



DIOCESE OF MADISON

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

Promulgated: November 6, 2003

Revised: June 1, 2019

Effective: July 1, 2019

Rev. Msgr. James R. Bartylla  
Diocesan Administrator – Diocese of Madison



## **DECREE OF PROMULGATION**

This Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment updates the 2003 Diocese of Madison policy and all subsequent revisions of that policy, and results from the concern that the Church utilizes competent ministers who provide effective ministry. Bishop Morlino promulgated the initial policy and its earlier revisions in the conviction, which I share, that the majority of those who serve in various capacities in the Diocese of Madison are competent, ethical, balanced, and mature. At the same time, the experience of the Church in America has shown the dangers of complacency and the need for constant vigilance, and I share the firm resolve that Bishop Morlino held to ensure that the Charter for the Protection of Children and Young People of the United States Conference of Catholic Bishops and the accompanying Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons are upheld and maintained in the Diocese of Madison.

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

This policy, which updates and clarifies the 2016 policy, becomes effective July 1, 2019. It applies to all priests and deacons incardinated in the Diocese of Madison; to all seminarians affiliated with the Diocese of Madison; to women and men religious serving in any capacity here; to lay men and women employed by or utilized as volunteers by the Diocese of Madison, its parishes, schools, institutions, offices, or programs; and to all priests and deacons not incardinated in the Diocese of Madison but serving in any capacity here.


In virtue of my authority as Diocesan Administrator of the Diocese of Madison, and in continuity with the work carried out by Bishop Morlino, I hereby promulgate this Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment. This policy is available and can be downloaded online at [www.madisondiocese.org](http://www.madisondiocese.org). Copies are to be made available to each priest, deacon, seminarian, and woman and man religious currently serving in the Diocese of Madison.

Pastors and directors will distribute copies to each employee and to all volunteers who work with children on a regular basis.

Anything to the contrary notwithstanding.

Given at Madison, Wisconsin, this 1<sup>st</sup> day of June, 2019; to take effect on the 1<sup>st</sup> day of July, 2019.

  
Signed by: Msgr. James R. Bartylla, Diocesan Administrator – Diocese of Madison

  
Witnessed by: William D. Yallaly, Chancellor

## DIOCESE OF MADISON

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

### General Introduction

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

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

In November 2002, the Bishops of the United States, responding to the crisis involving the sexual abuse of minors and young people by some priests and bishops, issued the *Charter for the Protection of Children and Young People*. In that document, the Bishops reaffirmed the obligation of all involved with the Church to “protect young people and to prevent sexual abuse” since this “flows from the mission and example given to us by Jesus Christ himself.” This Diocesan Church takes seriously the principles in the *Charter* and the accompanying *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, which became effective March 1, 2003, and have since been periodically revised, and which were incorporated into the Diocese’s 2003 policy and its subsequent revisions, and in this renewed policy of 2019.

The following policy regarding the sexual abuse of minors, sexual misconduct involving adults, and sexual harassment is adopted for the Diocese of Madison in the awareness that the great majority of priests, seminarians, deacons, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; out of concern that any victim of sexual abuse of a minor, sexual misconduct, or sexual harassment be nurtured, treated and healed; out of concern that any perpetrators of sexual abuse be treated justly with a view to whatever reform is possible; and out of concern for the well-being of the whole people of God living in the Diocese of Madison.

This policy is effective July 1, 2019, replacing the former policy from April 2016, and it applies to all priests and deacons incardinated in the Diocese of Madison; to all seminarians affiliated

with the Diocese of Madison; to women and men religious serving in any capacity here; to lay men and women employed by or utilized as volunteers by the Diocese of Madison, its parishes, schools, institutions, offices, or programs; and to all priests and deacons not incardinated in the Diocese of Madison but serving in any capacity here. After April 1, 2016, any individual who begins serving as a priest, deacon, or seminarian, all women and men religious, all lay men and women employees, and all who are stably utilized as volunteers working regularly with children, are to sign a statement acknowledging receipt of these policies and their agreement to abide by them (see Appendix V for text). Failure to sign the statement is deemed reason for termination. Those individuals listed above who have signed the 2003 policy or its subsequent revisions are not required to sign the 2019 policy, since any revisions that have been made were for the sake of clarifying the earlier policies rather than changing their substance.

With regard to volunteers:

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

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

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

# Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff, and Volunteers

## I. Preamble

Priests, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. This *Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff, and Volunteers (Code of Pastoral Conduct)* provides a set of standards for conduct in certain pastoral situations.

## II. Responsibility

The public and private conduct of clergy, staff, and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy, staff, and volunteers must be aware at all times of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Primary responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. Clergy, staff, and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by their appropriate supervisor. Corrective action may take various forms, ranging from a verbal reproach to removal from the ministry, depending on the specific nature and circumstances of the offense and the extent of the harm.

## III. Professional and Pastoral Standards

### 1. Conduct for Pastoral Counselors and Spiritual Directors

*Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.*

- A. Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- B. Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (e.g., employee, professional colleague, friend, or other preexisting relationship). *[See Section 7B]*
- C. Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.
- D. Pastoral Counselors and Spiritual Directors are expected to uphold the teachings of the Church and therefore must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

E. Pastoral Counselors and Spiritual Directors shall not engage in extramarital sexual intimacies with individuals who are close to the client (such as relatives or friends of the client) due to the risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

F. Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

G. Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.

H. Sessions should be conducted in appropriate settings at appropriate times.

- No sessions should be conducted in private living quarters.
- Sessions should not be held at places or times that would tend to cause confusion on the part of the person being counseled or of others about the nature of the relationship.

I. Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled.

