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**Roman Catholic Diocese of Phoenix**  
**POLICY ON SEXUAL MISCONDUCT**  
**BY DIOCESAN PERSONNEL**

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**September, 1998**

# The Roman Catholic Diocese of Phoenix Policy on Sexual Misconduct by Diocesan Personnel

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September, 1998

Dearly Beloved in Christ:

This document, is the first revision of the "Policy on Sexual Misconduct by Diocesan Personnel" created in 1995 for the Diocese of Phoenix by a 22-member commission made up of clergy, religious and laity from a variety of professions. I am grateful to them for producing this very comprehensive policy to guide us through those difficult situations when diocesan personnel are accused of sexual misconduct.

The Commission worked hard in assuring that there was a balance in protecting and addressing the rights and interests of the victim, the accused, the Church and its members.

People who are employed or volunteer for the Diocese have a special responsibility to the people they serve. While Diocesan personnel are human and subject to human failings, the reality is that sexual misconduct by Diocesan personnel will be perceived not merely as a personal failure but a failure on the part of the Church itself.

The teachings of the Catholic Church are directed at emphasizing the positive aspects of human sexuality through responsible sexual conduct. Sexual misconduct is exploitive and victimizing and a misuse of the gift of human sexuality. Of most particular concern is sexual misconduct involving children. This policy addresses sexual misconduct and especially the evil of the sexual abuse of children in strong and effective terms.

Of primary importance is the educational component that is required, on a continuing basis, for all Diocesan personnel - clergy, religious, lay personnel and volunteers. Thousands of people have attended the educational workshops conducted by our Diocesan Human Resources Department. This effort must and will continue.

This policy deals with sexual misconduct in a manner that is in keeping with our role as Church - providing counseling and pastoral care so that victims and accused alike know that the Church is there for them to bring healing and reconciliation. In this effort, our faith and our prayers play vital roles.

Asking God's Blessing on all of you, I remain,

Faithfully yours in Christ,

Most Rev. Thomas O'Brien, D.D.  
Bishop of Phoenix

## **BACKGROUND**

In 1990 The Catholic Diocese of Phoenix implemented written policies entitled, "Allegations of Abuse of Minors..." with respect to clergy, employees and volunteers. It was one of the first Dioceses in the country to have such a policy for priests, deacons, school personnel, employees and volunteers.

In December, 1993, the Most Reverend Thomas J. O'Brien, Bishop of the Catholic Diocese of Phoenix, announced publicly that he was forming a special Commission to review all of the Diocesan policies which related to sexual abuse of minors and to frame one policy which addressed sexual misconduct by all personnel of the Church.

The 22-member Commission met on a regular basis over a 14-month period and on February 21, 1995 recommended the following policy to the Bishop. The Commission was made up of laity, religious and clergy from throughout the Diocese representing various professional areas, including law enforcement, behavioral sciences, clergy, business, and victim representatives.

This policy was also reviewed and approved by the Presbyteral Council and the Diocesan Pastoral Council. This policy prohibits sexual misconduct by Diocesan Personnel. All Diocesan Personnel (as defined in §3.C. of this document) are required to comply with the procedures and processes as set forth in this policy.

### **§ 1. MISSION STATEMENT OF COMMISSION ON SEXUAL MISCONDUCT:**

§ 1.A.1. The mission of the Catholic Diocesan Commission on Sexual Misconduct is to formulate a policy addressing the role of the Church of Phoenix in: espousing the moral values of the Church; preventing sexual abuse and other forms of sexual misconduct, through a program of education and advocacy; and responding effectively to allegations or instances of sexual misconduct by clergy, religious and other ministers, employees and volunteers of the Church. In this effort, the Commission is to balance the rights of the victim and those of the accused while taking into account the interests of the public, state and the Church.

### **§2. RIGHTS OF INVOLVED PARTIES:**

§2.A. 1. It is the intent of this policy to provide a fair and just process to all parties in dealing with allegations of sexual misconduct.

§2.A.2. Such fairness in process shall 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.

### **§3. DEFINITIONS:**

§3.A. - Diocese of Phoenix

§3.A.1. In this policy the term "Diocese of Phoenix" shall mean "The Roman Catholic Diocese of Phoenix" which is a Corporation Sole with the

Bishop of Phoenix as its pastoral and administrative head.

