

All diocesan entities are also expected to name one person who is responsible for documenting that these procedures are followed for each new employee and volunteer.

Candidates for formation as priest, deacon, or lay minister will be asked to undergo a particularly intensive screening or assessment process, uniquely designed for each group. Successful candidates will collaborate in developing a personal growth plan based on the initial assessment. These personal growth plans will be revised each year and will extend beyond ordination or certification for ministry to insure that our Church ministers are in a mode of positive growth.

Priests seeking to minister in the diocese will be screened in a manner similar to that of potential new employees, including a check of their records of prior service. The record of priests seeking to leave the diocese to minister elsewhere will be fully and honestly disclosed to dioceses or religious communities that consider receiving them.

### *Educational Programs*

The third way that we honor our common commitment is by education to assist diocesan personnel to recognize possible child abuse and to respond appropriately. Such education will include review and discussion of the Guidelines, mandatory reporting laws, early signs of abuse, and the like. We recognize that educational programs to prevent child abuse are most effective when they are offered regularly, building on the common theme of protecting children.

Education of professional staff also will include updates regarding persons, agencies, materials, and methods that will enable

diocesan personnel to undertake education of the parents and children involved in their programs. We recognize that educational programs to prevent child abuse are most effective when they are aimed at all appropriate levels: professionals, support staff, parents, and the children themselves.

All personnel are asked to help their colleagues in recognizing imprudent behavior that places other persons at risk of harm. It is wise to avoid any situation in which a child or vulnerable adult might feel threatened or uncomfortable.

When possible, it is prudent behavior to avoid being alone with minors or vulnerable adults for extended periods of time or behind closed doors.

It is contrary to diocesan policy for minors to stay overnight or for extended periods of time in parish rectories, or to be in private quarters of a rectory at any time.

It is unwise to use excessive amounts of alcohol or other substances that lessen inhibitions, and it is illegal to provide alcohol to minors.

### *Conclusion*

The Diocese of Tucson is committed to follow these Guidelines.

We do so in the belief that these Guidelines both will honor the morals that constitute our Catholic faith and lead us toward the ideals held out to us by our Lord Jesus Christ.

As we practice what we preach, we believe that we will prevent harm to others and be graced in the process. In protecting our children, and all those we serve, we also protect ourselves.

Revised September 30, 2004



**Diocese of Tucson**

# **Guidelines for the Prevention of and Response to Sexual Misconduct**

## **SUMMARY STATEMENT**

### *Our Common Commitment*

We share a common commitment, to protect our children and vulnerable adults.

We are committed to conduct our lives in a manner that is consistent with our faith.

We are committed to work in such a way that others might see and experience the integrity and compassion that we profess.

We particularly are committed, as delineated in the Guidelines, to recognizing, responding to, and preventing sexual misconduct.

### ***Recognition of Sexual Misconduct***

Sexual abuse of minors is a crime.

In the law, sexual abuse includes any kind of sexual contact between an adult and a person under age 18, under any conditions.

The use of child pornography in any form is a crime in the State of Arizona.

Sexual misconduct is more broadly defined than criminal behavior in the Guidelines.

It may involve sexual interaction with a minor or an adult, or behavior that has otherwise violated the professional responsibility of the priest, deacon, religious, seminarian, employee or volunteer and that might reasonably be construed as sexual or romantic in nature.

Likewise, any sexual behavior or other behavior that is inconsistent with the morals and ideals of the Roman Catholic Church and the Diocese of Tucson is contrary to the Guidelines and cause for action.

### ***Response to Sexual Misconduct***

The first way in which we honor our common commitment is full and open compliance with the laws of our State and with those officers sworn to uphold them.

All persons who serve in the Diocese of Tucson are required to report suspected child abuse to the appropriate law enforcement agency (by calling 9-1-1) and to the Office of Child, Adolescent and Adult Protection (520-792-3410, ext. 1013). It is recommended that all such persons make an additional report to Child Protective Services, consistent with the dual reporting protocol recommended in Pima County. All persons serving the Church are also expected to report any observed sexual crime to law enforcement.

In addition, it is important to remember that while a particular sexual behavior may not be criminal, it may be inappropriate and inconsistent with the Guidelines. In such an instance, it is vital, both to prevent harm to others and to honor our common commitment, that such behavior be brought directly and promptly to the attention of those in authority.

We can do these things without creating an atmosphere of distrust so long as we do them openly, in dialogue with all parties involved, and in a spirit of promoting our continual growth as a safe and healthy community.

### ***The Sexual Misconduct Review Board***

The Sexual Misconduct Review Board is established to receive and review allegations of sexual misconduct by any diocesan personnel.

The Board will recommend to the Bishop actions in accordance with the Guidelines, but avoiding any conflict with ongoing criminal investigations or civil legal actions.