## 2. Confidentiality

*Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, and spiritual direction shall be held in the strictest confidence possible.*

The following obligations are independent of the confidentiality of the seal of confession. Under no circumstances whatsoever may there be any disclosure, even indirect disclosure or redisclosure, of information received through confession.

A. Information obtained in the course of pastoral counseling and spiritual direction shall be confidential, except for compelling professional reasons or as required by law.

- If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
- Before disclosure to a third party is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and potential consequences.

B. Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limits with each person in counseling prior to beginning counseling.

C. Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.

D. Knowledge that arises from professional contact may not be used in teaching, writing, homilies, or other public presentations unless effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

E. While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:

- Attempt to secure written consent from the minor for the specific disclosure while also making clear that the refusal of consent will not necessarily prevent some level of disclosure.
- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.

Except in emergencies, consultation with the appropriate Church supervisory personnel is required before disclosure. Compliance with civil law requirements is expected.

### 3. Conduct with Youth

*Clergy, staff, and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.*

A. Clergy, staff, and volunteers must be aware of their own and others' vulnerability when working alone with youth. Use of a team approach to managing youth activities is recommended.

B. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

C. Clergy, staff, and volunteers will refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) even the legal the use of alcohol when working with youth.

D. Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.

E. Staff and volunteers should not share private, overnight accommodation with individual young people including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.



- In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
- Use of a team approach to managing emergency situations is recommended.

#### 4. Sexual Conduct

*Clergy, staff, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.*

- A. Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are to be an example of celibate chastity in all relationships at all times.
- B. Staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- C. No clergy, staff, or volunteer may exploit another person for sexual purposes.
- D. Allegations of sexual misconduct should be taken seriously and reported to the appropriate person in the parish or diocese and, if the situation involves a minor or any crime, to civil authorities.
- E. Clergy, staff, and volunteers should review and know and adhere to the contents of the child abuse regulations and reporting requirements for the State of Wisconsin.
- F. Clergy, staff, and volunteers are to review personally, know, and adhere to the contents of the *Diocese of Madison Policy on Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment*.
- G. Clergy, staff, and volunteers will refrain at all times from the acquisition, possession, or distribution of pornography, especially pornographic images of minors, by whatever means or using whatever technology.

#### 5. Harassment

*Clergy, staff, and volunteers must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers.*

- A. Clergy, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- B. Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:

- Physical or mental abuse.
- Racial insults.
- Derogatory ethnic slurs.
- Sexual advances or inappropriate touching.
- Sexual comments or sexual jokes.
- Requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation
- Display of offensive materials.

C. Harassment can be a single serious incident or a persistent pattern of behavior whose purpose or effect is to create a hostile, offensive, or intimidating work environment.

D. Allegations of harassment should be taken seriously and reported immediately to the appropriate person in the parish or diocese.

## 6. Parish, Religious Community/Institute, and Organizational Records and Information

*Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records.*

A. Sacramental records are confidential. When compiling and publishing statistical information from these records, great care must be taken to preserve the anonymity of individuals.

B. Information regarding adoption and legitimacy remains confidential, regardless of age.

C. Only staff members who are authorized to access the records and supervise their use shall handle requests for records.

D. Parish or diocese financial records are confidential unless review is required by the diocese, or an appropriate government agency. Contact the Office of Finance upon receipt of any request for release of financial records.

E. Individual contribution records of the parish, or diocesan office or agency, or organization shall be regarded as private and shall be maintained in strictest confidence.

## 7. Conflicts of Interest

*Clergy, staff, and volunteers should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.*

A. Clergy, staff, and volunteers should disclose all relevant factors that could create a real, potential, or apparent conflict of interest.

B. Clergy, staff, and volunteers should inform all parties when a real, potential, or apparent conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

C. No clergy, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

- Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
- When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other that creates a foreseeable possibility of conflict, the Pastoral

Counselors or Spiritual Directors must:

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict, and
- Obtain from all parties written consent to continue services.

D. Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one person against another.

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

## 8. Reporting Ethical or Professional Misconduct

*Clergy, staff, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.*

A. Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, the proper civil authorities should be notified immediately. Also notify the pastor, diocesan office director, the Vicar General, or other supervisor.

B. When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral, or ethical principles, consult with:

- Peers,
- Others knowledgeable about ethical issues, or
- The pastor, diocesan office director, Vicar General, or other supervisor.

C. When it appears that a member of the clergy, a staff member, or a volunteer has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles:

- Report the issue to a supervisor or next higher authority as soon as possible, or
- Refer the matter directly to the diocesan office director or the Vicar General.

D. The obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved, without prejudice to the absolute confidentiality of the confessional as set forth in Section 2.

## 9. Administration

*Employers and supervisors shall treat clergy, staff, and volunteers justly in the day-to-day administrative operations of their ministries.*

A. Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.

B. No clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

C. Each volunteer providing services to children and youth must read and sign the Volunteer Code of Conduct before providing services.

## 10. Staff or Volunteer Well-being

*Clergy, staff, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.*

A. Clergy, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

B. Clergy, staff, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

C. Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

D. Inappropriate or illegal use of alcohol and drugs is prohibited. Legal use of alcohol during the course of duty requires the prior approval of the appropriate supervisor.

#### IV. Volunteer's Code of Conduct

Our children are among the most important gifts God has entrusted to us. As a volunteer, I promise to strictly follow the rules and guidelines in this Volunteer's Code of Conduct as a condition of my providing services to the children and youth of our parish, school, diocesan office, or agency.

**As a volunteer, I will:**

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children and/or youth at Church activities.
- Use positive reinforcement rather than excessive criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts or other gifts that may be misinterpreted from children and/or youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts or other gifts that may be misinterpreted to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the civil authorities.
- Cooperate fully in any investigation of abuse of children and/or youth.

