

DIOCESE OF PUEBLO SEXUAL MISCONDUCT POLICIES AND FORMS

POLICIES AND PROCEDURES FOR THE SEXUAL MISCONDUCT REVIEW BOARD FOR THE DIOCESE OF PUEBLO PART I

A. Mission Statement for the Sexual Misconduct Review Board:

To assist the Bishop and the Diocese of Pueblo in developing policies, procedures and educational and preventive programs that will effectively and sensitively review, address and make recommendations to the Bishop concerning allegations of sexual abuse and misconduct involving diocesan personnel, volunteers and affected persons.

B. Composition of the Review Board:

The Review Board will be composed of ten members from the following:

1. Required members:
 - Two professional mental health persons
 - One lawyer
 - Two Catholic adults, one male and one female, who are parents
 - A survivor of sexual abuse
2. Additional members:
 - Chancellor
 - Judicial Vicar
 - Vicar for Clergy Well-Being
 - Diocesan lawyer
 - Canon lawyer
 - Staff resource person

C. Expectations of Review Board Members:

1. Board members will be asked to serve by the Bishop.
2. Board members will serve five-year terms, which may be renewed.
3. Board meetings will be held quarterly, or as necessary to perform its duties.

D. Objectives of the Review Board:

1. To cooperate fully with the appropriate county department of social services or local law enforcement agency.
2. To review allegations of sexual abuse or misconduct by diocesan personnel and volunteers that are brought to its attention.
3. To establish requirements, procedures and educational directions to attempt to prevent sexual abuse and misconduct.
4. To acknowledge and address the physical, psychological and spiritual needs of all persons involved in sexual abuse or misconduct who are brought to the Board's attention.
5. To act as consultants and make recommendations to the Bishop regarding these objectives.

PART II

A. Sexual Abuse of Minors by Diocesan Personnel or Volunteers

Definitions:

1. Sexual abuse against a child and child abuse as used in this policy shall mean:

Any deliberate overt or covert act by clergy or diocesan personnel, including volunteers, with any person who is a minor that is intrusive on the sexual privacy of the minor, or is in violation of Colorado law.

a. In each instance the person making the allegations has the right to make a report to public authorities. The Diocese of Pueblo fully supports this right.

2. Minor or minor child shall mean a person under 18 years of age.

3. Sexual misconduct shall mean any of the following three related forms of misconduct.

a. Sexual abuse is sexual conduct between any member of the clergy or diocesan personnel and any person which violates Colorado law.

b. Sexual exploitation is any kind of sexual interaction between any member of the clergy or diocesan employee and a person who is receiving pastoral assistance from that clergy member or employee whether initiated by one or the other.

c. Sexual harassment is defined in Part IV of these policies.

All three forms of misconduct are included because they have the commonality of involving abuse of power or authority, which causes injury to another. Additionally, they are contrary to the doctrines, moral instruction and Canon Law of the Catholic Church.

B. Procedures to Process Sexual Abuse of Minors Are as Follows:

1. When a person has been accused of sexual abuse of a minor, the appropriate diocesan official (Bishop, Chancellor or their representative) will immediately report the allegation to the appropriate county department of social services or local law enforcement agency.

2. An appropriate representative of the Chancery Office will inform the person making the allegation that the diocese has a sexual misconduct policy and will explain the procedures of the diocese to that person. The person making the allegation will be referred to the Victim's Assistance Coordinator.

3. The Bishop will be notified immediately.

4. The diocesan legal counsel will be contacted immediately and the Board will hold a special meeting to attempt to fulfill the objectives in Part I above.

5. The Board members will review applicable Colorado law concerning procedures to respond to complaints of possible sexual abuse of a minor child.

6. If sexual abuse is suspected after a review of the allegations and preliminary investigation, the Sexual Misconduct Review Board will recommend to the Bishop that the accused be placed on administrative leave. (Review of any priest will be made in accordance with Canon Law 1717 and following.)

7. If the accused is a member of a religious order or congregation, the president, seminarian rector or provincial will be informed.

8. If not a member of a religious order or community, the accused will be informed of the accused's right to seek legal counsel.

9. If the investigation establishes probable cause of sexual abuse of a minor, the diocese will comply with the judicial system and the Bishop will also:

a. Prohibit all contact with the victim by the accused.

b. Appoint a director to supervise the accused through weekly or monthly accountability meetings.

c. Require a clinical evaluation and obtain treatment recommendations for the used.

10. Bishop or his designee will engage in pastoral outreach to be directed to the faith communities in which the sexual abuse occurred, should circumstances warrant.

C. Assistance for the Alleged Victim:

1. The Diocese of Pueblo will assist in the immediate and ongoing pastoral and professional care of the alleged victim and his or her family to provide healing and reconciliation.

2. The Bishop or his designee will contact the alleged victim's parents or guardian and will offer to meet with them to listen with patience and compassion to their experiences and concerns.

