The following would, therefore, not apply in that case.)

If the investigation establishes that there is substance to the allegation, the Director of Ministry Personnel has the responsibility of meeting with the accused religious priest, deacon or sister, lay employee or volunteer. For this meeting, the accused religious priest, deacon or sister, lay employee 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.

In the case of an allegation of sexual abuse reported after June 10, 2002 involving a person who is presently a minor, the diocese will report the allegation to the civil authorities, including the name of the complainant and the name of the alleged offender. The complainant will be informed of this before he or she reveals information that we would be required to report to civil authorities according to our own policy and according to civil reporting requirements. Beginning September 17, 2004, if the complainant is no longer a minor, but if the civil criminal statute of limitations has not yet expired for the alleged crime, the diocese will likewise report the abuse to the civil authorities under the same conditions.

If the religious priest or sister acknowledges the allegation is true, the Bishop will contact the major religious superior and arrange for the accused to be returned to the immediate supervision of the superior. The religious priest or sister will be removed from his/her assignment and also his/her residence to reduce access to victims. If the religious priest or sister denies the allegation, then the Director of Ministry Personnel, in conjunction with the pastor or supervisor if appropriate, should consider suspending the religious priest or sister from their position with pay, or taking some similar action until a better understanding of the allegation can be gained.

If the lay employee acknowledges that the allegation is true, then the Director of Ministry Personnel should invoke appropriate disciplinary procedures, including possible termination. If the lay employee denies the allegation, then the Director of Ministry Personnel, in conjunction with the pastor or supervisor, should consider suspending the lay employee with pay, or taking some similar action, until a better understanding of the allegation can be gained.

If a volunteer acknowledges the allegations as true, then his/her voluntary service with the parish or institution is to be reviewed with the pastor or

supervisor; this review may indicate that the person's volunteer service should end. If the volunteer denies the allegation, then the Director of Ministry Personnel, in conjunction with the pastor or supervisor, should consider stopping the services the volunteer provides until a better understanding of the allegation can be attained.

In the event that the accused religious priest, deacon or sister, lay employee or volunteer denies the allegation, the Director of Ministry Personnel, in conjunction with the pastor or supervisor if appropriate, should investigate the matter further. Additional detailed information is gathered by further interviewing the victim, the accused and others who might have direct knowledge of the allegation. The person bringing the accusation and the accused at this stage should be assisted by an advisor or friend. The accused may also wish to obtain legal counsel of his or her own choosing.

If it is established or admitted that even one act of sexual abuse of a minor has been committed by a religious brother or sister, a lay employee, or a volunteer, that person will be permanently removed from any ministerial or other work within the church in the Diocese of Marquette. Appropriate disclosure of such abuse would be communicated to anyone seeking a job reference on the offender for other employment.

2. Therapy:

Religious priests, deacons or sisters, lay employees or volunteers may be encouraged to seek psychological assessments, treatment, or aftercare. It may be that insurance assistance is available to pay for such care. Payment for these services, not covered by insurance, would be the responsibility of the religious priest, deacon or sister, lay employee or volunteer.

IV.

DIOCESAN RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS

HOW TO RESPOND TO A COMPLAINT

It is important to state at the outset that the Diocese will respond and take action if it receives an allegation of sexual abuse of a minor by a priest or deacon, even if the abuse occurred long ago and the alleged victim is no longer a minor. This is in accord with the Charter and the Essential Norms. We will follow the appropriate procedures outlined under Church law and in this policy.

In the case of an allegation of sexual abuse reported after June 10, 2002 involving a person who is presently a minor, the diocese will report the allegation to civil authorities, including the name of the complainant and the name of the alleged offender. The complainant will be informed of this before he or she reveals information that we would be required to report to civil authorities

according to our own policy and according to civil reporting requirements. Beginning September 17, 2004, if the complainant is no longer a minor, but if the civil criminal statute of limitations has not yet expired for the alleged crime, the diocese will likewise report the abuse to the civil authorities under the same conditions. The diocese will in all cases advise and support a person's right to make a report to civil authorities themselves.

Any clergy, religious, administrator, staff person, or volunteer of the diocese receiving a complaint or allegation of sexual abuse of a minor must indicate to the person making the complaint that the diocese has both a policy and a procedure to be followed in this matter. The person receiving the complaint must report the matter immediately to the Director of Ministry Personnel at 906-227-9107 or 800-562-9745 Ext. 107, providing details as known, including the identity and means of contacting the person making the complaint. The person receiving the complaint must observe the provisions of Michigan law and our own diocesan policy, especially as it concerns the sexual abuse of a minor. A special diocesan pamphlet entitled "Reporting Sexual Abuse of Minors" details the procedures to be followed in reporting the sexual abuse of minors to the civil authorities, as required by Michigan law and our own diocesan policy.

In those cases where allegations have been reported to the proper civil authorities, such as the police and child protection agencies, the diocese will cooperate with the civil authorities in their investigation of sexual abuse allegations involving minors.

THE INVESTIGATION

When an allegation of sexual abuse of a minor by a priest or a deacon is received, the bishop will appoint a suitable person (usually a priest) to conduct a preliminary investigation of the matter, gathering the facts and circumstances of the case (c. 1717, §1). This appointment and the opening of the preliminary investigation will be done by the decree of the bishop (c. 1719). This preliminary investigation will be conducted observing all of the provisions of cc. 1717-1719. It will be conducted promptly and objectively, taking appropriate steps to protect the reputation of the accused (c. 1717, §2).