§3.A.2. Catholic entities listed in the Official Catholic Directory (P.J. Kenedy and Sons) or the Diocese of Phoenix Directory which do not fall under the umbrella of the Corporation Sole are not part of this policy.

§3.A.3. Catholic Social Services of Central and Northern Arizona, The Foundation for Senior Living, and the Catholic Community Foundation are separate corporations from the Diocesan Corporation sole.

### §3.B. – Chancellor

§3.B.1. "Chancellor" shall mean the individual holding the title of Chancellor of the Roman Catholic Diocese of Phoenix or his/her designee. In the event the Chancellor is not able to serve, the term "Chancellor" shall be understood to mean, the Assistant Chancellor.

### §3.C. - Diocesan Personnel

This policy applies to the following:

- §3.C.1. All incardinated clergy in the Diocese.
- §3.C.1.A. Clergy refers to priests, both permanent and transitional deacons. §3.C.2. All religious order priests and deacons who have faculties or who work or are assigned to this Diocese.
- §3.C.3. All priests and deacons from other Dioceses working for the Diocese of Phoenix.
- §3.C.4. All women and men religious working for the Diocese.
- §3.C.5. All non-ordained persons to whom the pastoral care of a parish is entrusted according to C517 S.2 of the Code of Canon Law.
- §3.C.6. All seminarians.
- §3.C.7. All paid personnel at: Diocesan Administrative Offices, Parishes, Catholic Schools, Kino Institute, Mount Claret Center, all Newman Centers, and Catholic Cemeteries.
- §3.C.8. All volunteers.

### §3.D. - Sexual Misconduct

§3.D. 1. Any kind of sexual contact or inappropriate touching of a minor.

§3.D.2. Any breach of professional trust which has as its intent sexual contact or activity with minors or adults.

§3.D.3. Any inappropriate behavior which could be misunderstood or be construed as an indicator of potential sexual misconduct as defined above. Because of the potential for misunderstanding and given the particular concern for minors, Diocesan personnel will avoid behavior including but not limited to the following:

- §3.D.3.A. Activities that involve excessive physical contact with minors (e.g., wrestling, tickling and other physical "horseplay").
- §3.D.3.B. Having minors (who are not family members) with whom there is a work relationship, in their home or residence without another adult present. Where this policy permits a minor to be in the home or residence without another adult present, any inappropriate behavior must be scrupulously avoided by Diocesan personnel.

- §3.D.3.C. Vacations with minors (who are not family members) unless parents or other adults are present.
- §3.D.3.D. Field trips or other outings involving minors in places and situations where no other adults are present.

§3.E. - Categories of Sexual Misconduct

§3.E.1. Category 1: Alleged sexual abuse/sexual misconduct with a person who is under the age of 18.

§3.E.2. Category 2: Alleged sexual abuse/sexual misconduct in the past with a person who was under the age of 18 at the time of the alleged sexual abuse/sexual misconduct where the alleged victim is no longer under the age of 18.

§3.E.3. Category 3: Other alleged sexual misconduct as defined in Section 3.D above.

**§4. APPLICABLE LAWS:**

§4.A.1. This policy will be implemented in accordance with Church law and all other applicable federal, state, and local laws and ordinances. All Diocesan personnel must comply with these applicable laws regarding incidents of actual, alleged or even suspected sexual misconduct and with procedures outlined in this document.

**§5. OBLIGATION TO REPORT:**

§5.A.1. This policy prohibits sexual misconduct by Diocesan personnel; therefore it is the obligation of all Diocesan personnel to report immediately to the Chancellor alleged sexual misconduct by any Diocesan personnel.

§5.A.2. Allegations of sexual misconduct must be reported immediately to the Chancellor at (602) 257-0030. The Chancellor may delegate a responsible official of the Diocese to receive allegations.

§5.A.3. Failure to report immediately to the Chancellor instances of sexual misconduct by Diocesan personnel will be subject to disciplinary action up to and including dismissal.

§5.A.4. The Arizona Revised Statutes states that any person having responsibility for children, whose observation or examination of a minor discloses reasonable grounds to believe that a minor is or has been the victim of non-accidental injuries must report such information to a peace officer or to Child Protective Services. There are also Federal statutes which contain different requirements applicable to Indian Reservations. There are also Arizona laws dealing with reporting requirements with respect to the abuse of incapacitated or vulnerable adults. This policy will be implemented by all Diocesan personnel in conformance with applicable Arizona and Federal laws.

