

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

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This document makes recommendations for sexual misconduct guidelines to 1) prevent sexual misconduct against children, adolescents and adults, and 2) effectively handle sexual misconduct, both via law enforcement and internally, should it arise in the future.

**Developed by:  
The Child Abuse and Sexual Misconduct Policy Review Committee**

**And presented by the Committee to:  
The Bishops of the Diocese of Tucson for Promulgation**

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***The Child Abuse and Sexual Misconduct Policy Review Committee gratefully acknowledges the inspiration provided by guidelines from other dioceses, including:***

Archdiocese of Chicago

Archdiocese of Los Angeles

Archdiocese of St. Paul and Minneapolis

Diocese of Dallas

Diocese of Oakland

Diocese of Phoenix

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## I) PREAMBLE

*At that time the disciples approached Jesus and said, "Who is the greatest in the kingdom of heaven?" He called a child over, placed the child in their midst, and said, "Amen, I say to you, unless you turn and become like children, you will not enter the kingdom of heaven. Whoever humbles himself like this child is the greatest in the kingdom of heaven. And whoever receives one child such as this in my name receives me. Whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone hung around his neck and to be drowned in the depths of the sea. Woe to the world because of things that cause sin! Such things must come, but woe to the one through whom they come." (Matthew 18:1-7, New American Bible)*

1. The Diocese of Tucson is promulgating the following guidelines for 1) the conduct of all priests, deacons, religious, seminarians, and all diocesan employees and volunteers in their relationship to children and adolescents, as well as adults under their pastoral care, and 2) the effective and immediate response to allegations of sexual misconduct against children, adolescents and adults. The Diocese of Tucson has recommended that its Parishes adopt these guidelines, and has made its Parishes aware of the work of the Sexual Misconduct Review Board established by the Diocese, which the Parishes may utilize at no additional cost as part of the services rendered to the Parishes by the Diocese. The Parishes that have adopted these guidelines shall hereinafter be referred to as "Adopting Parishes." The Bishops remain accountable to the Holy See and to the Holy Father directly. As such, they seek to live out these same guidelines in their thoughts and in their actions.
2. The Diocese, in promulgating these guidelines, and the Adopting Parishes together recognize that the sexual abuse of children and adolescents and other forms of sexual misconduct have resulted in enormous suffering on the part of children, adolescents, and their families, and that as a result, Catholics and the entire community have experienced anger, resentment, and disappointment against the Church.
3. Furthermore, the Diocese and its Adopting Parishes recognize that the bonds of trust between the Catholic Church and its people in the Diocese of Tucson have been strained. This document seeks to define the policy that for even a single act of sexual abuse of a minor, whether in the past or in the present, the offending priest or deacon will be permanently removed from ministry. The Diocese and its Adopting Parishes also affirm the policy of direct and effective action to address and correct, with therapeutic and disciplinary means, instances of sexual exploitation or sexual harassment of an adult by anyone covered by these Guidelines. The Diocese and its Adopting Parishes are committed to transparency and openness, due process, and clear consequences for perpetrators to provide for justice and to restore Catholics' trust in and the community's respect for the Church.
4. This document establishes guidelines for the prevention of sexual misconduct with children, adolescents and adults. It incorporates not only prevention and education mandates and prescribed codes of conduct for all priests, deacons, religious, seminarians, employees and volunteers of the Diocese and of its Adopting Parishes in their interaction with others, but also prescribes a contact point to facilitate the

reporting of allegations of abuse, and issues clear guidelines for how to proceed in investigating such allegations in a way that strictly adheres to the laws of Arizona and the moral beliefs of the Catholic Church. Although guidelines cannot anticipate every conceivable event and must be applied to the facts with common sense and judgment, they are promulgated herein to provide a uniform and proactive approach to sexual misconduct committed by priests, deacons, religious, seminarians, employees and volunteers of the Diocese and of its Adopting Parishes.

5. The individuals who prepared these guidelines have reviewed Scriptures, canon law and laws of the State of Arizona. Most importantly, this work has been guided by ethical and moral standards that are certainly American and shared by most Americans, regardless of their religion or creed, and indeed by most peoples of the world. Although the document responds specifically to violations of civil law and the Church's teachings and law, it is guided by a profound recognition that principles of moral standards having to do with the protection of children, adolescents and vulnerable adults are at the core of civilized society.
6. The Diocese of Tucson has a strong commitment to enforce these guidelines for the protection of children and adolescents, as well as vulnerable adults. The Diocese expects its Parishes, which have adopted these guidelines, to be equally committed to their enforcement. The Diocese and its Adopting Parishes intends to restore the bonds of trust between the Diocese and its people by the promulgation of these guidelines for the prevention of sexual abuse and other forms of sexual misconduct and the swift and effective response to abuse allegations. The Diocese wishes 1) to acknowledge the work of priests, deacons, religious and lay people in churches, ministries and schools throughout the Diocese who have remained committed to the moral and religious values that dictate the protection of children, adolescents and vulnerable adults, and 2) to commit to a renewed effort to ensure that their work and reputation are not sullied by the actions of a few. The Diocese also acknowledges that the words contained in these guidelines would be empty without a clear commitment on its part to their implementation. The actions of the Diocese and its Adopting Parishes will have to demonstrate that sexual and other violations against children, adolescents and adults will not be tolerated. Only then will there be true healing and reconciliation within the Diocese and indeed between the Diocese and the larger community.

## **II) INTRODUCTION**

1. The Diocese of Tucson and its Adopting Parishes, in accordance with the teachings of the Catholic Church, expects all persons employed by or volunteering within the Diocese and its Parishes to live moral lives, respecting in all ways the sanctity of every human being in general and the gift of sexuality in particular. Sexual misconduct abuses the power and authority of the pastoral or educational role of those who work for the people of God and serve them. Sexual misconduct is contrary to Christian morals and the moral strictures of many other religious belief systems and societal standards, and often violates civil law.
2. The Diocese of Tucson and its Adopting Parishes will not tolerate sexual misconduct.

All the Diocese's priests, deacons, religious, seminarians, employees and volunteers and all employees and volunteers of the Adopting Parishes must comply with 1) all applicable local, state, federal and church laws regarding incidents of actual, alleged, or suspected sexual misconduct and violation of law, and 2) the guidelines promulgated herein.

3. These guidelines address the role of the Diocese of Tucson and its Adopting Parishes in espousing the moral values of the Catholic Church, preventing sexual abuse and other forms of sexual misconduct, and responding effectively to allegations or instances of sexual misconduct by all the Diocese's priests, deacons, religious, seminarians, employees and volunteers, and all employees and volunteers of the Adopting Parishes. While the procedures will aim to balance the rights of the complainants and those of the accused, they will take into account the interests of the public, State and the Catholic Church in the protection of our children, adolescents and vulnerable adults.