**As a volunteer, I will not:**

- Smoke or use tobacco products in the presence of children and/or youth.
- Use, possess, or be under the influence of alcohol at any time while volunteering.
- Use, possess, or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth (e.g., by volunteering while affected by a fever or other contagious disease).
- Strike, spank, shake, or slap children and/or youth.
- Humiliate, ridicule, threaten, or degrade children and/or youth.
- Touch children and/or youth in a sexual or other inappropriate manner.
- Acquire, possess, or distribute pornography, especially pornographic images of minors, by whatever means or using whatever technology.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.

I understand that as a volunteer working with children and/or youth, I am subject to a thorough background check including criminal history. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my removal as a volunteer with children and/or youth.

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Volunteer's Printed Name

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Volunteer's Signature

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Date

# DIOCESE OF MADISON POLICY REGARDING SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS

## INTRODUCTION

No one, especially minors, should ever be sexually abused. However, since sexual abuse of minors can and does happen, this policy seeks to prevent it to the greatest extent possible and to ensure that any act of sexual abuse of minors perpetrated by adults who are clerics, church workers, and volunteers in the Diocese of Madison is dealt with swiftly, justly, and with the compassion envisioned by the Gospel.

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

There is a special need to address the problem of unethical sexual contact by clerics, church workers, and volunteers with transparency and openness. It is necessary to foster an atmosphere in which silence, ignorance, and minimization are overcome by understanding, Christian love, and mutual respect.

The following policy regarding the sexual abuse of minors and vulnerable adults is adopted for the Diocese of Madison in the awareness that the great majority of priests, seminarians, deacons, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; out of concern that any minor or vulnerable adult who is the victim of sexual abuse be nurtured, treated and healed; out of concern that a perpetrator of sexual abuse be treated justly with a view to whatever reform is possible; and out of concern for the well-being of the whole people of God living in the Diocese of Madison.

## DESCRIPTION OF TERMS

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

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

“Vulnerable adult” denotes an adult who habitually enjoys only the imperfect use of reason. Unless otherwise noted or otherwise apparent, the terms “minor” “child” and “young person” are understood to include vulnerable adults.

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

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

“Sexual abuse of minors” additionally includes the acquisition, possession, or distribution of pornographic images of minors for purposes of sexual gratification, by whatever means of using whatever technology.

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

“Victim,” “survivor,” or “victim/survivor” means an individual against whom an act of sexual abuse of a minor has been committed.

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

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

“Prompt” and “promptly” mean within two business days, unless another time frame is evident from context or required by the nature of the matter.

“Civil” in this policy is used in the sense of “relating to the civil state or the civil state’s laws,” as opposed to “canonical”, which is used in the sense of “relating to the Church or the Church’s laws.” Unless it is otherwise apparent from context, “civil” is not used in the secular legal sense of “relating to the legal action of one citizen against another,” or in distinction to “criminal.”



## STATEMENT OF POLICY REGARDING SEXUAL ABUSE OF A MINOR

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

### PREVENTION

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

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

### EDUCATION

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

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

### PARENTS AND MINORS

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

## THOSE WHO WORK WITH MINORS

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

Therefore, each applicant for employment in a position involving regular contact with minors in the parishes or institutions of the Diocese must supply the hiring agent with personal information sufficient to assess his or her suitability for contact with minors. Each applicant must agree to a background search (see Appendix II). Each applicant must supply the names of at least three references, including the most recent employer. At the time of hiring the individual must sign the statement indicating receipt and acceptance of this policy (see Appendix V).

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

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

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

## CONTACT WITH MINORS

All who minister to minors in the church must be vigilant to guard against words or actions that result in mistaken perceptions, especially regarding sexual abuse.

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

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

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

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

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

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

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

No minor may travel alone with a priest for an extended distance, unless in the company of the minor's parent or guardian or with their express written consent. An exception can be made if the minor is a close relative of the priest or when urgent circumstances require parental permission to be presumed (such as giving a stranded minor a ride home).

## SEMINARIANS AND DEACON CANDIDATES

A psychological evaluation is part of the application process for acceptance as a seminarian or as a candidate for the permanent diaconate in the Diocese of Madison. One purpose of this evaluation is to consider matters relating to sexuality.

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

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

## PRIESTS OR DEACONS FROM OUTSIDE THE DIOCESE

Before a priest or deacon will be accepted for ministry in the Diocese of Madison, he must obtain a letter of recommendation from his bishop or religious superior. As part of the recommendation, and in keeping with the *Essential Norms*, the bishop or religious superior must indicate that there have been no founded accusations or convictions involving physical or sexual abuse of a minor brought against the priest or deacon. Updated letters may be required with the passage of time or when circumstances suggest it. The coordination and retention of these letters is overseen by the Office of the Vicar General.

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

## PREVENTATIVE INTERVENTION

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

Any other person who observes a cleric, church worker, or volunteer behaving in a manner which may pose a risk to a minor is encouraged to call the matter to that person's attention. When warranted, anyone should report such concerns to the proper supervisor.

## RESPONSE

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

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

## RESPONSE TO VICTIM

The first obligation of the Church with regard to victims of sexual abuse of minors, apart from concern for their immediate safety, is for healing and reconciliation. The Diocese will reach out to victims/survivors of sexual abuse of minors and those claiming to be victims of such sexual abuse. Diocesan outreach may include counseling, spiritual assistance, support groups, and other social services. By way of pastoral outreach to victims/survivors of sexual abuse of minors, the Bishop or his designated representative will offer to meet with confirmed or alleged victims/survivors of sexual abuse of minors and with their families, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by St. John Paul II and echoed by his successors.