§5.A.5. If a person of any age reveals abuse to a priest during confession, the priest-penitent confidentiality cannot be breached. If a person reveals abuse to a priest outside of a confessional context, the priest shall report the allegation immediately to the Chancellor in accordance with the

provisions of this section.

## **§6. PROCEDURES WHEN ALLEGATIONS ARE RECEIVED:**

### §6.A. - Allegations of Sexual Misconduct

§6.A.1. The Chancellor will initially determine in which of the categories of sexual misconduct (as defined in Section 3.E) the allegation belongs.

§6.A.2. The Chancellor will inform the person making the allegation that the Diocese has a policy and procedures to be followed after receiving an allegation of sexual misconduct and that the policy has been activated. The person will be told that he/she will be informed as to the results of the investigation of the allegation.

§6.A.3. The Chancellor will immediately inform the Bishop that an allegation has been received and is being investigated.

### §6.B. - Anonymous Allegations

§6.B.1. A formal investigation of an allegation of sexual misconduct is not done on the basis of anonymous information. A person accused may be notified of an anonymous allegation at the discretion of the Chancellor.

### §6.C. - Unspecified Allegations

§6.C.1. A formal investigation of an allegation of sexual misconduct is not done on the basis of unspecified information. An allegation which does not disclose the identity of an accused will be considered an unspecified allegation.

### §6.D. - False Allegations

§6.D.1. There is always the possibility of false allegations. Criminal, civil, and Canon law provide penalties for knowingly reporting a false accusation.

### §6.E. - Investigatory Committee

§6.E.1. Composition of the Committee

§6.E.1.A. A standing Investigatory Committee will be composed of the Chancellor, Diocesan Attorney, and at least one lay person not employed by the Diocese. Other clergy, religious, laity may be appointed by the Bishop and/or Chancellor.

§6.E.1.B. The lay member(s) of the Committee will be appointed by the Bishop to serve a three-year term. Members may be reappointed.

§6.E.1.C. Alternate lay members may be appointed by the Bishop to ensure lay representation when the Committee is called to meet.

§6.E.1.D. At the direction of the Chancellor, others, such as the Vicar for Priests (for allegations against a priest), the Director of the Permanent Diaconate (for allegations against a deacon), the Superintendent of Schools (for allegations against a school employee), the Diocesan Director of Human Resources/Personnel (for allegations against a lay employee), or other designees may be added to the Investigatory Committee on a case-

by-case basis.

#### §6.E.2. Convening the Committee

§6.E.2.A. Upon receiving an allegation of sexual misconduct the Chancellor will initiate an investigation by calling together the Investigatory Committee.

§6.E.2.B. If an allegation is made directly to the Chancellor by an alleged victim who is a minor, the Chancellor shall immediately report the allegation to the proper civil authorities in accordance with Arizona and/or Federal laws..

§6.E.2.C. The Investigatory Committee will be called to meet by the Chancellor within 24 hours of an allegation of sexual misconduct being received. If a Committee member is unavailable (due to being out of town, etc.) a representative may be selected by the Chancellor to attend the meeting on his/her behalf.

#### §6.E.3. Duties of the Committee

§6.E.3.A. The Investigatory Committee will review the details of the alleged incident. They will attempt to initiate interviews as necessary with the alleged victim, the person alleged to be involved, the person reporting the allegation, and any other witnesses to gather additional information as required.

§6.E.3.B. The Investigatory Committee will determine if the incident is reportable under Arizona and Federal laws. If it is, the Committee will decide, based on the nature of the alleged incident, to report the information to a peace officer or the Child Protective Services of the Arizona Department of Economic Security, pursuant to the Arizona reporting statute and/or to the Federal authorities when applicable. The decision as to which path of reporting is appropriate will be based on the nature of the alleged incident.

§6.E.3.B.1. If a report is required under Arizona or Federal law, it will be made by the Diocesan Attorney (or the Chancellor in the absence of the Diocesan Attorney) in accordance with Arizona and Federal laws.

§6.E.3.C. After review by the Committee, the Chancellor will inform the Bishop of the nature of the allegation and the results of the Committee's initial investigation.

§6.E.3.D. If the Investigatory Committee finds the allegation is justified, or when it activates the Community Response Team, the Bishop or his designee will immediately inform the supervisor of the accused as to the nature of the allegation and the action of the Diocese.