### **III) INDIVIDUALS COVERED BY THESE GUIDELINES**

As stated in the introduction, these guidelines, as amended from time to time, and as promulgated by the Diocese of Tucson and its Adopting Parishes, apply to all priests, deacons, religious, seminarians, and employees and volunteers, whether full time or part time, who work or volunteer within any organization designated as a diocesan entity, or in one of the Adopting Parishes, or in any association which is affiliated with an Adopting Parish.

### **IV) DEFINITIONS**

#### ***A) Sexual Misconduct with Children and Adolescents***

1. In order to clearly define the policies prescribed in these guidelines with regard to sexual misconduct by all priests, deacons, religious, seminarians, employees and volunteers serving in the Diocese of Tucson or in any of the Adopting Parishes, the following definitions are set forth. These definitions are ecclesiastic ones following the moral dictums of the Catholic Church. They are more restrictive than those contained in civil law (Arizona Revised Statutes), although they often parallel them. When the definitions below are based on civil law, it is noted after the definition. For purposes of these guidelines, minors are defined as children and adolescents under the age of 18. Arizona law, in some circumstances, makes a distinction between minors under 15 years of age and those older than 15 years of age. These guidelines do not.
2. *Sexual Misconduct*: Sexual misconduct is broader than sexual abuse, and includes the other terms contained in this document and/or defined below. Sexual misconduct might involve a minor or an adult, as defined below. It may yet be misconduct whether or not the activity involves physical force and regardless of whether there is

discernable harmful outcome. The apparent consent of the other does not automatically preclude the finding of misconduct on the part of the person in ministry. Freely given consent is not deemed possible in the case of a minor, an impaired adult, or an adult whose relationship with the person in ministry involves a “power differential” by way of the former’s ministerial role. This definition of sexual misconduct includes by reference the following other terms defined or otherwise contained in this document: child abuse, sexual abuse, sexual contact, indecent exposure, public sexual indecency to a minor, sexual exploitation of minors, showing pornography to a minor, public display of explicit sexual materials, and sexual harassment. Prudent ministry also demands that anyone covered by this policy make every effort, including regular consultation with mentors and peer consultants, to avoid any behavior that could be misunderstood or construed as an invitation to sexual interaction. Even behaviors that involve intense non-genital physical contact with minors (like wrestling, excessive tickling, or other physical horseplay) or intense social contact (excessive attention or time given) must be avoided because of their potential to be misconstrued as sexual in nature or to be vehicles for unconscious expression of sexual desires.

3. *Child Abuse:* Child abuse is any form of intentional or malicious infliction of injury to the detriment of a minor’s physical, moral or mental well-being. It includes causing harm or threatened harm to a minor’s health or welfare. This includes damage to the physical or emotional/psychological health and welfare of the minor resulting from non-accidental physical or mental injury, or repeated negligent treatment or maltreatment.
4. *Sexual Abuse:* Sexual abuse occurs when an adult intentionally or knowingly engages in sexual contact with a minor, or with a person 18 years of age or older without the consent of that person. According to Arizona law, sexual abuse is a class 3 felony if the victim is under 15 years of age, and a class 5 felony if the victim is 15 years of age or older. (Arizona Revised Statutes Section 13-1404)
5. *Sexual Contact:* Sexual contact is any direct or indirect touching, fondling, manipulating, or penetrating sexual parts of a minor’s body. It includes any action that causes an adult to engage in such contact, as well as instances in which the victim is coerced by the immediate or threatened use of force against a person or property, and the victim is a minor, or incapable of consent because of drugs, alcohol, sleep, mental disorder or mental defect which renders him or her incapable of understanding the sexual nature of the conduct or to exercise the right to refuse such conduct. (Arizona Revised Statutes Section 13-1401)
6. *Indecent Exposure:* A person commits indecent exposure if he or she exposes his or her sexual organs in the presence of another person, exhibiting behavior that would offend or alarm a reasonable person. According to Arizona law, indecent exposure in front of a minor under the age of 15 is a class 6 felony, otherwise it is a class 1 misdemeanor. (Arizona Revised Statutes Section 13-1402)
7. *Public Sexual Indecency to a Minor:* A person commits public sexual indecency by intentionally or knowingly engaging in an act of sexual contact, including sexual masturbation and sexual intercourse, in the presence of a minor. “Public” does not

mean the place where the offense occurs but rather whether a minor is present. According to Arizona law, public sexual indecency to a minor under 15 years of age is a class 5 felony and a class 1 misdemeanor if the minor is 15 to 18 years of age. (Arizona Revised Statutes Section 13-1403)

8. *Sexual Exploitation of Minors*: A person sexually exploits a minor by knowingly using, hiring, persuading or coercing a minor to engage in or help others engage in sexual exhibition or other sexual conduct to produce a picture or live act showing such conduct. Any person to whom these guidelines apply who discovers or reasonably believes that such picture(s) or displays of a minor are on a computer or any storage medium associated with any ministry in the Church, including virtual depictions, is required to make a report to the diocesan Director and to the Pastor, or his delegate, of the Adopting Parish where the suspected exploitation has allegedly occurred. He or she is also encouraged to make a report to law enforcement. (Arizona Revised Statutes Section 13-3551, et seq.)
9. *Showing Pornography to a Minor*: It is against diocesan policy and the policy of the Adopting Parishes to make available, show, sell or distribute to minors any item that is harmful to them. This includes pornographic materials depicting nudity, sexual conduct or sexual abuse in explicit verbal or narrative accounts, photographs, film, electronic mail, web pages and other media. This policy is also against Arizona law and, when violated, considered to be a class 4 felony. (Arizona Revised Statutes Section 13-3506)
10. *Public Display of Explicit Sexual Materials*: This occurs when a person knowingly places in public display explicit sexual materials in the form of drawings, photographs, films, objects, books or magazines, or which verbally describes sexual conduct or abuse in a way that is harmful to minors. Such behavior is against Arizona law. It is also against the law to knowingly fail to take prompt action to remove such public displays from property in one's possession or control. This, however, does not include any depiction or description which, taken in context, has serious educational value for minors or serious literary, artistic, political or scientific value. (Arizona Revised Statutes Section 13-3507)
11. *Sexual Harassment*: In the case of a minor, sexual harassment means sexualized conduct or language between an adult and a minor, or between an older minor and a younger minor, especially when such conduct creates an intimidating, hostile or offensive school or playground environment for the minor.

## **B) Sexual Misconduct with Adults**

1. *Sexual Misconduct*: Sexual misconduct is defined as sexual activity, whether consensual or not, regardless of who initiates such an activity, between an adult (i.e. a person 18 years of age or older) of either sex and a priest, deacon, religious, seminarian, employee or volunteer of the Diocese or of an Adopting Parish who is providing pastoral care or having power or influence over such an adult. It includes any practice that constitutes a breach of professional trust having as its intent sexual

contact or activity involving a priest, deacon, religious, seminarian, employee or volunteer of the Diocese or of one of the Adopting Parishes that adversely affects the spiritual and psychological health of the adult, the ministry of the priest, or the reputation of the Church. When adults are involved, sexual misconduct includes sexual abuse, sexual exploitation sexual harassment, and sexual assault.

