

Guidelines for the Prevention of and Response to Sexual Misconduct

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 within the Diocese of Tucson.

**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

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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.
2. In the promulgation of these guidelines, the Diocese recognizes 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 recognizes 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 Diocese's policy of **zero tolerance** towards all priests, deacons, religious, seminarians, and all diocesan employees and volunteers who abuse their power by sexually abusing children, adolescents and adults. The Diocese is 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, and all diocesan employees and volunteers in their interaction with others, but also prescribes a single 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, diocesan employees and volunteers.
5. The Diocese has reviewed Scriptures, canon law and laws of the State of Arizona in drafting these guidelines. Most importantly, the Diocese's 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 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 Diocese's actions 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, in accordance with the teachings of the Catholic Church, expects all persons employed by or volunteering within the Diocese 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 will not tolerate sexual misconduct. All priests, deacons, religious, seminarians, and all diocesan employees and volunteers 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) diocesan guidelines promulgated in these guidelines.
3. These guidelines address the role of the Diocese of Tucson 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 priests, deacons, religious, seminarians, and all diocesan employees and volunteers. While the procedures will aim to balance the rights of the victims 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 cover all priests, deacons, religious, seminarians, and all diocesan employees and volunteers, whether full time or part time, who work or volunteer within any organization designated as a diocesan entity.

IV) DEFINITIONS

A) *Sexual Misconduct with Children and Adolescents*

1. In order to clearly define the policies of the Diocese with regard to sexual misconduct by all priests, deacons, religious, seminarians, and all diocesan employees and volunteers, 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 diocesan 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. Diocesan policy does not.
2. *Sexual Misconduct*: Sexual misconduct is any type of sexual contact between an adult and a minor of either sex, whether consensual or non-consensual, that includes but is not limited to such contact that is prohibited by law. Sexual misconduct includes contacts or interactions between a minor and an adult when the minor is being used as an object of sexual gratification for the adult. A minor is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not the minor initiates it, and whether or not there is discernible harmful outcome. This definition of sexual misconduct also includes by reference the following other definitions 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. It also includes any behavior that could be misunderstood or be construed as an indicator of potential sexual conduct, e.g., activities that involve excessive physical contact with minors such as wrestling, tickling and other physical horseplay. It also includes any breach of professional trust that has as its intent sexual contact or activity with a minor.
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 S 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 S 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 1 felony. (Arizona Revised Statutes S 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 S 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 who discovers or reasonably believes that such picture(s) or displays of a minor are on a computer or any storage medium associated with the ministry, including virtual depictions, is required to make a report to the diocesan Compliance Officer. He or she is encouraged to make a report to law enforcement. (Arizona Revised Statutes S13-3551, et. Seq.)
9. *Showing Pornography to a Minor:* It is against diocesan policy 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 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 S13-3507)
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, or any diocesan employee or volunteer 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, or any diocesan employee or volunteer 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 occurs when a priest, deacon, religious, seminarian, or any diocesan employee or volunteer intentionally engages in sexual contact, intercourse, fondling or touching with another adult in the context of providing pastoral, counseling or other care.
3. *Sexual Exploitation:* Sexual exploitation is defined as any kind of sexual interaction between a priest, deacon, religious, seminarian, or any diocesan employee or volunteer 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 diocesan employee or volunteer 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, or any diocesan employee or volunteer. Sexual harassment in the workplace is governed by diocesan human resources policies.
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 FOR 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, and all diocesan employees and volunteers, the Diocese of Tucson has established a new Office for Child, Adolescent, and Adult Protection. A diocesan Compliance Officer will direct this office and will report administratively to the Bishop and functionally to the Sexual Misconduct Review Board.

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. Diocesan Compliance Officer
 - a. The full time position of Compliance Officer will be established and maintained at the diocesan level for the primary purpose of ensuring compliance by every diocesan organization and all diocesan personnel with every aspect of the Diocese's Sexual Misconduct Guidelines.
 - b. The Compliance Officer reports administratively to the Bishop and functionally to the Sexual Misconduct Review Board.
 - 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 Compliance Officer will conduct site visits to all entities of the Diocese to explain the guidelines and to audit for compliance and appropriate record keeping. The Compliance Officer will also conduct regular visits and surveys of parishes to monitor compliance with these guidelines.
 - e. Complaints of any violation of these guidelines are to be directed to the Compliance Officer. 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 Compliance Officer, he or she will promptly conduct an internal investigation, within the confines of the law if a civil investigation is underway.
 - f. The Compliance Officer will review the results of his/her internal investigation with the Bishop 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 Compliance Officer 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. The Compliance Officer 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.