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

The Diocese will provide payment for counseling when assessment determines that the alleged offender was a priest, seminarian, deacon, woman or man religious, employee or volunteer of the Diocese of Madison at the time the sexual abuse of a minor occurred. This healing measure is offered even when the allegation has not been verified or cannot be verified; it is also frequently offered as a way to help heal from other problems or difficulties relating to the Church that have no connection to sexual abuse.

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

## RESPONSE TO PARISH/INSTITUTION

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

## REPORTING TO CIVIL AUTHORITIES

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

Wisconsin law requires many individuals who know or have reasonable cause to suspect sexual abuse or neglect of minors to report the matter promptly to the appropriate governmental

authority. In addition to those who *must* report, state law provides that any person who knows or has reasonable cause to suspect sexual abuse of a minor or neglect *may* report without incurring liability. (See Appendix IV for the text of the applicable Wisconsin law and a listing of those who are required to report). All clerics, church workers, and volunteers of the Diocese are to be familiar with this portion of Wisconsin law. Those who are obligated to report to civil authorities are to do so without delay.

## REPORTING TO CHURCH AUTHORITIES

Any cleric, church worker, or volunteer (except anyone whose knowledge is obtained through the Sacrament of Penance or is protected by legal privilege), even when not obligated by state law to report to civil authorities, who witnesses an act of sexual abuse of a minor perpetrated by another or who suspects that such an act has occurred or who receives a report of such an act, must report the incident immediately to the Victim Assistance Coordinator. If the report is not submitted in written format, the Victim Assistance Coordinator shall make a written record of the oral report. The Victim Assistance Coordinator may be reached at 608-821-3162, or by writing to: 702 S. High Point Road, Suite 225, Madison, WI 53719. Should a complaint involve the Victim Assistance Coordinator or Diocesan Investigator, it is to be made to the Bishop, who will appoint a person to take the role assigned by this policy to the Victim Assistance Coordinator or Diocesan Investigator.

Any other person who believes that a minor has been sexually abused by a cleric, church worker, or volunteer is encouraged to report the incident to the Victim Assistance Coordinator.

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

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

The procedure for making a complaint will be published annually in the diocesan newspaper, and pastors are encouraged to publish it annually in the parish bulletin.

## PRELIMINARY INVESTIGATION

The incident is to be investigated in a timely manner by the Diocesan Investigator. (If he deems it appropriate, the Bishop on an ad-hoc basis may appoint others for this investigation). This is a preliminary investigation, aimed at determining whether there is sufficient evidence for the allegation to be regarded as credible (*Norm 6*).

A report of this preliminary investigation will be given to the Bishop and the Sexual Abuse Review Board. If, after having heard the report and consulted with the Review Board, the Bishop

judges that the initial complaint is not credible, the report is to be placed in a confidential file at the Chancery in keeping with the section on records below. The conclusion that the complaint is not credible will be communicated to the one making the complaint, the alleged victim, and the one accused.

If the initial complaint is credible, the following actions will be taken immediately:

1. Provide effective and compassionate care to the alleged victim and the alleged victim's family. Such pastoral care initially falls to those at the local level until other care is arranged. Whatever response is made, it is to be coordinated with the civil officials investigating and responding to the reported incident.

2. Inform the accused individual of the investigation and give them the opportunity to respond. He or she will be relieved of his or her duties and placed on administrative leave. During the administrative leave, regular salary and benefits are normally to be provided. The permanent status should be resolved as soon as possible.

3. When the accused individual is a priest or deacon, ordinarily he will be issued a penal precept instructing him not to have private contact with anyone under 18 pending the outcome of the investigation.

He may be requested by the Bishop to undergo and comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the Bishop and the accused, to determine if he is impeded by a psychic cause from exercising ministry (canon 1044, §2, 2°). For a clerical member of a religious community or cleric not incardinated in the Diocese, compliance with this request is also a condition for continued residence in the Diocese (canons 679 and 271 §3).

4. When the accused individual is a seminarian, he may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued diocesan sponsorship. An accused woman or man religious may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued ministry in the Diocese even if the allegation is determined to be unfounded.

5. When the accused individual is a lay employee or volunteer, that person may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued employment or eligibility to continue providing volunteer services even if the allegation is determined to be unfounded.

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

However, if the matter has been reported to civil authorities, it may be opportune for the local church community to be advised of the accusation by the Bishop or another person chosen by the Bishop, rather than to hear it from rumor or another source.

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

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

9. Once the investigation has concluded, a report from the investigator will be presented to the Bishop and the Sexual Abuse Review Board. After having heard the opinion of the Review Board, the Bishop is to judge either that the accusations appear to be unfounded and the case should be considered closed (pending the outcome of any civil investigation) or that there is credible evidence that sexual abuse of a minor has been perpetrated by the accused. His decision will be communicated in a decree to the one bringing the complaint and the alleged victim.

#### **ACTION WHEN THERE IS CREDIBLE EVIDENCE THAT SEXUAL ABUSE HAS BEEN PERPETRATED BY THE ACCUSED, BUT PRIOR TO A DEFINITIVE ESTABLISHMENT OF GUILT**

If the Bishop judges that there is credible evidence to believe that sexual abuse of a minor has been perpetrated by the accused, but guilt has not yet been definitively established through a canonical process:

1. The matter will be reported to the civil authorities if this has not already occurred and, if the accused is a priest or deacon, to the Congregation for the Doctrine of the Faith. The Diocesan Investigator will notify the person making the report that it has been reported.