2. *Sexual Abuse:* Sexual abuse with an adult, as defined in these guidelines, occurs when a priest, deacon, religious, seminarian, employee or volunteer of the Diocese or of one of the Adopting Parishes intentionally engages in sexual contact, intercourse, fondling or touching with an impaired adult, incapable of giving informed consent, in any context.
3. *Sexual Exploitation:* Sexual exploitation is defined as any kind of sexual interaction between a priest, deacon, religious, seminarian, employee or volunteer of the Diocese or of an adopting Parish and an adult, when the adult is receiving pastoral care or counseling from a clergy member or when the priest, deacon, religious, seminarian, or any employee or volunteer of the Diocese or of an Adopting Parish is in a relationship of power or influence over such an adult.
4. *Sexual Harassment:* Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature on the part of a priest, deacon, religious, seminarian, employee or volunteer of the Diocese or of an Adopting Parish. Sexual harassment in the workplace is governed by human resources policies adopted by the Diocese of Tucson and its Parishes.
5. *Sexual Assault:* Sexual assault upon an adult is defined as the use of force upon a person for the purpose of sexual contact or gratification by the assailant.

## **V) OFFICE OF CHILD, ADOLESCENT AND ADULT PROTECTION**

In recognition of the commitment to protecting children, adolescents and adults against sexual misconduct by all priests, deacons, religious, seminarians, employees and volunteers of the Diocese of Tucson and of its Adopting Parishes, the Diocese of Tucson has established a new Office of Child, Adolescent, and Adult Protection.

### ***A) Compliance Monitoring***

Compliance monitoring is at the very heart of prevention. Adequate attention, staffing and resources will be committed on an ongoing basis to the critical task of compliance with these guidelines.

1. Director, Office of Child, Adolescent, and Adult Protection
  - a. The full time position of Director will be established and maintained at the diocesan level for the primary purpose of ensuring compliance by every diocesan organization, every Adopting Parish, by all diocesan personnel, and by all the personnel of the Adopting Parishes with every aspect of the these Sexual

### Misconduct Guidelines.

- b. The Director reports administratively to the Bishop and functionally to the Sexual Misconduct Review Board and to the Pastors of the Adopting Parishes.
- c. The position will be filled by a lay person with appropriate credentials and experience to carry out the duties encompassed for that position in this document and as prescribed in a job description approved by the Sexual Misconduct Review Board.
- d. The Director will conduct site visits to all entities of the Diocese and its Adopting Parishes to explain the guidelines and to audit for compliance and appropriate record keeping.
- e. Complaints of any violation of these guidelines are to be directed to the Director. When alleged child abuse or a sexual offense involves minors (i.e., children and adolescents under 18 years of age), the person alleging the violation must also directly contact the appropriate law enforcement agency immediately. When an alleged violation of any part of these guidelines is brought to the attention of the Director, he or she will promptly conduct an internal investigation, within the confines of the law if a civil investigation is underway.
- f. The Director will review the results of his/her internal investigation with the Bishop and with the Pastor of the Adopting Parish where the alleged violation has occurred, and with the Chairperson of the Sexual Misconduct Review Board, who will determine if a remedy by the parish/diocesan entity is sufficient or if a special meeting of the Sexual Misconduct Review Board is indicated.
- g. The Director will report to the Sexual Misconduct Review Board periodically and at least once annually on the compliance efforts in the Diocese in general and the compliance of each entity of the Diocese specifically, as well as the compliance efforts of each Adopting Parish and its affiliates. The Director will also report to the Sexual Misconduct Review Board all cases of alleged sexual misconduct that come to his or her attention and their status or disposition.

## 2. Local Compliance Representatives

- a. A member of each Adopting Parish is assigned the additional duty of ensuring local compliance with all these sexual misconduct guidelines. Local compliance representatives are the pastors, principals, heads of other diocesan entities, or their designees.
- b. Local compliance representatives ensure the distribution and understanding of these guidelines, maintain local records and reports, and conduct periodic audits to ensure local compliance.
- c. Local compliance representatives ensure that educational requirements of these guidelines are fulfilled and documented.
- d. Local compliance representatives assist the diocesan Director with audits, investigations and reports as needed.

## ***B) Sexual Misconduct Review Board***

1. *Mission:* The Sexual Misconduct Review Board is to review and issue updated guidelines regarding sexual misconduct for the Diocese and its Adopting Parishes, review all allegations of sexual misconduct (including the investigative reports of both law enforcement agencies and the Director), and make recommendations to the Bishop and to the Pastors of the Adopting Parishes regarding the dismissal, continuation of, or return to ministry of clerics, employees or volunteers following allegations and determinations of sexual misconduct. The Board will make policy and action recommendations directly to the Bishop or to the Pastor of an Adopting Parish, as the case may be.
2. *Composition:* The Sexual Misconduct Review Board will be comprised of twelve (12) members appointed by the Bishop. Eight (8) members will be laypersons who are not employees of the Diocese, and four (4) members will be clerics/religious. The lay members will include a psychiatrist, a psychologist, an attorney, a social worker, and at least one parent of a child or adolescent. The four (4) clerics/religious will include at least one (1) woman.
3. *Terms of Office:* The members of the Board will serve staggered three (3) year terms, renewable no more than twice. Members may be appointed by the Bishop to fill terms that have not expired.
4. *Quorum:* Six (6) members of the Sexual Misconduct Review Board will constitute a quorum. At least four (4) of the quorum must be lay members.
5. *Officers:* The Bishop will designate one member of the Sexual Misconduct Review Board as Chairperson and one member as Vice-Chairperson. The Chairperson will convene and preside at meetings of the Sexual Misconduct Review Board and act on behalf of the Board as appropriate. The Vice-Chairperson will perform these functions when the Chairperson is unable to do so. The Chairperson and the Vice-Chairperson will serve a two (2) year term. The Chairperson can be reappointed, unless he or she is in the last year of his or her last term as a Board member.
6. *Relationship with the Bishop and Pastors:* The Sexual Misconduct Review Board will serve as a consultative body to the Bishop and the Pastors of the Adopting Parishes in making determinations and recommendations based on these guidelines. The Sexual Misconduct Review Board is not accountable to any other official of the Diocese.
7. *Meetings:* The Sexual Misconduct Review Board shall meet at least monthly during the first year after the publication of this document and then at least quarterly thereafter, or as often as necessary to conduct its business.
8. *Duties and Powers:*
  - a. Recommend to the Bishop a candidate for the position of Director and, when hired, oversee the activities and job performance of the Director.
  - b. Ensure that allegations concerning child abuse or sexual offenses against children or adolescents are reported expeditiously to law enforcement authorities.
  - c. Review all allegations of sexual misconduct, including reports from law enforcement agencies and reports from internal investigations conducted under

the direction of the Director.