As part of this preliminary investigation, the accused will be notified of the allegation against him. Prior to this meeting, the accused will be encouraged to retain the services of civil and canonical counsel. When necessary, the diocese will supply canonical counsel to a priest.

The results of the preliminary investigation, including the response of the accused, will next be brought by the bishop before the members of the Diocesan Review Board for their confidential advice concerning the credibility of the allegation.

Upon the conclusion of the preliminary investigation, if there is at least the semblance of truth that sexual abuse of a minor has occurred, the bishop shall notify the Congregation for the Doctrine of the Faith (CDF). Unless the CDF calls the case to itself, the CDF will direct the bishop how to proceed. This notification to the CDF must be made whether the accused has admitted to the allegation or has denied it, as long as the allegation has at least the semblance of truth.

RESPONSE TO PRIESTS AND DEACONS WHO HAVE BEEN ACCUSED OF SEXUAL ABUSE OF MINORS

If the case is notified to the CDF, the bishop will at that time apply the precautionary measures mentioned in c. 1722 *pending the outcome of the process*. These measures include the removal of the accused from the sacred ministry or from any ecclesiastical office or function, the imposition of or prohibition from residence in a given place or territory, and the prohibition from public participation in the Most Holy Eucharist.

The alleged offender may be requested to seek, and may be urged to comply voluntarily with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused. The diocese is committed to providing competent specialized therapy for any of its priests or deacons who have engaged in or appear to have engaged in ministry-related sexual misconduct.

When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry. This removal from ministry may be accomplished by means of a penal process to impose penalties at the direction of the CDF, or by an administrative act of the bishop. The penalty of dismissal from the clerical state is not excluded as a possibility.

If the CDF directs that a penal process be used to determine guilt or innocence and to possibly apply penalties, then all of the provisions of canon law and the special directives of the CDF will be followed carefully. If the prescription (“statute of limitations”) for the act of sexual abuse has already expired according to Church law, the bishop will ask the CDF for a dispensation from the prescription. Pending the outcome of the penal process, the precautionary measures of c. 1722 described above will remain in force.

If the penalty of dismissal from the clerical state is not applied (e.g. for reasons of advanced age or infirmity), the offender will be urged to lead a life of prayer and penance. The bishop will use administrative means to restrict the offender from celebrating Mass publicly or administering the sacraments. The offender will also be instructed not to wear clerical garb, or to present himself publicly as a priest.

At all times, the bishop will use his executive power of governance to ensure that no priest or deacon who has committed even one act of sexual abuse of a minor continue in ministry. This is because of the gravity of the offense and the potential harm the offender may pose to others. The Diocesan

Review Board will advise and assist the bishop with his decision concerning the priest's or deacon's suitability for ministry.

The priest or deacon found guilty of sexual abuse of a minor may request a dispensation from the obligations of the clerical state. In exceptional cases and when deemed necessary, the bishop may request that the offending priest or deacon be dismissed from the clerical state *ex officio* by the Holy Father.

When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

V.

RESPONSE TO PARISHES EXPERIENCING THE PAIN OF CLERGY SEXUAL MISCONDUCT

RESPONSE IN THE CURRENT PARISH OF THE ACCUSED CLERGYMAN

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 the members of the parishes where the clergyman currently serves or served in the past. We outline here the key elements of the responses that we take to help heal this pain. These responses are guided by three key principles.

First, we acknowledge that parishes undergo a complex process of grieving. When people first learn that a respected leader has been accused, there is often a reluctance to believe that the report could be true. This denial is a reflection of our American 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 the 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 accomplishment of its mission.

Second, we also acknowledge that one of the most important elements in healing is that the parish receives information about what happened that is as full and accurate as possible. Information helps dispel the atmosphere of distrust that is 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 were any, and assures that the appropriate steps are taken so that a congregation can truly move ahead.

While committed to disclosure where possible, we also acknowledge that significant limitations on communication may exist. These limitations can include the concern of victims and their families for privacy as well as the need to protect the rights of the accused, especially when lawsuits or criminal action may be threatened. The fact that investigations often yield confusing, contradictory, or

unsubstantiated conclusions, especially in their early stages, further limits disclosure.

Third and finally, 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.

RESPONSE IN FORMER PARISHES OF THE ACCUSED CLERGYMAN

Two reasons may cause the diocese to inform members of former parishes of a priest or deacon that he has been accused of sexual misconduct. The first and more pressing reason is so persons who may have been victims of misconduct in those 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 the applicability of each of these reasons to each former parish. Generally speaking, the current pastor of the parish will be consulted in making this determination.

- Effective: September 1, 2000
- Revised: June 10, 2002 (to require reporting to civil authorities the sexual abuse of a person who is currently a minor)
- Second Revision: September 1, 2003 (to bring into complete compliance with the *Charter for the Protection of Children and Young People* and the *Essential Norms*)
- Third Revision: September 17, 2004 (to require reporting to civil authorities the sexual abuse of a minor when the criminal statute of limitations has not expired)

Updated: February 4, 2010 (to put in new contact telephone number and address for the Director of Ministry Personnel)