1. Local Compliance Representatives
 - a. A member of each local entity (parish, school, service unit, etc.) is assigned the additional duty of ensuring local compliance with all the diocesan 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 Compliance Officer 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 within the diocese, review all allegations of sexual misconduct (including the investigative reports of both law enforcement agencies and the Compliance Officer), and make recommendations to the Bishop 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.
2. *Composition:* The Sexual Misconduct Review Board will be comprised of nine (9) members appointed by the Bishop. Six (6) members will be laypersons who are not employees of the Diocese, and three (3) 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 three (3) 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:* Five (5) members of the Sexual Misconduct Review Board will constitute a quorum. At least three (3) members of the quorum must be lay members. For disciplinary matters, at least seven (7) members will vote, at least four (4) must be lay members, and the majority rules.
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 a second term.

6. *Relationship with the Bishop:* The Sexual Misconduct Review Board will serve as the principal agent of the Bishop 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 Compliance Officer, and when hired, oversee the activities and job performance of the Compliance Officer.
 - b. Ensure that allegations concerning child abuse or a sexual offenses of a 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 Compliance Officer.
 - 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 regarding the disposition of individuals determined by the Board to have acted in violation of these guidelines. The Board must report to the Bishop 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 Compliance Officer, 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 Compliance Officer in their development and implementation.
 - i. 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 Compliance Officer 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 Compliance Officer 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 or employee, 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 or employee 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 Compliance Officer 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. 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 Diocese, when investigating an incident not reportable by law, will not normally consider an allegation that does not disclose the identity of an 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

It is the policy of the Diocese not to enter into confidential settlement agreements unless the victim requests it. Such agreements, however, do not alter the Diocese 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, and all Diocesan Employees and Volunteers

All priests, deacons, religious, seminarians, and all diocesan personnel and volunteers who work within the entities of the Diocese of Tucson 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, and all diocesan employees 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 of diocesan adults towards children and adolescents under their care must include the following:

1. An adequate number of adult supervisors will be present at events involving children and adolescents.
2. Priests should avoid being alone with children and adolescents. For example, they should avoid being alone in the sacristy with altar servers.
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 diocesan 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.

8. Anyone covered by this policy should not visit places that engage in displays of sexually explicit behaviors or sexual acts.
9. 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.
10. 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 or adolescent's parents or guardians must, at all times, be notified of the meetings, the times, and the locations.
11. 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 Compliance Officer and others as appropriate, such as the administrator or supervisor involved (see section VII, Reporting Allegations of Sexual Misconduct).

C) Prevention Through Education

Church personnel, as representatives of the Diocese, 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 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 through the major diocesan institutions. All new personnel employed by the Diocese and its institutions and all new volunteers will be made familiar with these guidelines during their orientations.

1. **Mandatory Continuing Education for All Priests, Deacons, Religious, Seminarians, Diocese Employees and Volunteers**
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 the Church and volunteers who work regularly with children and adolescents, have an obligation to be informed about sexual misconduct and the effects of both because in many cases, they have frequent contact with children and are trusted by them. Teachers and other lay personnel in the Diocese will be provided with current information and up-to-date resources to increase their understanding of these issues. The Diocese will direct schools and parish youth programs 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. Schools and religious education programs in the Diocese 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 within the Diocese (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 Diocesan Personnel

1. General

The processes used and the decisions made at the entry point into the diocesan system, 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 Diocese 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 and all of its 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, diocesan employees, and all volunteers who minister to children, adolescents or vulnerable adults. Periodic repeated criminal background checks may be initiated by the Diocese 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 within the Diocese, prior to tending any offer to employ, sponsor or place any employee, volunteer, seminarian or in-transferring religious/clergy who ministers to children, adolescents, or vulnerable adults. Transfers of individuals into, out of or within the Diocese without complete disclosure 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.
- 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 Vocations 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. Each seminarian will be assigned a mentoring priest (someone other than his confessor) beginning no later than the second year of theology and continuing at least through his first two complete years as an ordained priest. The mentoring priest will provide orientation and guidance and be a helpful source of information or assistance for the seminarian.
- d. The Diocese's Vocations Review Committee is charged with the following responsibilities:
 - (1) Review the applications and related background checks and testing