- d. Interview persons involved in an alleged incident, including the person making the allegation; commission private investigators if necessary; and make recommendations to the Bishop and/or to the Pastor of an Adopting Parish regarding the disposition of individuals determined by the Board to have acted in violation of these guidelines. The Board must report to the Bishop and/or to the Pastor of an Adopting Parish on the status of any misconduct allegations within ninety (90) days.
- e. Make recommendations that the Board in its sole discretion determines to be appropriate to prevent or reduce the risk of sexual misconduct, especially the risk to children and adolescents.
- f. Review these guidelines on an annual basis and recommend to the Bishop such amendments to these guidelines and procedures as the Board finds necessary.
- g. Submit, with the assistance of the Director, an annual budget proposal to the Bishop. No party may reduce the budget proposal without the knowledge of the Bishop.
- h. Promote mandatory educational programs for all diocesan clergy, employees and volunteers and assist the Director in their development and implementation.
- i. Promote educational programs for all employees and volunteers of Adopting Parishes to prevent and reduce the risks of sexual misconduct.
- j. Seek advice of any experts and consultants as the Board deems necessary and appropriate.

## 9. Procedures

- a. In general, the Sexual Misconduct Review Board will meet in person but may meet by telephone conference call. Board members will maintain strict and permanent confidentiality within the law, limiting discussions to other Board members or persons authorized by the Chairperson. Board members will not meet as quorum to discuss the business of the Board outside of Board or subcommittee meetings. The Director or the diocesan attorney may communicate with Board members as appropriate. The Chairperson can discuss Board business with the Bishop, the diocesan attorney, and the Director as appropriate.
- b. The Bishop and his personal delegates may attend those portions of meetings during which information is presented to the Board and when the Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Board. Other than the person making the accusation and the accused cleric, employee or volunteer, all other persons may attend meetings only upon the invitation or with the consent of the Board and subject to such limitations as the Board might require.
- c. The person making the accusation and the accused cleric, employee or volunteer each have a right to meet with the Board before determinations and

recommendations are made, subject to such reasonable time limitations the Board may establish. For good cause, they may request to meet with the Board at other times and the Board will exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances. The Board and the Director will schedule appearances in such a way that the victim and the accused do not meet each other, even inadvertently, unless the Board expressly and explicitly approves such contact.

- d. Any person appearing before the Board may do so with legal counsel, civil or canonical. If a person appearing before the Board would like to bring a different type of advisor, he or she must request the Board's consent in advance. Participation of legal counsel or another advisor will not be used to unduly delay the process and the Board will have final determination in such matters. Nothing in these guidelines and procedures will be interpreted as to abridge an individual's right to legal or canonical counsel.

#### 10. Due Process

A formal investigation of an allegation of sexual misconduct against an accused person is not done on the basis of unspecified information, although law enforcement authorities will use their own guidelines in the investigation of child abuse or sexual offenses with children and adolescents. The Sexual Misconduct Review Board, when investigating an incident not reportable by law, will not normally consider an allegation that does not disclose both the identity of the accuser and the accused. Fairness in process will include, but not be limited to: the opportunity to be heard; a fair investigation; a concern for the good name, reputation and privacy of all parties; an emotionally safe environment in which the process takes place; and a concern for maintaining the dignity and respect of all parties.

#### 11. Confidential Settlement Agreements

Confidential settlement agreements shall not be entered into, unless the victim requests it. Such agreements, however, do not alter the Diocese or Adopting Parish reporting requirements under law or under these guidelines, provided reasonable efforts are made not to make public the victim's identity.

### **VI) PREVENTION**

#### ***A) Code of Conduct for All Priests, Deacons, Religious, Seminarians, Employees and Volunteers***

All priests, deacons, religious, seminarians, employees and volunteers who work within the entities of the Diocese of Tucson or its Adopting Parishes are called by God to build up the body of Christ in holiness and love. Their words, acts and demeanor toward each other and toward those for whom and with whom they work should reflect the Gospel message of dignity, respect, and obedience to the commandments of the Church.

## ***B) Prevention Through Proper Behavior***

All priests, deacons, religious, seminarians, employees and volunteers of the Diocese of Tucson or of its Adopting Parishes must use a great deal of prudence in relating to children and adolescents. They must be aware of behavior that could put a child or adolescent at risk, behavior that could be open to misinterpretation by others, and high-risk behavior that may lead to sexual misconduct. Situations that could lend themselves to opportunities for sexual misconduct, or even the perception of the opportunity for sexual misconduct must be avoided at all cost. These situations could include: spending a night with a child or adolescent in the same accommodation, having a child or adolescent as a sole companion on a trip, or continually seeking out the companionship of a child or adolescent.

Proper behavior towards children and adolescents must include the following:

1. An adequate number of adult supervisors will be present at events involving children and adolescents.
2. Anyone covered by this policy should, in ministry situations of any kind and even in apparently innocent circumstances, be guided by prudence. Prudence includes avoiding situations in which one is alone with children and adolescents in isolated or secluded locations.
3. The appropriate chief administrator for any overnight activities should approve all adult leadership, sponsors and accommodations in advance.
4. No child or adolescent may reside in any church rectory or other living quarters of priests
5. Only priests, seminarians, immediate family members and individuals on official Church business may be overnight guests in rectories.
6. No visit of non-immediate family or non-family members who are children or adolescents to private living quarters in rectories is permitted unless accompanied by an adult, explicitly approved by the local pastor, and duly recorded.
7. Topics, vocabulary, recordings, films, games or the use of computer software or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents must not be employed with children or adolescents. Sexually explicit or pornographic material is never appropriate, and it is a crime to show pornography to minors.
8. Anyone who recognizes inappropriate personal or physical attraction developing between himself or herself and a minor (child or adolescent under 18 years of age), must maintain clear professional boundaries between himself or herself and the minor or refer the minor to another adult supervisor, and seek personal assistance from his or her administrator, supervisor, spiritual director or a professional counselor.
9. If one-on-one pastoral care of a child or adolescent is necessary, diocesan personnel must avoid meeting in isolated environments. Meetings must be scheduled at times

and locations that create accountability. The length and number of sessions must be limited, and appropriate referrals must be made. The child's or adolescent's parents or guardians must, at all times, be notified of the meetings, the times, and the locations.

10. Anyone who observes an adult or minor (child or adolescent under 18 years of age) abusing a minor or suspects an adult or minor of abusing a minor must take appropriate steps to immediately intervene and to provide a safe environment for the allegedly-abused minor. He or she must also report the misconduct to law enforcement, to the Director and others as appropriate, such as the administrator or supervisor involved (see section VII, Reporting Allegations of Sexual Misconduct).

### ***C) Prevention Through Education***

Diocesan personnel and the personnel of Adopting Parishes will maintain a safe environment in the church community for all, and particularly for children. To provide this safe environment involves educating persons within the Diocese to understand what is necessary to maintain such an environment.

All priests, deacons, religious, seminarians, school principals, teachers, catechists and directors of all diocesan agencies and programs and the agencies and programs of Adopting Parishes, and all volunteers who minister to children, adolescents or vulnerable adults are expected to be thoroughly familiar with and understand the content of these guidelines.