2. If the accused person is a layperson, the person will be placed on administrative leave.

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

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

5. If the accused person is a priest or deacon, the Bishop, respecting the right of the accused person to adequate defense and in keeping with any direction from the Congregation for the Doctrine of the Faith, will determine whether to initiate a canonical process appropriate to the results of the evaluation indicated in number three under "preliminary investigation." Depending



on the circumstances, this could be a process to invoke an impediment to the exercise of orders or the canonical penal process. Protective measures available to the Bishop at this stage include the possibility of restricting residence, removal from office, or restriction from celebrating Mass in public.

Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Bishop how to proceed. Since sexual abuse of a minor is such a grave offense, even if the case would otherwise not be allowed due to the expiration of the Church's statute of limitations (known as "prescription"), the Bishop may apply to the Congregation for the Doctrine of the Faith for a derogation from prescription, indicating relevant grave reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When an accused cleric does not choose canonical counsel, the Bishop will provide him a canonist to help ensure his right of defense is safeguarded throughout the process. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented while the penal process is pending.

The Diocese may also appoint a monitor who can effectively supervise the individual's daily activities. In extreme circumstances, a trained monitor may be appointed to assist in arranging and defining his day-to-day activities, including non-ministerial work, therapy, and living arrangements.

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

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

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

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

2. Sexual abuse of a minor that is admitted or established after an appropriate process in accord with canon law is deemed grounds for dismissal for any employee or volunteer; for immediate return to the place of incardination for a priest or deacon not incardinated in the Diocese (in addition to other penal or restrictive measures), or removal from the public apostolate and/or removal from the Diocese for a woman or man religious; and for withdrawal of diocesan sponsorship for a seminarian.

3. When even a single act of sexual abuse of a minor on the part of a priest or deacon of the Diocese of Madison is admitted or established after an appropriate process in accordance with

canon law, the offending priest or deacon must be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (Norm 8).

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

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

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

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

Before receiving any priest or deacon from outside the jurisdiction of the Diocese of Madison for ministry within the Diocese, in accord with *Essential Norms*, the Bishop will obtain the necessary information regarding any past established or alleged act(s) of sexual abuse of a minor by the priest or deacon in question from the cleric's Diocese of incardination.

Additionally, the priest or deacon will agree to a background search (see Appendix II).

#### RETURN TO ACTIVE MINISTRY WHEN A COMPLAINT IS DETERMINED TO BE UNFOUNDED

As a matter of natural justice, everyone has the right to be presumed innocent unless proven guilty. When a complaint is determined not to be proven and it is not established that the cleric, church worker, or volunteer engaged in sexual abuse of a minor, the Bishop will determine how the accused person's good name is to be restored. Administrative leave may be terminated. When warranted, every effort will be made to return the individual to ministry or employment in the Diocese.

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

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

#### ALLEGATIONS AGAINST DECEASED CLERICS

If an allegation is made against a cleric who is now dead, every effort will be made to provide adequate care for victim/survivors and to verify the truth of the matter, but the exact response will vary depending on the circumstances of the case. When possible, the procedures described in this policy will be observed, with appropriate adaptations as needed.

# DIOCESE OF MADISON POLICY REGARDING SEXUAL MISCONDUCT INVOLVING ADULTS

## INTRODUCTION

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

The following policy regarding sexual misconduct involving adults is adopted for the Diocese of Madison in the awareness that the great majority of priests, deacons, seminarians, women and men religious, lay employees, and volunteers are competent, ethical, balanced and mature; out of concern that any victim of sexual misconduct be nurtured, treated, and healed; out of concern that a perpetrator of sexual misconduct be treated justly with a view to whatever reform is possible out of concern for the well-being of the whole people of God living in the Diocese of Madison.

## DESCRIPTION OF TERMS

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

“Sexual abuse of minors” additionally includes the acquisition, possession, or distribution of pornographic images of minors for purposes of sexual gratification, by whatever means of using whatever technology.

“Sexual misconduct” includes any intentional sexual conduct in the course of ministry, since the nature of ministry is incompatible with any intentional sexual conduct. Additionally, priests and religious are bound to the obligation of perfect and perpetual continence and to celibacy (see canons 277 and 672). Deacons are bound to continence with all except their wives. Failure to comply with these obligations is a violation of this Policy.

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

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

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

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

“Prompt” and “promptly” mean within two business days, unless another time frame is evident from context or required by the nature of the matter.

“Civil” in this policy is used in the sense of “relating to the civil state or the civil state’s laws,” as opposed to “canonical”, which is used in the sense of “relating to the Church or the Church’s laws.” Unless it is otherwise apparent from context, “civil” is not used in the secular legal sense of “relating to the legal action of one citizen against another,” or in distinction to “criminal.”

## STATEMENT OF POLICY REGARDING SEXUAL MISCONDUCT

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

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

## Prevention

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

## EDUCATION

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

## LAYPERSONS AND NON-CLERICAL RELIGIOUS

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

## SEMINARIANS AND DEACON CANDIDATES

Part of the application process for acceptance as a seminarian or as a candidate for the permanent diaconate candidate in the Diocese of Madison is a psychological evaluation. One purpose of this evaluation is to consider matters relating to sexuality.

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

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

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

## PRIESTS OR DEACONS FROM OUTSIDE THE DIOCESE

Before a priest or deacon will be accepted for ministry in the Diocese of Madison, he must request a letter of recommendation from his bishop (or religious superior). As part of the recommendation, the bishop or religious superior must indicate that there have been no founded accusations or convictions involving sexual misconduct brought against the priest or deacon. Updated letters may be required with the passage of time or when circumstances suggest it. The coordination and retention of these letters is overseen by the Office of the Vicar General. Further, the individual himself must agree to a background search (see Appendix II). Prior to beginning his assignment, the priest or deacon must sign the statement indicating that he has received and agrees to adhere to this policy (see Appendix V).