3. The psychological, spiritual and physical health of the victim is of utmost importance. Either through the parents or directly, the child will be assisted to obtain pastoral, clinical counseling and medical care deemed necessary or requested. This will be done promptly by the Bishop or his designee. The victim and their family will designate the level of confidentiality maintained, except as disclosure is required by law.

4. The Victim's Assistance Coordinator will provide information to the victim regarding the availability of support groups and other social service resources to assist the victim and their family with spiritual and psychological healing.

D. Treatment of the Accused:

1. The accused's physical, psychological and spiritual needs will be considered.

2. The accused will be removed from any position in which the accused may have contact with the alleged victim or any other children. The Bishop or his designee will decide what other, if any, appropriate disciplinary measures should be taken.

3. A clinical evaluation will be made as soon as possible by a licensed facility that deals with sexual disorders and pedophilia. The results of this evaluation should guide the next steps taken for the accused's care and rehabilitation. This may include advising the accused to seek counseling or therapy.

E. Release of Information:

Only the Bishop or his designee will respond to media inquiries made to the diocese or its agencies. The diocesan spokesperson may seek legal counsel in making any prepared statement.

F. Insurance:

The liability insurance carrier for the diocese will be notified as required by the applicable insurance policies. Initial notification may be given by telephone, but will be followed by written notice.

G. Disciplinary Action

Any non-clergy member of the diocese who admits, does not contest or is found guilty of an incident of sexual abuse will be immediately discharged from employment and relieved of any position of responsibility with the diocese. Any clergy member in a similar circumstance will be suspended from the exercise of his ministerial duties as provided by Canon Law. Further sanctions, including dismissal from the clerical state, may be pursued pending the outcome of civil or criminal actions.

H. Review Board Findings:

As the Review Board members complete their work, their findings will be given to the Bishop for review, possible further action or closure, and filed appropriately.

I. Preventive, Educational and Supportive Tasks of Review Board:

A diocesan educational program will be developed and will include:

1. Awareness of signs of sexual abuse in children.
2. Procedures to report sexual abuse.
3. Guidelines for a pastoral response to all involved in situations of sexual abuse.
4. Recommendations to attempt to prevent sexual abuse.

PART III

A. Procedures to Process Adult Sexual Misconduct Complaints Against Diocesan Personnel or Volunteers:

1. The Chancery Office will inform the person making a complaint or allegation that the diocese has a policy and procedure to be followed. In each instance the person making the complaint has the right to make a report to public authorities. The Diocese fully supports this right.
2. The Bishop will be notified immediately.
3. The diocesan legal counsel will be contacted immediately and the Review Board activated.
4. The Board will observe the applicable provisions of Canon Law. Legal counsel and Board members should be knowledgeable of state law concerning procedures to respond to complaints of possible sexual misconduct with adults.
5. The Board members will attempt to initially respond to such accusations within 48 hours.
6. Follow-up procedures include interviewing the person reporting the incident and the following:
 - a. When a person has been accused of sexual misconduct, a diocesan official or representative, working under the direction of the diocesan legal counsel and the review board, will attempt to verify the validity of the initial allegation or complaint.
 - b. The accused will be informed of the accusation when interviewed. The accused will be asked to confirm or deny the allegation and to explain the circumstances.
 - c. Whether the accused denies the allegations or confirms the misconduct if the diocesan official finds probable cause that the misconduct may have occurred, it will be referred to the Board for verification or further review if deemed necessary by the Board.
 - d. Board members shall treat all such complaints or allegations as strictly confidential, except as disclosure is required by Colorado law.
7. Procedures when a sexual misconduct accusation is found to have merit:
 - a. If sexual misconduct is suspected after Board review, the Board will recommend to the Bishop that the accused be placed on administrative leave. (Review of any priest will be made in accordance with Canon Law 1717 and following.)
 - b. If the accused is a member of a religious order or community, the president, rector or provincial will be informed.
 - c. If not a member of a religious order or community, the accused will be informed of the accused's right to seek legal counsel.
8. If sexual misconduct is found, the Bishop will:
 - a. Prohibit the accused from having any contact with the victim.
 - b. Appoint a director to supervise the accused through weekly or monthly accountability meetings.
 - c. Require clinical evaluation and obtain treatment recommendations for the accused.
9. Response Policy to the Victim:
 - a. The diocese will assist in the immediate and on-going pastoral, professional and medical care of the alleged victim and the family if needed and requested, to provide healing and reconciliation.
 - b. Such assistance will be promptly provided by the Bishop or his designee.
 - c. Confidentiality regarding the victim will be maintained, consistent with the requirements of Colorado law.
10. Response to the Accused:
 - a. The accused's physical, psychological and spiritual needs are a concern.
 - b. Any person accused of sexual misconduct will be removed from the person's position. After consultation with the Review Board, the Bishop may take such measures deemed appropriate.
 - c. A clinical evaluation will be made as soon as possible by a licensed facility that deals with sexual disorders. The results of this evaluation should guide the next steps for the accused's care and rehabilitation. This may include advising the accused to seek counseling or therapy.