Educational presentations on sexual misconduct as defined by these guidelines will be given periodically. All new employees and all new volunteers serving in the Diocese of Tucson or in its Adopting Parishes will be made familiar with these guidelines during their orientations.

1. **Mandatory Continuing Education for All Priests, Deacons, Religious, Seminarians, Employees and Volunteers of the Diocese and of its Adopting Parishes.**

Clergy and other Church personnel epitomize trust and integrity to children, adolescents and adults. In understanding sexual misconduct, its origins or causes and destructive forces on those abused, the clergy and other Church personnel are and should continue to be leaders in promoting health and healing within their church communities.

  - a. *Pastoral Leadership:* At least once each year, the Diocese will sponsor a mandatory seminar for priests, deacons and seminarians to review legal and ecclesiastical policies concerning sexuality and sexual misconduct, psychological issues in the ministry, appropriate conduct and boundaries, and related topics. Time will be allowed for participants to explore their own personal issues and concerns in small groups and in a climate of trust and constructive support. All priests and pastoral leaders will participate in all mandatory education programs.
  - b. *Deacons and Seminarians:* Permanent deacon candidates and seminarians, likely to be pastoral leaders in the near future, have a special obligation to address matters of sexuality, appropriate boundaries, and sexual misconduct, while at the same time

caring for their own personal, professional, and spiritual formation. On an ongoing basis, seminarians of the Diocese will participate in academic courses and other programs that foster mature and healthy psychosexual development. Each seminarian should have the opportunity to relate to a mentor priest.

- c. *Other Church Personnel and Volunteers*: All persons employed by or under the jurisdiction of the Diocese of Tucson or its Adopting Parishes and all volunteers who work regularly with children and adolescents in programs sponsored by the Diocese of Tucson or by its Adopting Parishes will participate in all mandatory education programs. Because they have frequent contact with children, and are often trusted by them, these employees and volunteers have an obligation to be informed about sexual misconduct and its effects. Teachers and other lay personnel employed by the Diocese or by any of its Adopting Parishes will be provided with current information and up-to-date resources to increase their understanding of these issues. Diocesan and Adopting Parish schools and youth programs shall be directed to include these guidelines and objectives in conducting education sessions for teachers, lay personnel and volunteers.

2. Education of the Community

- a. *Parents*: Parents have the first and most obvious responsibility for the well being of their children and adolescents. Diocesan and Adopting Parish schools and religious education programs will strive to provide opportunities for parents to learn about the causes, symptoms and appropriate responses to sexual misconduct, the prevention of sexual misconduct, and methods of discipline and effective parenting. The Diocese will assist parishes in integrating the objectives of these guidelines within current education programs.
- b. *Children and Adolescents*: Children and adolescents must be educated in order to prevent their own victimization. They will be encouraged to participate in programs suitably designed for their age level (including religious education classes and youth groups) to learn about sexual misconduct and its risks. Parental involvement is encouraged in developing these programs.

#### ***D) Screening and Selection of Personnel***

1. General

The processes used and the decisions made at the entry point into the diocesan or Adopting Parish systems, whether one seeks to become a seminarian, deacon or priest, an employee or volunteer, are the most critical in promoting the employment of men and women who exemplify the teachings of the Church. They are the means for maximizing the inclusion into the mission of the Church only those persons who conform their beliefs, their lives, their words and their actions to the teachings and moral doctrine of the Church.

For this reason, intensive efforts are to be undertaken by the Diocese, its Adopting

Parishes, and all of their entities in their screening and selections processes prior to employment or volunteer service.

2. Criminal Background Check

Fingerprinting and criminal background checks will be performed on all priests, deacons, religious, seminarians, employees, and all volunteers who minister to children, adolescents or vulnerable adults through the Diocese or any of its Adopting Parishes. Periodic repeated criminal background checks may be initiated by the Diocese or its Adopting Parishes on a random or case-specific basis.

3. Reference Checks

A diligent effort to check references and credentials will be made by every hiring or selection authority at the Diocese and at its Adopting Parishes, prior to tendering any offer to employ, sponsor or place any employee, seminarian or in-transferring religious/clergy and any volunteer who ministers to children, adolescents, or vulnerable adults. Transfers of individuals into, out of or within the Diocese and its Adopting Parishes without complete disclosure of issues covered by these guidelines is prohibited.

4. Screening of Seminarians

- a. Seminarians will undergo an application, interview and psychological testing process before being accepted for sponsorship by the Diocese. The psychological evaluation will give particular attention to the applicant's sexual history and make an assessment of sexual health and maturity.
- b. Each seminarian will undergo an intensive pastoral assignment (normally between the second and third year of theology) at one of the parishes of the Diocese unless specifically waived by the Bishop at the recommendation of the Diocese's Vocation Review Committee. The purpose of the pastoral assignment is to expose the seminarian to the pastoral life as part of his religious discernment, and to provide for close supervision and evaluation of the seminarian's fitness for ordained ministry.
- c. The Bishop and Vocation Director will review annually all reports and evaluations provided by the seminary, pastoral assignment supervisors and/or mentors on each seminarian and develop a consensus regarding the continuation or removal of sponsorship for the seminarian. The Bishop and Vocation Director will consult with other persons as necessary to facilitate the formation of this consensus.
- d. The Diocese's Vocation Review Committee is charged with the following responsibilities:
  - (1) Review the applications and related background checks and testing



allegation is credible or not. Arizona law states that any person who does not comply with such reporting is guilty of a class 1 misdemeanor and can be fined and/or jailed as a result.

- d. These guidelines requires that sexual misconduct must be reported to the Director if it occurred when the victim was under 18 years of age, regardless of how long ago it occurred. The misconduct does not have to be happening currently to be reportable. When in doubt, the individual is encouraged to consult with the Director.
- e. The only exception for this rule is the exemption to the reporting requirement that is found in the Arizona Revised Statutes Section 13-3620 for the Sacrament of Reconciliation (Confession).