- results of all candidates for the priesthood.
- (2) Interview all seminary candidates and make recommendations to the Bishop to sponsor or not sponsor each of them for formation for the priesthood.
 - (3) Convene and review at least once annually all reports and evaluations provided by the seminary, pastoral assignment supervisors and/or mentors on each seminarian, and develop a consensus recommendation to the Bishop regarding the continuation or removal of sponsorship for the seminarian.
 - (4) Order a new criminal background check within six months prior to anticipated ordination to the diaconate or to the priesthood.
 - (5) Convene special review meetings for each seminarian just prior to his ordination to transitory deacon and to the priesthood to review all files, recommendations and background checks and to make recommendations to the Bishop.
- e. Special care must be taken with seminarians from foreign countries to ensure the validity of psychological testing and to ensure that criminal background checks employ standards of evaluation and selection equivalent to those used for seminarians from the United States. Cultural indoctrination of such seminarians must aid them in recognizing the social, cultural and legal variances on sexual conduct between their country and the United States. It also must prepare them to minister within the culture of the United States and to be aware of acceptable personal behavior according to cultural norms of the United States.
- f. Homosexuality is not a bar to receiving God's call or being accepted by this Diocese as a seminarian, and to subsequently being ordained. However, homosexuality presents some special issues and risks, particularly in the intimate environment of the seminary. While the requirement of a commitment to celibacy and chastity is the same for heterosexuals and homosexuals alike, there must be both awareness of and support for the challenges confronting the homosexual.

VII) REPORTING ALLEGATIONS OF SEXUAL MISCONDUCT

If, in spite of prevention and education practices, sexual misconduct against children, adolescents or vulnerable adults takes place or is suspected of having taken place in the past, the following reporting procedures must immediately take effect.

A) *Sexual Misconduct with a Child or Adolescent*

1. Duty to Report

- a. In general, school personnel, parents, counselors, social workers, clergymen or priests, or any other persons having responsibility for the care or treatment of minors (i.e. children or adolescents under 18 years of age) whose observation of, examination of, or hearing of an allegation by a minor that he or she has been the victim of child abuse or a sexual offense are required by Arizona law to report such actions to the appropriate law enforcement agency of jurisdiction.
- b. These guidelines also establish diocesan policy that requires reporting sexual misconduct to the Compliance Officer. In addition, although Arizona law does not require the reporting of a non-contact sexual offense (i.e. indecent exposure or public sexual indecency), diocesan policy strongly encourages such instances of sexual misconduct to be reported to law enforcement, and requires reporting to the Compliance Officer.
- c. Reports to law enforcement must be made immediately by telephone or in person, and followed up with a written report within 72 hours. It is not the obligation of the person who believes that child abuse or a sexual offense has been committed against a child or adolescent to determine whether the observation, examination or 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. Diocesan policy requires that sexual misconduct must be reported to the Compliance Officer 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 Compliance Officer.
- e. The only exception for this rule is the exemption to the reporting requirement that is found in the Arizona Revised Statutes 13-3620 for 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 establish diocesan policy that requires reporting these cases to the Compliance Officer, and strongly encourages reporting them to law enforcement as well. Law enforcement will ordinarily only act upon such complaints 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 Compliance Officer 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 Compliance Officer 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 diocesan Compliance Officer 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 Compliance Officer.

4. Follow-up

The Compliance Officer will notify all appropriate parties within the Diocese 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 Diocese any allegation of a sexual offense by priests, deacons, religious, seminarians, diocesan employees or volunteers of the Diocese 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 only such complaints if the adult person who reports them is the victim.
 - c. Notwithstanding the previous paragraph, the Diocese strongly encourages 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 Diocese
 - 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 diocesan Compliance Officer.
 - b. Anyone who has observed or has evidence of or information about any priest, deacon, religious, seminarian, employee or volunteer of the Diocese having engaged in sexual misconduct with an adult as defined under these guidelines, is strongly encouraged to report such allegation to the diocesan Compliance Officer.
3. Follow-up

The Compliance Officer will notify all appropriate parties within the Diocese, 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. The Diocese of Tucson will strive to treat 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 with sensitivity, care and respect. While the investigation is being conducted by law enforcement, the diocesan Compliance Officer 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 Compliance Officer 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 Compliance Officer 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 Compliance Officer and the family will jointly decide who will be responsible for contacting such an individual and to whom (the family or the Compliance Officer) such a person will be requested to report.
3. The Compliance Officer 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 Compliance Officer will be responsible for reassuring the person that there will be no retribution against him or her regarding his or her position or job in the Diocese as a result of reporting sexual misconduct. If the person making the allegation believes he or she is in physical danger, the Compliance Officer will notify law enforcement and relevant diocesan officials.
5. After the verdict, the Compliance Officer will seek resources that promote spiritual and psychological healing, and reconciliation when possible.

B) Adult Victims, Families, and the Persons Reporting Sexual Misconduct

1. The Diocese of Tucson 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 diocesan Compliance Officer is the primary source of ongoing communication with the victim, the family and the person who alleges sexual misconduct. The Compliance Officer is responsible for ensuring that the

victim's (and the accusing person's if different from the 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 victim will vary with the circumstances of each case.