## RESPONSE

An adult who wishes to report that he or she has suffered sexual misconduct from a cleric, church worker, or volunteer may do so to the Victim Assistance Coordinator, who is to respond promptly. The initial report may be made by contacting the Victim Assistance Coordinator at

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

The Victim Assistance Coordinator will notify the Bishop about the reported incident, as well as the diocesan attorney, the insurance carrier as required, and any others who need to be aware that the report has been made. If the complaint involves an individual who is a member of a religious community or a priest not incardinated in the Diocese of Madison but residing there, the complaint will be reported immediately to that person's religious superior or ordinary.

## RESPONSE TO VICTIM

The welfare of the victim is of primary concern. To that end, the Diocese of Madison offers counseling to help the individual deal with the experience he or she has undergone. The Diocese will provide payment for counseling when assessment determines that the alleged offender was a priest, deacon, seminarian, woman or man religious, employee or volunteer of the Diocese of Madison at the time the sexual misconduct occurred. . This healing measure is offered even when the allegation has not been verified or cannot be verified; it is also frequently offered as a way to help heal from other problems or difficulties relating to the Church that have no connection to sexual abuse.

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

## RESPONSE TO PARISH/INSTITUTION

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

## PRELIMINARY INVESTIGATION

When an allegation has been made, the Chancellor or Diocesan Investigator is to initiate an investigation promptly and carry the investigation out as quickly as possible. (If he deems it appropriate, the Bishop on an ad-hoc basis may appoint others for this investigation). This is a preliminary investigation, aimed at determining whether the report is substantially verifiable.

A preliminary report of this investigation will be given to the Bishop. If he judges that the initial complaint is unfounded, the original investigation report is to be placed in a confidential file at the Chancery in keeping with the section on records below. The conclusion that the complaint

has been determined to be unfounded will be communicated to the one making the complaint, the alleged victim, and the accused.

If it is determined that there is credible evidence that sexual misconduct with an adult has occurred, the following actions will be taken immediately:

1. Provide effective and compassionate care to the victim and the victim's family. Ordinarily, such pastoral care initially falls to those at the local level until other care is arranged. Whatever response is made is to be coordinated with any civil officials investigating and responding to the reported incident.
2. Inform the accused individual of the investigation and provide the opportunity for a response. He or she ordinarily will be relieved of his or her duties on a temporary basis (administrative leave). During the administrative leave, regular salary and benefits should normally be provided. The permanent status should be resolved as soon as possible.
3. When the accused individual is a priest, a preliminary investigation will be conducted. Ordinarily the priest will be issued a penal precept threatening suspension from the exercise of sacred orders if there is sexual activity with anyone pending the outcome of the investigation.
4. If the case warrants, an accused priest or deacon will be requested to undergo an appropriate psychological assessment to determine if he is impeded by a psychic cause from exercising ministry (canon 1044, §2, 2°). When warranted, compliance with this request also is a condition for a member of a religious community or cleric not incardinated in the Diocese to remain in the Diocese.

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

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

5. If the case involves criminal accusations, the cleric, church worker, or volunteer will be advised to obtain legal counsel distinct from the diocesan attorney.
6. All appropriate steps must be taken to protect the reputation of the accused during an investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel as may be necessary, and will be promptly notified of the results of the investigation. When appropriate, if the case is not already well-known, the Bishop or another person chosen by the Bishop, will notify the local church community in a way that would not unduly harm the reputation of the person who, at this point, still enjoys the presumption of innocence, for example by saying that the accused person has taken a leave of absence for personal reasons.



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

8. The Diocese will cooperate with reporting and investigation by civil authorities in accord with applicable law. It is recognized that an investigation by civil authorities may delay the church investigation anticipated above. In that situation, a final church determination may need to be delayed pending resolution of the investigation by civil authorities or even a civil criminal trial.

9. Once the investigation has concluded, a report will be presented to the Bishop. Attentive to the Review Board's primary purpose of advising the Bishop on matters relating to the sexual abuse of minors, the Bishop may also consult the review board regarding allegations of sexual misconduct. The Bishop is to judge either that there appears to be no substance to the accusations and the case should be considered closed (pending the outcome of any civil action, either criminal or civil), or that there is substance to the complaint and cause for further action. The conclusion will be communicated to the one bringing the complaint and the alleged victim.

#### **ACTION WHEN THERE IS CREDIBLE EVIDENCE THAT SEXUAL MISCONDUCT HAS BEEN PERPETRATED BY THE ACCUSED, BUT BEFORE GUILT IS DEFINITELY ESTABLISHED**

If the investigation report indicates there is credible evidence that sexual misconduct involving adults has been perpetrated by the accused:

1. If the accused person is a layperson, the person will be placed on administrative leave.
2. If the accused person is a man or woman religious, he or she will be notified that permission to function in ministry in the Diocese is suspended, pending the outcome of the case. The appropriate religious superior will be notified.
3. If the accused person is a seminarian, his sponsorship by the Diocese will be suspended, pending the outcome of the case.
4. If the accused person is a priest or deacon, the Bishop, respecting the right of the accused person to adequate defense, will determine whether to initiate a canonical process appropriate to the results of the evaluation indicated in number four under "preliminary investigation." Depending on the circumstances, this could be a process to invoke an impediment to the exercise of orders or a canonical penal process. Protective measures available to the Bishop at this stage include the possibility of restricting residence, removal from office, or restriction from celebrating Mass in public.

If the accused person is a priest, deacon, or religious, the Bishop also could determine to initiate a process which would result in the imposition of penalties applicable to clerics and religious who attempt marriage or clerics who are involved in an external sin against the sixth commandment, including the penalty of dismissal from the clerical state in certain cases.