## 2. Arizona Revised Statutes Regarding Reporting to Law Enforcement

Arizona legal statutes regarding the duty to report are as follows:

- a. *Level 1 Misconduct:* The victim is a minor (child or adolescent under the age of 18) and the incident(s) or a suspicion of an incident(s) is presently occurring or has recently occurred and the victim continues to be at risk. Any person with knowledge of Level 1 misconduct, whether directly observed, received from the minor or any other source including anonymous sources, must, without any delay or hesitancy, report the allegation to law enforcement because of imminent peril to the minor and the need to bring about immediate action for the protection and safety of the minor.
- b. *Level 2 Misconduct:* The victim is a minor and the incident(s) or a suspicion of an incident(s) is not recent but has occurred one (1) or more years ago. Any person with knowledge of Level 2 misconduct, whether received from the victim or any other source including anonymous sources, must promptly report the allegation to the law enforcement. Both Level 1 and Level 2 misconduct must be reported to law enforcement regardless of the victim or family's wish not to report.
- c. *Level 3 Misconduct:* The victim is now an adult and the incident(s) occurred when the victim was a minor. Arizona law does not require mandatory reporting of child abuse or sexual offenses when the victim is an adult, even when the misconduct occurred when the victim was a minor. However, these guidelines require reporting of these cases to the Director, and strongly encourage reporting them to law enforcement as well. Law enforcement will ordinarily act upon such complaints only if reported by the adult person who was the victim. However nothing in these guidelines prohibits any person with knowledge of Level 3 Misconduct from reporting the allegation to law enforcement. Adult victims against whom a sexual offense was committed when he or she was a minor can meet with the Director for an explanation of options.
- d. In all circumstances, when in doubt, report instances of child abuse or a sexual offense against a minor to local law enforcement immediately.
- e. The Director will also provide the person making an allegation with a written statement regarding his or her duty to report such allegations to law enforcement.

## 3. Reporting to the Diocese

- a. Any violation of these Sexual Misconduct Guidelines that is reportable to local law enforcement must also be reported to the Director for internal action and follow up.
- b. Any violation of these Sexual Misconduct Guidelines that is not reportable to local law enforcement but is clearly a violation of these guidelines (e.g., the victim is now an adult and the incident occurred while he or she was a child or adolescent; or a priest traveling alone with or sharing sleeping accommodations with a child or adolescent in which no sexual misconduct is alleged) must be reported to the Director.

4. Follow-up

The Director will notify all appropriate parties regarding any report made under these guidelines, including the accused. Disposition of the accused while the investigation is underway is covered in these guidelines (see section IX, Process for Actions: Status and Disposition of the Alleged/Convicted Violator). Care will be taken to protect the rights of both the victim and the accused during the investigation.

***B) Sexual Misconduct with an Adult***

1. Reporting to Law Enforcement

- a. The primary responsibility for reporting to law enforcement and to the Director any allegation of a sexual offense by priests, deacons, religious, seminarians, employees or volunteers affiliated with the Diocese or any Adopting Parish rests with the adult victim.
- b. Arizona law does not require mandatory reporting of a sexual offense when the victim is an adult. Law enforcement ordinarily will act upon such complaints only if the adult person who reports them is the victim.
- c. Notwithstanding the previous paragraph, these guidelines strongly encourage any party aware of a sexual offense against an adult person to report the alleged violation to local law enforcement.
- d. Paramount in importance in such cases is to give due consideration to the desires, emotional and spiritual needs and wishes of the victim while still being responsive to and acting upon the allegations. For example, if the accused is still at large, reporting to law enforcement may be appropriate in order to prevent sexual offenses with others, especially to prevent child abuse and sexual offenses with children or adolescents.

2. Reporting to the Director

- a. Adults who have experienced sexual misconduct by a priest, deacon, religious, seminarian, employee or volunteer are strongly encouraged to make a report to the Director.
- b. Anyone who has observed or has evidence of or information about any priest, deacon, religious, seminarian, employee or volunteer affiliated with the Diocese

or any Adopting Parish having engaged in sexual misconduct with an adult as defined under these guidelines, is strongly encouraged to report such allegation to the Director.

3. Follow-up

The Director will notify all appropriate parties, including the accused, of any report made under these guidelines. Disposition of the accused while the investigation is underway is covered in these guidelines (see section IX, Process for Actions: Status and Disposition of the Alleged/Convicted Violators). Care will be taken to protect the rights of both the victim and the accused during the investigation.

## VIII) ASSISTANCE

### *A) Child/Adolescent Victims, Families, and the Person Reporting Sexual Misconduct*

1. A victim who is a minor (child or adolescent under 18 years of age), his or her family, and the person who reports child abuse or a sexual offense against a minor shall be treated with sensitivity, care and respect. While the investigation is being conducted by law enforcement, the Director will communicate, within the confines of the law, with the minor, his or her family and, if appropriate, the person reporting child abuse or a sexual offense. The Director will be responsible, within the confines of the law, for keeping the family informed of the progress of the ongoing investigation, and of ensuring that the victim, the family, and the person reporting the misconduct receive the necessary spiritual, counseling and therapy support to meet their needs.
2. In addition to seeing that the victim and the family receive the necessary spiritual, counseling and therapy support, the Director will ask the family to identify a trusted individual in the minor's school to watch for symptoms of emotional disturbance on the part of the minor, such as withdrawal, depression, unprovoked or unusual anger or physical aggression, acting out behavior or academic difficulties (if the family agrees that this would be in the best interest of the minor). The Director and the family will jointly decide who will be responsible for contacting such an individual and to whom (the family or the Director) such a person will be requested to report.
3. The Director will also strive to protect the rights of the minor and his or her family, the privacy of the family, and the confidentiality of the information generated, by limiting disclosure only to individuals and agencies that have a clear need to know.
4. In addition to ensuring that the person reporting sexual misconduct against a minor receives the necessary spiritual, counseling or therapy support, the Director will be responsible for reassuring the person that there will be no retribution against him or her regarding his or her position or job with the Diocese or with an Adopting Parish as a result of reporting sexual misconduct. If the person making the allegation believes he or she is in physical danger, the Director will notify law enforcement and relevant diocesan and parish officials.
5. At the end of the canonical process, the Director will seek resources that promote spiritual and psychological healing, and reconciliation when possible.

## ***B) Adult Complainants, Families, and the Persons Reporting Sexual Misconduct***

1. The Director will respond promptly in internally investigating, within the confines of the law if a civil investigation is underway, any accusation of sexual misconduct with an adult. The Director is the primary source of ongoing communication with the alleged victim, the family and the person who alleges sexual misconduct. The Director is responsible for ensuring that the alleged victim's (and the accusing person's if different from the alleged victim) spiritual, counseling and therapy support needs are met during the course of the investigation and the disposition of the case. The level of assistance for an individual will vary with the circumstances of each case.
2. If the person reporting sexual misconduct is other than the alleged victim, the Director will take the information and determine a course of action. The Director will stay connected with the reporting person and arrange pastoral support, if needed. The confidentiality of the reporting person will be kept until or if there is a need for identification, deposition or testimony. If, as a result of the reporting, the person is believed to be in danger, the Director will assist in whatever way possible to protect the person or help the person to obtain an order of protection issued by the court.
3. During the internal investigation, the Director has a responsibility to monitor the state of the alleged victim, the person who reported, and the accused. Given the resources available at any given time, the Director will offer assistance to any person involved in the case.
4. At the end of the canonical process, the Director will seek resources that promote spiritual and psychological healing, and reconciliation when possible.