2. If the person reporting sexual misconduct is other than the victim, the diocesan Compliance Officer will take the information and determine a course of action. The Compliance Officer 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 Diocese will assist in whatever way necessary to protect the person or obtain an order of protection issued by the court.
3. During the internal investigation, the Compliance Officer has a responsibility to monitor the state of the victim, the person who reported, and the accused. Given the resources available to the Diocese or through the Diocese, the Compliance Officer will offer assistance to any person involved in the case.
4. After the verdict, the Compliance Officer 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 Compliance Officer 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. The accused'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 Compliance Officer 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 Compliance Officer will arrange a meeting as soon as possible, but certainly within five (5) business days with the accused, his pastor or department head for the purpose of informing him or her in writing of the allegations. The accused'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's well being; and offer specific resources available to the accused.

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 their

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 Diocese will offer to the parish the necessary spiritual assistance to address these issues. The parish will contact the Compliance Officer 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 diocesan spokesperson, after consulting with the Compliance Officer and legal counsel, will speak directly to the public through the media regarding allegations of sexual misconduct by any diocesan priest, deacon, religious, seminarian, employee or volunteer. 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 will communicate with the community either by public appearance or through the media. He will inform the community of the support available through the Diocese and 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 Compliance Officer 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 diocesan employee or volunteer 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) the diocese collaborates fully with law enforcement authorities in the conduct of their investigation, 5) the victim, his or her family, and the person reporting the misconduct are provided assistance and support, 6) recommendations are made to the Bishop as to the preliminary disposition of the accused party, and 7) recommendations are made to the Bishop regarding the final disposition of the accused.

A) Reporting and Immediate Response

1. Upon receipt of an allegation, the Compliance Officer 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 Compliance Officer will brief the victim on his or her options, and encourage the victim to report the crime to law enforcement authorities if appropriate.
3. The Compliance Officer will move expeditiously to ensure the safety and well-being of the alleged victim, and will bring any assistance necessary to the 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 Compliance Officer will promptly inform the Chairperson of the Sexual Misconduct Review Board and the Bishop of the allegations. If the accused is not otherwise detained or incarcerated, the Compliance Officer, in consultation with the Chairperson of the Sexual Misconduct Review Board, will make a recommendation to the Bishop 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 accused will be promptly relieved of his or her ministerial duties, employment or volunteer service during the investigation and will be monitored and closely supervised.
5. The Compliance Officer 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. For the sake of all parties involved, the accused will be immediately monitored and

closely supervised. Pending final resolution of the matter, the accused may be assigned new duties under close supervision, or priests, deacons and seminarians may be given a paid leave of absence from official duties, employees may be placed on paid or unpaid leave of absence, and volunteers on an 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 victim's family. 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 victim's family.

B) First Stage Review

1. The Compliance Officer 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 Compliance Officer 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 victim and other children and adolescents; and in cases where an internal investigation will not obstruct law enforcement investigations, instruct the Compliance Officer 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 mental, moral, and spiritual status.
4. The Compliance Officer will prepare written reports of these inquiries for the Sexual Misconduct Review Board. These reports should include descriptions of actions taken by the Compliance Officer, such additional inquiry as may be required, and identification of information that was not available to the Compliance Officer.
5. If the charges of sexual misconduct are found to have no merit, the Review Board will inform the Bishop and he will act promptly to inform all parties of the Review Board's investigation and conclusion, and will do everything in his 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 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 whether he or she should be relieved or continue in his assignment and, if so, whether any restrictions should be imposed upon him or her. The Review Board will direct the Compliance Officer 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 Compliance Officer, 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 Compliance Officer, 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 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 Compliance Officer, the Bishop, an accused individual, 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, by the Compliance Officer, or by both, and a priest, deacon, religious, seminarian, or diocesan employee or volunteer is found guilty of sexual misconduct with a child, adolescent or adult, the Sexual Misconduct Review Board will recommend to the Bishop the appropriate disposition of the individual as described in Table 1. If the individual found to be guilty is a priest, deacon or 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 consequences to be meted out to individuals convicted by civil authorities or found guilty of violating these guidelines by the Sexual Misconduct Review Board:

Table 1	
Act	Consequences
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.	Immediate and permanent removal from ministry for clerics and religious, and removal from employment or volunteer role for employees/volunteers. Laicization process or dismissal from the clerical state in harmony with Canon law to be initiated for ordained ministers, 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. In some cases, the consequence may involve severe discipline, including the possibilities of reassignment to childfree ministries or the permanent removal from ministry for clerics and religious, and from employment or volunteer role for employees/volunteers. Laicization is also a possible outcome.
c. Accusations are unsubstantiated by law enforcement and the Sexual Misconduct Review Board.	The Bishop and the Sexual Misconduct Review Board will inform all appropriate parties and do everything in their power to restore the good name and reputation of the accused.

3. The Compliance Officer 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 Compliance Officer 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 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, policies concerning ecclesiastic procedures will also apply. In the case of a diocesan employee or volunteer, diocesan human resources procedures will apply.