The Board does not determine innocence or guilt according to civil or canon law, and it makes every effort to balance the rights of the accused and the complainant.

Personnel credibly accused of sexual misconduct with minors will be placed on administrative leave pending outcome of law enforcement investigations, the Board's deliberations and, when applicable, the completion of any canonical process.

Personnel who are determined to have engaged in sexual misconduct with minors according to the definitions in the full Guidelines (as interpreted by the Board and, when appropriate, after proper ca-

nonical procedures), whether or not they are criminally prosecuted, will not be permitted to return to ministry.

Personnel accused of sexual misconduct with adults may be asked to accept administrative leave pending outcome of law enforcement investigations and the Board's deliberations.

Personnel who are determined by the Board to have engaged in sexual misconduct with adults according to the definitions in the full Guidelines, whether or not they are criminally prosecuted, will be disciplined and/or required to undergo therapeutic rehabilitation. They may not be permitted to return to ministry if the conditions of their misconduct or the outcome of their rehabilitation so warrant.

### ***Care for All***

Whether or not the individual is permitted to return to ministry, concern will be exercised to insure that psychological and spiritual assistance is available to the accused, according to the needs and wishes of the individual.

Those who lodge complaints alleging sexual misconduct will be received with respect and compassion.

It is the policy of the diocese to offer counseling to such complainants even before law enforcement investigations and Board deliberations are completed, so long as this offer does not conflict with ongoing criminal investigation or civil suit proceedings.

Parishes, schools or other diocesan entities at which the accused ministered or of which the complainant was a member will be offered assistance, both to work through painful emotions and to avoid the divisive

process of taking sides or shunning either the accused or the complainant.

We trust that justice will be done in the criminal, civil and Church processes. Those who have offended cannot be shielded from the consequences of their actions, but the hope of the Church is that all parties will be treated with compassion.

### ***Policies for Prevention***

The second way that we honor our common commitment, to protect our children and vulnerable adults, is by way of policies that reduce the risk of sexual abuse. One set of such policies governs how diocesan entities recruit, screen and orient new personnel.

All diocesan entities are expected to use a standard application form that meets the minimal requirements of the diocesan Human Resources Department. Potential new employees must be screened by way of reference checks, fingerprinting, and other means of reviewing the history. New employee orientations must include a review of the Code of Conduct and this summary of the Guidelines.

All diocesan entities are expected to have in place a Plan for Compliance with the Guidelines. The Plan will incorporate the process for hiring and orienting new personnel, as noted above. It will also describe the process for educating staff to recognize and respond not only to criminal behavior, but also to inappropriate or high-risk behavior among all personnel. It is necessary to address such issues promptly and decisively.

The Human Resources Department will work with each entity to write the Plan and to implement it effectively.

# The Mandatory Reporting Law of the State of Arizona

***“Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means...shall immediately report or cause reports to be made of this information to a peace officer or to Child Protective Services in the Department of Economic Security, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.”***

(Arizona Revised Statute 13-3620)

## **Why do we focus on this law?**

*Our willing compliance with the mandatory reporting law is a key element of the Safe Environment Program of the Diocese of Tucson.*

## **Who is obligated by the law?**

*“Any person” is the key phrase both in the mandatory reporting law and the policy of the Diocese of Tucson. All personnel of the Diocese are expected to know and follow the law.*

## **When am I required to act?**

*If you reasonably believe that a minor is, might be or has been the victim of abuse, whether that belief is because of personal observation or disclosure from a third party, you should take action.*

## **What must I do?**

*Call law enforcement (using 9-1-1) and Child Protective Services (888-SOS-CHILD). Do not use the last “D” when calling on a mobile phone.*

## **When must I make the calls?**

*The most important word in the law with respect to making a report is “immediately.”*

## **What if I don’t want to get involved?**

*Failure to report will lead to your being charged with a Class 1 misdemeanor or, in the case of sexual abuse, a Class 6 felony.*

## **How do I make a report?**

- 1) Call law enforcement (9-1-1).
  - a) Be prepared to give basic information such as:
    - i) what you have observed,
    - ii) the name of the child believed to have possibly suffered abuse,
    - iii) any identifying and locating information about the child and family,
    - iv) any identifying and locating information about the person who is suspected of perpetrating abuse,
    - v) where the abuse seems to have occurred, and
    - vi) any factors that make clear the nature and urgency of the immediate situation.
- 2) Call CPS (888-SOS-CHILD; do not dial the “D” on mobile phones) if there is any indication that the abuse may have occurred within the general framework of family.
  - a) Some counties in the Diocese of Tucson recommend that both law enforcement and CPS be called.
  - b) This is the safest policy to insure the welfare of the child.