## ***C) Accused Persons***

1. *Diocesan Priest, Deacon or Seminarian:* The Vicar General in cooperation with the Director will arrange and conduct a meeting as soon as possible, but certainly within five (5) business days, with the accused for the purpose of informing him in writing of the allegations. This meeting may be held in the presence of counsel, civil or canonical, or of a witness chosen by the accused, if desired. The accused person's response will be requested in writing.
2. *Religious:* The Superior of the religious institution or his or her specific delegate will provide the initial response as soon as possible, but certainly within five (5) business days and will continue to inform the Director of the progress of the case. The accused will be informed in writing of the allegations and a response in writing will be requested.
3. *Diocesan/Parish Employee or Volunteer:* The Director will arrange a meeting as soon as possible, but certainly within five (5) business days with the accused, his or her pastor or department head for the purpose of informing him or her in writing of the allegations. The accused person's response will be requested in writing.
4. The purpose of these initial meetings will be to inform the accused of the allegation; explain the investigation, assessment process, and any intermediate steps that will be taken; offer concern for the accused person's well being; and offer specific resources available to the accused. The accused will be reminded of his or her right to be

accompanied by legal counsel. If the accused has not been apprised of his or her rights in Canon Law and apprised of the possibility that he or she will be charged in a penal trial, this will be done. The accused will be offered psychological counseling.

#### ***D) Parishes***

1. Accurate knowledge is the most important tool in assisting a parish community in understanding the problems created by a sexual misconduct allegation within the parish. While respecting the legal rights of privacy of the accused, every effort should be made to inform the parish of the nature and extent of the allegation and the steps taken to seek a legal and just resolution. When there is a report of sexual misconduct to law enforcement, it becomes public knowledge. Therefore, a reasonable effort will be made for timely notification of the parish community and for the provision of pastoral care to assist them in processing the information.
2. Because of the emotional and spiritual reactions created by allegations of sexual misconduct, the Director will offer to the parish the necessary spiritual assistance to address these issues. The parish will contact the Director and make arrangements as soon as possible for any assistance needed.
3. The parish community will be updated and offered ongoing assistance, either as individuals or in groups, as the investigation of the allegation is being conducted.

#### ***E) The Community***

1. The Bishop or his delegate, or the Pastor of an Adopting Parish, with the assistance of the diocesan spokesperson, after consulting with the Director and legal counsel, will speak directly to the public through the media regarding allegations of sexual misconduct by any priest, deacon, religious, seminarian, employee or volunteer working within the Diocese or at an Adopting Parish. The spokesperson will advise the public of the allegation and answer all questions while respecting the right to privacy of the accused and alleged victim.
2. The Bishop and/or the Pastor of an Adopting Parish shall communicate with the community either by public appearance or through the media. The community shall be informed of the support available through the Diocese. The Bishop or the Pastor, as the case may be, shall make himself available in whatever ways he can, both pastorally and legally, to expedite the disposition of the allegation.

### **IX) PROCESS FOR ACTIONS: STATUS AND DISPOSITION OF THE ALLEGED/CONVICTED VIOLATOR**

The Director and the Sexual Misconduct Review Board are in charge of responding promptly to any allegation of sexual misconduct involving a priest, deacon, religious, seminarian or employee or volunteer employed by the Diocese or by an Adopting Parish to ensure that: 1) there is appropriate reporting to law enforcement authorities if the allegation meets or potentially could meet federal, state or county reporting criteria; 2) the abuse is stopped from occurring if it is happening at the present time; 3) an internal investigation of the allegation takes place expeditiously; 4) Diocesan and Adopting Parish personnel collaborate fully with

law enforcement authorities in the conduct of their investigation; 5) the person harmed, his or her family, and the person reporting the misconduct are provided assistance and support; 6) recommendations are made to the Bishop or the Pastor of an Adopting Parish as to the preliminary disposition of the accused party; and 7) recommendations are made to the Bishop or the Pastor of an Adopting Parish regarding the final disposition of the accused.

***A) Reporting and Immediate Response***

1. Upon receipt of an allegation, the Director promptly will comply with all law enforcement reporting requirements related to sexual misconduct with a minor (child or adolescent under 18 year of age) unless previously reported by the family, an outside party, or another representative of the Diocese (see section VII, Reporting Allegations of Sexual Misconduct).
2. In the case of an allegation involving sexual misconduct against an adult, the Director will brief the complainant on his or her options, and encourage the complainant to report the crime to law enforcement authorities if appropriate.
3. The Director will move expeditiously to ensure the safety and well-being of the alleged victim, and will bring any assistance necessary to the alleged victim and his or her family; the person reporting the misconduct; and in cooperation with the Diocese, the accused and the parish (see section VIII, Assistance).
4. The Director will promptly inform the Chairperson of the Sexual Misconduct Review Board, the Bishop and the Pastor of the Parish where the accused person is serving of the allegations. If the accused is not otherwise detained or incarcerated, the Director, in consultation with the Chairperson of the Sexual Misconduct Review Board, will make a recommendation to the accused person's immediate canonical supervisor regarding the interim disposition of the accused while pending investigation and/or legal action. In all cases where an allegation has been made concerning sexual misconduct with a child or adolescent, the Chairperson of the Sexual Misconduct Review Board, the Vice-Chairperson of the Sexual Misconduct Review Board and the Director will consult and make a recommendation to the accused's immediate canonical supervisor as to whether the accused should be promptly relieved of his or her ministerial duties, employment or volunteer service during the Board's investigation. During the Board's investigation, the accused person's immediate canonical supervisor shall determine what immediate remedial measures, if any, shall be taken to protect the alleged victim, the accused person, and any third parties who may come into future contact with either party, so as to minimize any possibility of an occasion arising which might place any of the parties to the investigation in jeopardy of having the same or similar incident occur, or having the same or similar allegations made. In the case of a criminal investigation, the directions of the criminal investigation authorities will be followed in all instances.
5. The Director will gather the facts and circumstances of the allegation and obtain information regarding the accused person's file or background (within the confines of the law if a civil investigation is underway), and will prepare a report of all available information for presentation to the Sexual Misconduct Review Board either orally or in writing at the first stage review meeting.

6. Pending final resolution of the matter, the accused may be assigned new duties with such safeguards as the accused's immediate canonical supervisor shall deem appropriate, or may be given a paid leave of absence from official duties, or may be placed on paid or unpaid leave of absence. Volunteers may be placed on a leave of absence. The accused person will be encouraged to seek his or her own legal counsel and will be directed to seek therapy and to have no further contact with the alleged victim or his/her family.