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

5. If the case warrants, an accused person may be requested to undergo rehabilitative treatment.

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

1. When it violates civil law, sexual misconduct that is admitted or established is deemed grounds for dismissal for any employee or volunteer; for immediate return to the place of incardination for a priest or deacon not incardinated in the Diocese (in addition to other penalties and restrictive measures), or removal from the public apostolate and/or removal from the Diocese for a woman or man religious; and for withdrawal of diocesan sponsorship for a seminarian.

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

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

## **RETURN TO ACTIVE MINISTRY**

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

When the complaint is determined not to be proven and it is not established that the cleric, church worker, or volunteer engaged in sexual misconduct, the Bishop, in collaboration with the individual involved and the person's supervisor, will determine how the accused person's good name is to be restored. Administrative leave may be terminated. When warranted, every effort will be made to return the individual to ministry or employment in the Diocese.

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

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

## WHEN A COMPLAINT IS PROVEN

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

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

## RECORDS

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

# DIOCESE OF MADISON POLICY REGARDING SEXUAL HARASSMENT

## INTRODUCTION

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

The following policy regarding sexual harassment is adopted for the Diocese of Madison in the awareness that the great majority of priests, deacons, seminarians, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; out of concern that any victim of sexual harassment be nurtured, treated, and healed; out of concern that a perpetrator of sexual harassment be treated justly with a view to whatever healing is possible; and out of concern for the well-being of the whole people of God living in the Diocese of Madison.

## DESCRIPTION

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

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

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

## STATEMENT OF POLICY REGARDING SEXUAL HARASSMENT

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

## PREVENTION

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

## EDUCATION

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

## RESPONSE

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

Verified sexual or other harassment of coworkers or others contacted in the course of work by lay employees or volunteers is to be disciplined at a minimum in the following manner:

First offense—verbal warning

Second offense—written warning

Third offense—termination

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

When the one accused of harassment is a seminarian, the report is to be made to the Chancellor who will notify the Bishop and the Vocations Director. If the seminarian is at the seminary, seminary officials will be asked to conduct an appropriate investigation. If the seminarian is on assignment in the Diocese, the Chancellor and the Vicar Forane (or other priest from the area)

will investigate the complaint. If the complaint is verified, the seminarian will be requested to obtain professional counseling as a condition for continued diocesan sponsorship. Any further verified offense will result in the Diocese terminating sponsorship of the seminarian.

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

After a second instance of sexual harassment by a priest or deacon is admitted or established, the Bishop will issue a penal precept, threatening suspension from the exercise of sacred orders, if there is further verified instance of sexual harassment. If the individual is a priest or deacon not incardinated in the Diocese of Madison but residing in the Diocese of Madison, after a second verified offense, his bishop or religious superior will be notified that his permission to minister in the Diocese has been suspended, pending the completion of appropriate therapy.

## RETURN TO ACTIVE MINISTRY

Only with the permission of the Bishop can: 1) a lay employee or volunteer who was terminated due to sexual harassment be re-employed; 2) a woman or man religious or a priest or deacon not incardinated in the Diocese of Madison whose permission to function here was suspended due to sexual harassment return to ministry in the Diocese of Madison; 3) a seminarian who lost diocesan sponsorship due to sexual harassment regain diocesan sponsorship. This will occur only if there is an affirmative evaluation from the counselor indicating the problem that led to the offense is controlled and that there is no further danger of harassment, a positive recommendation from the supervisor is obtained, and upon the advice of the Review Board (see Appendix I).

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

## RESPONSE TO VICTIM/PARISH/INSTITUTION

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

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

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

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

# APPENDIX I

## REVIEW BOARD

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

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

A. advising the Bishop, above all in his assessment of allegations of sexual abuse of a minor, but also (without losing sight of the unique nature of the sexual abuse of minors), in his assessment of allegations of sexual misconduct, and sexual harassment, when warranted, and in his determination of suitability for ministry, employment or volunteering services to the parishes, schools, institutions, offices, and programs of the Diocese;

B. reviewing Diocesan policies for dealing with sexual abuse, sexual misconduct, and sexual harassment; and

C. offering advice on all aspects of matters governed by this policy, whether retrospectively or prospectively.

The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church; non-Catholics with exceptional qualifications can also serve at the discretion of the Bishop. The majority of Review Board members at any time will be laypersons who are not in the employ of the Diocese. At least one member will be a pastor of a Diocesan parish. One member will be a person with particular expertise in the treatment of sexual abuse of minors. Although the Promoter of Justice is not a member, it is desirable that he participate in meetings of the Review Board.

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

Individual members of the Review Board may be called upon to assist the Diocesan Investigator in any investigations provided for by this policy.

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

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

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



## APPENDIX II

### POLICY ON BACKGROUND SEARCHES

It is mandatory that all people working for the Diocese of Madison in its pastoral center, institutions, schools or parishes, as well as all volunteers stably serving in a capacity regularly involving contact with minors have a background search completed before they are employed or transferred into this Diocese. If, for some reason, this does not happen before employment, this search is to be requested before the end of thirty (30) days of employment.

This policy is in response to Article 13 of the *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops, issued in July 2002 and updated from time to time. This article states: “Dioceses/eparchies are to evaluate the background of all incardinated and nonincardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. United States Conference of Catholic Bishops, Program of Priestly Formation

[Fifth Edition], 2006, no. 39).”

## APPENDIX III

### Employment / Volunteer Inquiry Release

In conjunction with my application for employment or volunteer service with the Diocese of Madison, Wisconsin (Diocese), I understand that you intend to hire SELECTION.COM® to obtain Consumer Reports and / or Investigative Consumer Reports (Reports) about me as defined in the federal Fair Credit Reporting Act (FCRA). These Reports may include information concerning my academic background, character, credentials, credit capacity, credit standing, credit worthiness, general reputation, mode of living, personal characteristics, reasons for work termination, work experience, work habits and / or work performance. You may also seek information concerning my civil litigation history, criminal record, educational background, employment history, motor vehicle record, and / or worker's compensation history.

