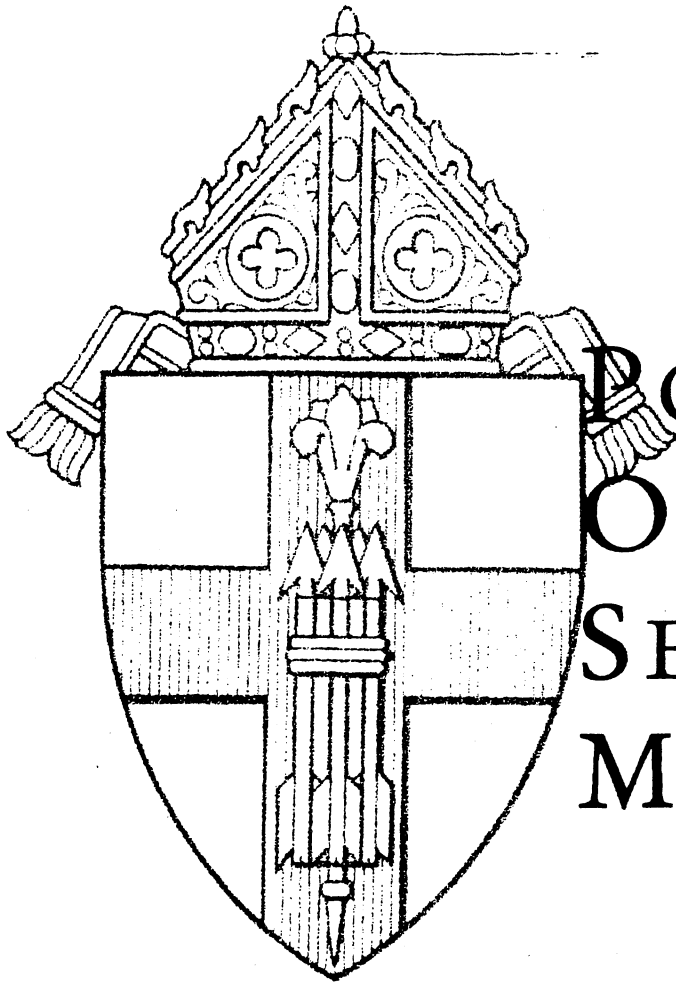


# DIOCESE OF MANCHESTER

## SECRETARIAT FOR PASTORAL SERVICES



# POLICY ON SEXUAL MISCONDUCT

SEPTEMBER 1999

## RESPONSIBLE RELATIONSHIPS IN MINISTRY

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Ministry entails service to others; it involves relationships. Our relationships with God and one another define who we are, the Body of Christ.

Relationships in ministry are our richest heritage; we share our hopes and dreams as well as our sorrows and anguish with one another. We relate with one another as servants of the Gospel. We are respectful of the people whom we are called to love and serve.

In view of the fact that we encounter Christ in the people we serve, our relationships in ministry take on special importance. To this end, we recognize the need for a process to address relationships that are not consistent with our mission as Church and that offend human dignity.

The following guidelines provide ways to address relationships in ministry that lack a clear sense of respect for each and every person whom we serve. These guidelines apply to all men and women who work and serve under the auspices of the Diocese of Manchester. All clergy, religious and lay employees or volunteers are required to observe these standards and procedures. They apply equally to clergy, paid employees and volunteers. Pastors and administrators of the Diocese will make these policies and guidelines readily available so that should inappropriate behavior occurs, the people are made aware of the process by which the Diocese of Manchester deals with such matters.

## **I. Policy Statement**

People have the right to be free from sexual harassment and misconduct. No one in the service of the church should subject anyone else to sexual misconduct. Sexual misconduct has a devastating impact on victims and the Diocese of Manchester is committed to preventing and eliminating such misconduct. To accomplish this goal the Diocesan Policy on Sexual Misconduct is to be clearly communicated to all who minister and who are ministered to in the Diocese.

## **II. Policy Purpose - Statement of Prohibited Conduct**

Sexual misconduct is totally contrary to the church's commitment to promote human dignity. It hurts a wide circle of people and will not be tolerated. When such misconduct creates or contributes to an intimidating or oppressive atmosphere in the Diocese it harms not only the direct victims but all others associated with that victim. Every person working in church ministry has a duty to observe this policy and shall be subject to disciplinary action for failing to do so.

## **III. Definitions**

The term *sexual misconduct*, as used throughout this statement, refers to three related forms of misconduct. The first, which is sexual contact between an adult and a minor or vulnerable adult, is called *sexual abuse*. The second, which is sexual contact between an adult and a person receiving pastoral care, is called *sexual exploitation*. The third, which is unwarranted sexually suggestive conduct or language between co-workers is called *sexual harassment*. All three are addressed in this document because they usually

involve an abuse of power or authority. State and Federal law provide further definition to each type of sexual misconduct.