***B) First Stage Review***

1. The Director will request the Chairperson of the Sexual Misconduct Review Board to schedule and give effective notice of a first stage review meeting of the board.
2. Ordinarily, the Sexual Misconduct Review Board will meet within approximately three (3) to five (5) business days after an allegation is made to conduct a first stage review, or as promptly as the facts of the case warrant.
3. At the meeting, the Sexual Misconduct Review Board will determine whether the Director and the Board Chairperson's original determination and recommendation about the relief of the accused from ministerial assignment, employment or volunteer service adequately provides for the safety of the alleged victim and other children and adolescents; and in cases where an internal investigation will not obstruct law enforcement investigations, instruct the Director to conduct an internal investigation which can include interviewing witnesses, utilizing private investigators, psychological assessment of the accused by appropriate professionals, and the spiritual or religious evaluation of the accused to help determine his or her mental, moral, and spiritual status.
4. The Director will prepare written reports of these inquiries for the Sexual Misconduct Review Board. These reports should include descriptions of actions taken by the Director, such additional inquiry as may be required, and identification of information that was not available to the Director.
5. If the charges of sexual misconduct are found to have no merit, the Review Board will inform the Bishop and the Pastor of the Parish where the accused was serving, and he will act promptly to inform all parties of the Review Board's investigation and conclusion. The Bishop and the Pastor of the Parish where the accused was serving will do everything in their power to restore the good name and reputation of the accused.
6. If, on the contrary, the allegations appear to have merit, the Review Board will recommend to the Bishop and the Pastor of the Parish where the accused was serving whether relief from the ministerial duty, employment or volunteer service should continue; and, if the relief from duties should not continue, whether any restrictions should be imposed on the individual's return to ministry, employment or volunteer service pending the conclusion of the investigation.
7. If the conduct of the accused is found not to constitute a reportable sexual offense or child abuse with a child or adolescent but is otherwise in violation of these guidelines, and the accused has not been relieved of his or her ministerial duties, employment or volunteer service, the Review Board will recommend to the Bishop and the Pastor of

the Parish where the accused is serving whether he or she should be relieved or continue in his or her assignment and, if so, whether any restrictions should be imposed upon him or her. The Review Board will direct the Director to arrange for professional and spiritual guidance to the accused found to have acted in violation of the guidelines.

8. The Review Board will also decide whether the file may be closed at this stage of the proceedings or held open pending further action by public bodies, further inquiry by the Director, or further action by the Sexual Misconduct Review Board.

### ***C) Second Stage Review***

1. A second stage review will ordinarily be initiated and scheduled to occur no earlier than thirty (30) and no later than one hundred twenty (120) calendar days after completion of the first stage review. The Sexual Misconduct Review Board Chairperson may delay scheduling the second stage review for a good reason, such as to await the completion of action by civil authorities.
2. At the second stage review, the Sexual Misconduct Review Committee will consider additional evidence gathered as the result of the investigation conducted by law enforcement authorities, as well as the internal investigation conducted by the Director, and decide whether prior determinations as to ministry, employment or volunteer service by the accused should be altered and what further action, if any, should be taken with respect to the allegation.
3. The second stage review may be initiated by an accused who was relieved of his or her ministerial duties, employment or volunteer service on a restricted basis if he or she seeks to change his or her ministry, employment or volunteer service status, or by the Review Board in any matter it deems appropriate.

### ***D) Supplemental Reviews***

1. The Sexual Misconduct Review Board may conduct such supplementary reviews as may be necessary to discharge its duties.
2. The Sexual Misconduct Review Board may consider new information about a determination or recommendation made in connection with a prior review. The Director, the Bishop, an accused individual, the accused individual's Pastor, a person who made an allegation, a victim, or the family of a victim, may apply to the Review Board in writing for a supplemental review. The written application must include the question for review, the applicant's position with respect to the matter, and any supporting explanation or information.
3. The Sexual Misconduct Review Board may make the same kinds of determinations and recommendations as in a second stage review, and/or make such other determinations and recommendations, as it deems appropriate.

### ***E) Final Determination, Consequences and Enforcement***

1. Once an allegation of child abuse or a sexual offense has been investigated by law enforcement authorities and the accused has been found guilty of sexual misconduct and/or has been considered by the Board, as a result of the internal investigation

conducted by the Director, to be substantially true, the Sexual Misconduct Review Board will recommend to the Bishop and the accused's Pastor the appropriate disposition of the individual as described in Table One. If the individual found to be guilty is a priest or deacon, the Board will also inform the Vicar General and the investigations of the Board will be considered the Preliminary Investigation required by Canon Law (Canon 1717). If the individual found to be guilty is a seminarian, the Board will also inform the Vicar General, if a religious, the head of that person's religious order, and if an employee or volunteer, the hiring authority over that person.

2. Table 1 summarizes the recommendations for the consequences to be meted out to individuals convicted by civil authorities or found guilty of violating these guidelines by the Sexual Misconduct Review Board:

<b>Table 1</b>	
<b>Acts</b>	<b>Consequences</b>
a. Any act in the nature of child abuse or a sexual offense, as set forth in the Arizona Criminal Code, which results in a conviction in a criminal proceeding, or is determined by the Sexual Misconduct Review Board and the Bishop to have occurred in the past or present and to be of such a nature, whether or not such an act was or could be prosecuted by civil authority.	For secular and religious clerics, an immediate initiation of the judicial process seeking a permanent penalty of removal from all ministry and dismissal from the clerical state. Using the norm provided by Canon 1722, the cleric will be barred from all ministry and sequestered. Whenever possible, the laicization process will be initiated, except for cases of extreme compassion such as for the elderly, invalids, or those who are permanently infirm.
b. Failure to comply with the provisions of the Sexual Misconduct Guidelines, when such failure is not covered by the above.	Disciplinary action and rehabilitation appropriate to the behavior and in keeping with Canon Law will be initiated. In some cases, the consequences may involve severe discipline, including the possibilities of reassignment to child-free ministries. The consequences may even include the initiation of the laicization process where possible, or the initiation of the judicial process seeking a permanent penalty, even to dismissal from the clerical state.
c. Accusations are unsubstantiated by law enforcement and the Sexual Misconduct Review Board.	The Bishop, the Sexual Misconduct Review Board, and the accused's Pastor will inform all appropriate parties and do everything in their power to restore the good name and reputation of the accused.

3. The Director will be responsible for the implementation and monitoring of the consequences and the implementation of any rehabilitation or treatment program recommended by the Sexual Misconduct Review Board in Table 1, section b. above. Because the Vicar General is primarily responsible for pastoral and spiritual life

concerns and treatment questions that require sensitivity to confidences, he will work closely with the Director to identify a rehabilitation or treatment program that meets the Review Board's recommendations. Under all circumstances, the selection of professionals, institutions, treatment and monitoring plans will require the final approval of the Sexual Misconduct Review Board

4. In no case will a priest, deacon, religious or seminarian who has been subjected to consequences administered under Table 1, section b. above be transferred to another parish or diocese without the deliberate and full disclosure of the violations, investigation, and disposition of such violations to the pastor, vicar of the area, religious superior, or the bishop of the diocese to which he or she has applied.

#### **X) FINAL DISPOSITION OF CASES, RECORD KEEPING AND FOLLOW-UP**

1. Records of all allegations of sexual misconduct and the conclusions of the Board will be permanently maintained. The records will include claims, intakes, investigative reports, and records of services provided.
2. In the case of an accused priest, deacon, member of a religious congregation, and seminarian, policies concerning ecclesiastic procedures will also apply. In the case of an employee or volunteer, the human resources procedures adopted by the accused's employer will apply.