B. Release of Information:

Only the Bishop or his designee will respond to media inquiries and give such notice required by the applicable insurance policies. Initial notification may be given by telephone, but will be followed by written notification.

C. Disciplinary Action:

Any non-clergy personnel of the diocese who admits, does not contest or is found to have committed sexual misconduct will be discharged from employment and relieved of any position of responsibility with the diocese. Any member of the clergy found to have committed sexual misconduct will be suspended from the exercise of his ministerial duties as provided by Canon Law. Further sanctions, including dismissal from the clerical state, may be pursued pending the outcome of any civil or criminal proceedings.

PART IV

SEXUAL HARASSMENT POLICY

A. Purpose:

It is the policy of the Diocese of Pueblo to respect the dignity and individual rights of its employees. Sexual harassment of employees or applicants for employment in any form is unacceptable conduct which will not be tolerated. Any employee engaging in any form of sexual harassment will be subject to immediate discipline, up to and including discharge.

B. Definition:

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, physical or written conduct of a sexual nature. Sexual harassment also includes unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic, verbal commentaries about an individual's body or clothing, sexually degrading words used to describe an individual, a display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

C. Sexual harassment occurs when the above described conduct:

1. May be interpreted or construed as being a term or condition of an individual's employment, that is, when a supervisor or other employee threatens or insinuates, either explicitly or implicitly, that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work, performance evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

2. May, depending on an individual's submission or rejection, be used as a basis for making employment decisions affecting the individual; or
3. May, in purpose or effect, substantially interfere with an individual's work performance, or create an intimidating, hostile or offensive work environment.

D. Procedure/Action

1. Any employee who feels he or she is a victim of sexual harassment, including but not limited to any of the conduct listed above, by any supervisor, management official, other employee, pastor, priest, parishioner, client or any other person in connection with employment at the diocese, should bring the matter to the immediate attention of the persons described in the following procedure. If that person is the person against whom the employee is filing a complaint, then the complaint should be filed with the Bishop's office. The very nature of sexual harassment makes it difficult to detect unless the person who believes he or she is being harassed registers a complaint.

2. An employee must report the matter to the next level supervisor or a representative of the Bishop, for example pastor, parish coordinator, Chancellor.

3. The contacted supervisor or representative will immediately contact the Chancellor in all cases to insure all such questions or complaints are properly and effectively dealt with and resolved. The Diocese of Pueblo's Sexual Harassment/Misconduct Complaint Form is to be completed and submitted for filing.

4. The diocese through the Sexual Misconduct Review Board will promptly review all allegations of sexual harassment. In cases in which an employee requests that his or her identity not be disclosed to the person about whom a complaint has been made, the request will be honored, if possible, within the confines of the investigation. All complaints and investigations will remain as confidential as possible.

5. If, after an investigation, it is found the complaint has merit, the employee who is determined to have engaged in sexual harassment will be subject to appropriate sanctions up to and including termination.

APPENDIX

Reporting a Sexual Abuse Complaint:

The following confidential report form will be used and provided to all diocesan employees and volunteers. When the following report is received by the Chancery Office, the attached procedures will be initiated.

REPORT OF SUSPECTED SEXUAL MISCONDUCT
BY DIOCESAN PERSONNEL

SEND COMPLETED FORM TO THE CHANCELLOR

1001 North Grand Avenue
Pueblo, CO 81003

CONFIDENTIAL (FOR INTERNAL USE ONLY)

Reported by _____
(Name/Title)

(Address)

(City, Zip) (Telephone)

Date of Report _____

Person accused
of Abuse _____

(Name/Title)

(Address)

(City, Zip) (Telephone)

Other Person(s)
involved _____

(Name/Title)

(Address)

(City, Zip) (Telephone)

SEND COMPLETED FORM TO THE CHANCELLOR
1001 North Grand Avenue
Pueblo, CO 81003

Describe incident of suspected sexual abuse, including date, time, location and name of reported victim:

Identify eyewitnesses to the incident, including names, addresses and telephone numbers, where available:

Other information which may be helpful to the investigation:

DIOCESE OF PUEBLO
SEXUAL HARASSMENT COMPLAINT FORM

NAME _____ JOB TITLE _____

PARISH _____

NAME OF IMMEDIATE SUPERVISOR _____

STATEMENT OF COMPLAINT (BE SPECIFIC. PLEASE READ THE POLICY STATEMENT BEFORE COMPLETING THIS SECTION.) _____

DATE OF INCIDENT _____

NAME(S) OF PERSON(S) ACCUSED OF WRONGDOING _____

NAME(S) OF WITNESSES _____

DESCRIPTION OF INCIDENT
(DESCRIBE ACTIONS OF ALL PERSON(S) INVOLVED, INCLUDING YOURSELF.)

ADJUSTMENT REQUESTED _____

EMPLOYEE SIGNATURE _____ DATE _____ TIME _____ A.M./P.M.

COMPLAINT SUBMITTED TO: (CHECK ONE)

_____ CHANCELLOR

_____ IMMEDIATE SUPERVISOR _____
(NAME)

_____ DATE RECEIVED