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#### **IV. Procedure For Reporting Accusations**

A. Complaints regarding sexual misconduct can be submitted, either in writing or verbally, by the person offended or a representative and shall be accepted by the *Secretary for Pastoral Services*. The *Secretary for Pastoral Services* will then inform the Bishop of the complaint and all subsequent action. He also will report the complaint and the results of his investigation to the *Diocesan Review Committee*. The responsibility for facilitating the work of the *Review Committee* belongs to the *Secretary for Pastoral Services*.

B. Due to the sensitive nature of the complaint and the respect due to the individuals involved, all activity regarding an allegation of sexual misconduct will be carried out in strict confidence, except when civil law requires that the complaint and activity be reported to appropriate civil authorities. All parties contacted in the course of an investigation will be advised of the confidential nature of the investigation.

#### **V. Procedure for the Investigation of a Complaint**

A. Prior to the investigation of a complaint it is assumed that a person is innocent until the evidence of the investigation demonstrates otherwise. However, the presumption of innocence does not preclude the Diocese from taking prudent action regarding the assignment or employment of the accused person before any investigation is completed.

B. Upon notification of a complaint, the *Secretary for Pastoral Services* or his designee will meet within forty-eight hours with the complainant and/or

his/her representative. The purpose of the meeting is to learn about the allegation and to assist and to offer solace to the alleged victim as needed; including psychological and pastoral guidance. Such assistance flows from the mission and ministry of the Church, and shall not be considered in itself as an indication that the Diocese is in any way culpable or responsible for the actions of the accused, or that the accused is guilty of the charge. 9568

C. Following the reception of the complaint and the meeting with the complainant, the *Secretary for Pastoral Services* or his designee will interview the person alleged to be the source of the misconduct. The person should be made aware of the complaint and that his or her response although currently being dealt with confidentially could by law be drawn into the public forum. Once the alleged perpetrator responds to the allegation, the *Secretary for Pastoral Services* determines the next step whether it be to proceed with further investigation or to make a report to the Bishop and/or to present the case to the Diocesan Review Board.

D. The *Diocesan Review Board* is an advisory board to the Bishop. Its responsibility is to review the complaints, the response of the alleged perpetrator, the results of further investigation and the recommendation of the *Secretary for Pastoral Services*. The *Board* then is to make a recommendation to the Bishop regarding the disposition of the complaint and the assignment of the individual.

E. The *Review Board* will be composed of persons with a knowledge of matters that pertain to sexual misconduct. Included will be representatives of the pastoral, legal, psychological, social, medical and educational fields.

Upon the receipt of a complaint of sexual misconduct the *Secretary for Pastoral Services* will take steps to insure that all reporting requirements of state and local law are fulfilled. The *Secretary for Pastoral Services* will cooperate fully with authorities in the investigation of complaints.

F. The *Review Board* will be responsible for reviewing all the evidence and testimony gathered by the *Secretary for Pastoral Services* or his designee, and shall within thirty (30) days offer their statement of findings with specific recommendations to the Bishop.

G. The office of the *Secretary for Pastoral Services* will arrange specialized outreach and counseling services to the larger parish family, institution or community in a manner that is appropriate when a complaint has become public.

## **VI. Action Where Guilt is Determined**

A. Any persons acting on behalf of the Diocese, both clergy and lay, who admit to, do not contest, or are found guilty of an incident of sexual misconduct shall, upon the recommendation of the *Diocesan Review Board*, be the subject of appropriate disciplinary measures. Such disciplinary measures may range from an appropriate warning, participation in treatment programs and up to and including termination of ministry and/or employment. Consideration is given to the type and severity of the misconduct, the position held by the offending individual, and whether or not there have been prior complaints.

B. Specific canonical procedures and remedies regarding misconduct by a priest or deacon are outlined in Appendix I: Additional Clergy Provisions.

## VII. Education and Training Concerning Sexual Misconduct

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These Policy and Guidelines shall be communicated in writing to all clergy, religious and laity who serve in the name of the Diocese of Manchester. Educational notices communicating the diocesan policies and procedures regarding sexual misconduct shall be displayed at service locations throughout the Diocese. Each department of the Diocese is responsible for providing periodic training programs for its personnel regarding this policy prohibiting sexual misconduct, and the complaint and investigative procedure set forth herein. Such training shall contain the following components:

A. Supervisory Personnel<sup>1</sup>: shall participate in a training session on sexual misconduct and other forms of misconduct that are not tolerated in the workplace. They are responsible for knowing the contents of the Diocesan Policy on Sexual Misconduct and for giving similar presentations to employees.

B. Church Personnel and Volunteers<sup>2</sup>: as part of general orientation, each newly hired employee will be provided a copy of the Diocesan Policy on Sexual Misconduct. Each employee will be asked to signify, through their signature, that they have read and acknowledge the existence of these policies.

In addition, supervisory employees who have attended a training seminar on sexual misconduct, as set forth above, shall meet with employees and volunteers under their authority to periodically advise them of the "zero tolerance policy" in this regard, the procedure for reporting all incidents of sexual misconduct and the resolution of such incidents following investigation.

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<sup>1</sup> Pastors, administrators, Cabinet Secretaries, principals, institutional directors, department heads, etc.