I understand that you may rely on the information contained in these Reports in determining whether to extend an offer of employment or volunteer service to me or maintain my employment status as a volunteer with you. If you contemplate making an adverse employment-related decision that will affect me based, in whole or in part, upon a Report obtained from SELECTION.COM®, I will receive a copy of the Report and a written summary of my Consumer Rights under the FCRA before you finalize that decision.

I have read the above disclosure and I hereby authorize you, SELECTION.COM® or its authorized agents to obtain the above referenced information about me. I also authorize all agencies, bureaus, employers, information service organizations and individuals to provide any of the above referenced knowledge or information they have concerning me. This authorization shall remain on file and be valid for the duration of my employment / volunteer service with you. It shall serve as an ongoing authorization for you to obtain Reports about me from SELECTION.COM®. A photocopy or facsimile of this authorization shall be as valid as the original.

**Signature:** \_\_\_\_\_ **SSN (Last 4):** \_\_\_\_\_ **Date:** \_\_\_\_\_

#### Notice to California Residents:

Under section 1786.22 of the California Civil Code, you may view the file maintained on you by Fastrax™ during normal business hours. You may also obtain a copy of this file, either in person or by mail, by submitting proper identification and paying the costs of duplication services. You may also receive a summary of the file by telephone by being able to provide adequate identification as to allow Fastrax™ to determine with reasonable certainty that you are the subject of the report. Fastrax™ is required to have personnel available to explain your file to you and must explain to you any coded information appearing in your file. If you appear in person, another person of your choice may accompany you, providing that this additional person furnishes proper identification.

#### Requesting a Copy of your Background Check:

If you would like a copy of your completed report, check the box below and provide your email address. A copy of your report will be sent to you. You may review any reports by calling 800-325-3609 between the hours of 8am - 5pm Eastern Time

By checking this box, I request to receive a free copy of any consumer report ordered on me.

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

*\*Above document is from Fastrax. After creating an account in Virtus Online, you will be prompted to go to [www.fastraxselect.com](http://www.fastraxselect.com) through a link within your account. Fastrax is the provider for background, credit and motor vehicle checks for the Diocese of Madison.*

## APPENDIX IV

### WISCONSIN LAW

2013-2014 Wisconsin Statutes, Chapter 48.981, Abuse, including sexual abuse or neglected children (given in part, and paraphrased)

#### PERSONS REQUIRED TO REPORT

A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, or other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1) (d), school teacher, school administrator, school counselor, or other school employee, mediator under s. 767.405, child care worker in a child care center, group home, or residential care center for children and youth, child care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, physical therapist assistant, occupational therapist, dietitian, speech-language pathologist, audiologist, emergency medical technician, first responder, police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3).

A member of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable cause to suspect that a child seen by the member of the clergy in the course of his or her professional duties has been abused as defined in s. 48.02 (1) (b) to (f) [note, this is limited to sexual abuse, not physical abuse or neglect], or has been threatened with such abuse, and the abuse of the child will likely occur.

A member of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable cause, based on observations made or information that he or she receives, to suspect that a member of the clergy has abused a child, as defined in s. 48.02 (1) (b) to (f) [note, this is limited to sexual abuse, not physical abuse or neglect], or threatened a child with such abuse and the abuse of the child will likely occur.

A member of the clergy is not required to report child abuse information that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret.

Any person not otherwise specified here, including an attorney, who has reason to suspect that a child has been abused or neglected or who has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may report as provided in sub. (3).

*Referral of report.* A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur.

APPENDIX V  
**Statement of Receipt and Agreement**

I agree with the statement below:

By signing this statement, I acknowledge that I have received the document **A Safe Environment for All: Diocese of Madison Policy Regarding Sexual Abuse of Minors, Sexual Misconduct, and Sexual Harassment** issued in 2003 (revised in 2019) and the document **Diocese of Madison Code of Pastoral Conduct**. I acknowledge that I have read and I understand the Policy and the Code.

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

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

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

Please enter your name and today's date to confirm you have read the above policy and agree to the (SRA) Statement of Receipt and Agreement (This provides an "electronic signature")

Full Name (First, Middle and Last):  (John D Smith)

Today's Date:  (mm/dd/yyyy)

*\*Above document is from Virtus Online. Please go to [www.virtusonline.org](http://www.virtusonline.org), create an account, log in and complete all Diocese of Madison Safe Environment requirements through the Virtus website.*

**APPENDIX VI**  
**Diocese of Madison Report Form**  
**Sexual Abuse by Clergy or Church Employees**

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

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

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

Name of abused victim: \_\_\_\_\_

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

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

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

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

Status of abuser at time of occurrence: \_\_\_\_\_  
(Bishop, priest, deacon, teacher, religious education coordinator, parish employee, volunteer etc.)

I would be willing to provide details

- in writing
- telephone interview
- in-person interview

Person sexually abused knows of this report:  Yes  No

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

\_\_\_\_\_

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

For information or to speak to the Diocesan Victims Assistance Coordinator, please call Ms. Cheryl Splinter Bartoszek at 608-821-3162 or e-mail at [victimassistance@madisondiocese.org](mailto:victimassistance@madisondiocese.org)

Please return this form to:  
Diocese of Madison  
Attn: Cheryl Splinter Bartoszek  
Victim Assistance Coordinator  
702 South High Point Road  
Suite 225  
Madison, WI 53719

The Diocese of Madison supports the rights of individuals to report abuse directly to the proper public authority.

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