<sup>2</sup> Diocesan, deanery, parish and institutional employees and volunteers.

**ADDITIONAL PROVISIONS FOR CLERGY**

Incidents of sexual misconduct when they involve a priest are matters of grave concern. So contrary are they to the life and ministry of the priest and the Church, the Diocese must respond expeditiously and efficiently in order to avoid further incidents.

**I. Responsibility of the Diocese for Clergy**

A. The diocesan response to clergy accused of sexual misconduct admits to specific canonical requirements and remedies available in canon law. The *Secretary for Pastoral Services*, when dealing with an accused cleric regarding an allegation or incident of sexual misconduct, will act as an administrator of diocesan policy.

B. Once it is determined that there is substance to the allegation, an administrative response as well as a pastoral response will be determined and recommended by the *Secretary for Pastoral Services* and the *Diocesan Review Board* and prescribed by the Bishop.

**II. Administrative Response**

A. An administrative leave may be recommended to the priest with consideration for the circumstances of the specific situation as in accord with *canon 1722*. In general, an administrative leave will be time limited; will allow for re-determination at the end of such time limit; will specify living arrangements, location, financial support; will address evaluation and treatment, procedure, conduct and aftercare plans.



### **III. Pastoral Response**

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A. Participation by the accused cleric in appropriate evaluation and treatment procedures and place of residence will be required as a matter of clerical obedience (*canon 273*). Following the decision of the Bishop, an after care plan will be developed to which the cleric will be required to observe as a matter of obedience.

### **IV. Investigation and Post-Treatment Procedures**

A. Some of the elements that will help shape the Bishop's decision regarding post-treatment and placement plans include:

- the outcome of any proceedings initiated by the complainant;
- the judgment and recommendation made by a professional evaluation/treatment regarding the overall health of the priest and his readiness for return to ministry;
- the well being of those who are served by the Church and live in a particular community.

B. Future assignment and placement require a full sharing with the Bishop and his agents of appropriate information about his readiness as developed in the course of treatment.

C. Prudential judgment calls for continued monitoring and/or regular supervision and accountability on his part with regard to the fulfilling of the approved post-treatment plan. To this end, a *Mentor* will be appointed by the Bishop to provide input regarding future assignment or placement of the priest and to insure that the agreed-upon aftercare program is being implemented.

D. Should a priest not accept the assignment offered by the Bishop or choose to resign from ministry and seek laicization, the Diocese may pursue appropriate courses of action as provided for in the Code of Canon Law.



Diocese of Manchester  
Secretariat for Temporalities

29 February 1996

Mr. Douglas W. Grund  
Director of Claims Administration  
The National Catholic Risk Retention Group, Inc.  
Box 864 - 1500 North Woodward Avenue  
Suite 209  
Bloomfield Hills, MI 48303-0864

Dear Doug:

This letter is to confirm the substance of our conversation this morning regarding our Sexual Misconduct Policy. As I mentioned, our formal policy is in its final consultative iterations and as soon as it is published by the Bishop I will forward a copy to your office.

In the interim, the Diocese of Manchester has observed the Resolution and Principles adopted by the NCCB in November 1992. I have included a copy of this Interim Policy for your convenience.

Many thanks for your assistance in this regard and kind offer to help with our Self-Insurance Program in its entirety. I hope to see you on your trip to New England in June.

Sincerely,

Reverend Edward J. Arsenault  
Assistant to the Secretaries

cc: Reverend Monsignor Francis J. Christian, Chancellor  
✓ Mr. Raymond L. Dumont, Gallagher-Bassett

enclosure  
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## INTERIM SEXUAL MISCONDUCT POLICY

Since its issuance in November 1992, the **Diocese of Manchester** has observed the following Resolution and Principles adopted by the National Conference of Catholic Bishops.

### Resolution

Gathered in General Assembly, we the members of the National Conference of Catholic Bishops express our profound concern for all those who have been victims of abuse, particularly when that abuse has been committed by a member of the clergy.

The President of our conference, at the close of our Assembly last June, spoke clearly and eloquently to this subject with our assent. We reaffirm that statement here, and recognize that policies to address the grave issues presented by this problem are in place throughout the country.

In the course of our Assembly this week, we have reflected -- once again and more deeply -- upon the pain, anguish and sense of alienation felt by victims.

At the same time, we affirm the thousands of good, holy and dedicated priests who minister faithfully to God's people.

We pledge ourselves to one another to return to our dioceses and there to examine carefully and prayerfully our response to sexual abuse; to assure ourselves that our response is appropriate and effective; and to be certain that our people are aware of and confident in that response.

Among the elements to be considered for ongoing response, we continue to recommend the following [principles].

### Principles

1. Respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred.
2. If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention.
3. Comply with the obligations of civil law as regards reporting of the incident and cooperation with the investigation.
4. Reach out to the victims and their families and communicate our sincere commitment to their spiritual and emotional well-being.
5. Within the confines of respect of the privacy of the individuals involved, deal as openly as possible with members of the community about this incident.