§6.E.3.E. After the Committee has made a determination, the Chancellor will inform the person making the allegation whether or not the Committee believes there are reasonable grounds to report the incident. If the decision has been made that there are no reasonable grounds, the Chancellor will inform the individual making the allegations that he/she is free to make a report to the civil and/or federal authorities or not as that person is moved by his/her own conscience.

§6.E.3.F. When the Investigatory Committee finds the allegation is likely to have an impact on a community, the Chancellor shall call together the Community Response Team within 24 hours. (See Section 8 for



Community Response Team.)

§6.E.3.G. The Investigatory Committee will report to the Bishop on the status of the investigation within 90 days.

§6.E.3.H. If a cleric seeks to return to ministry pursuant to Section 12.A.4., the Investigatory Committee shall review all written and oral reports regarding his treatment and after-care progress, his conduct, and the specific nature of the restricted ministry being proposed and submit its recommendation to the Bishop regarding such a proposed return to ministry.

§6.E.3.I. The Investigatory Committee will meet at least twice a year pertinent to its investigatory role.

## **§7. ADMINISTRATIVE LEAVE OF ACCUSED:**

§7.A.1. Administrative leave is not a presumption of guilt or innocence but is done to allow for an unimpeded investigation and to protect the public as well as the accused and the Church. At the time an individual is placed on administrative leave under the provisions of this policy, the place of ministry/employment will continue to assume responsibility for salary and benefits for a reasonable length of time as determined by the Chancellor in consultation with the administrator of the place of ministry/employment.

§7.A.2. PLACEMENT ON LEAVE - The Bishop or administrative head may immediately place a person accused of sexual misconduct on administrative leave or restrict the person from active public ministry or employment, pending the outcome of the investigation by the Investigatory Committee, any investigation by law enforcement and/or the outcome of any criminal proceedings. This decision will be based upon the nature and the circumstances of the allegation.

§7.A.3. TERMS OF LEAVE - If the accused is a cleric, the administrative leave will be in accordance with Church law. If the accused is an employee of the Diocese, the administrative leave is with pay and benefits for a reasonable length of time as determined by the Chancellor in consultation with the administrator of the place of ministry/employment.

§7.A.4. RELOCATION - When there is a finding that the safety of any person, including the accused, may be at risk and the accused is living on Diocesan property, the accused may be required to move from that location. When such an accused is a cleric such cleric will move to a location approved by the Bishop within the local jurisdiction until the conclusion of all legal inquiry.

## **§8. COMMUNITY RESPONSE TEAM:**

§8.A.I. The Church must minister to the affected communities and the community at large and respond with Christian love and concern to the alleged victim and the accused. The response of the Church to the place of ministry/employment and other communities who may be affected is extremely important.

§8.B. Composition of the Team

§8.B. 1. A standing Community Response Team (CRT) will be established by the Bishop to coordinate the response of the Diocese to the place of ministry/employment.

§8.B.2. A Chairperson and members of the CRT will be appointed by the Bishop and drawn from individuals in the following fields: health care, clergy, religious involved in pastoral ministry, mental health and one person who has been a victim of sexual abuse or a parent of a victim of sexual abuse.

§8.B.3. At least two of the members shall be lay members not employed by the Diocese. §8.B.4. The members shall serve a three-year term. Members can be reappointed.

§8.B.5. Alternate members may be appointed by the Bishop to ensure adequate representation when the Team is called to meet.

§8.B.6. The CRT will meet at least two times a year pertinent to its pastoral role.

§8.B.7. The Chancellor will add one or more persons from the place of ministry/employment as adjunct members of the CRT.

#### §8.C. Convening the Team

§8.C.1. When the Investigatory Committee finds the allegation is likely to have an impact on a community, the Chancellor shall call together the CRT within 24 hours.

§8.C.2. The CRT will immediately begin to coordinate the pastoral response to the place of ministry/employment and any other communities affected.

#### §8.D. Duties of the Team

§8.D. 1. The CRT will assist the place of ministry/employment and any other communities affected in dealing with traumatic events, such as allegations of sexual misconduct.

§8.D.2. An action plan will be developed and carried out to provide accurate information, restore trust, and facilitate healing.

§8.D.3. The CRT will meet as necessary to carry out this function.

§8.D.4. The CRT will assist the place of ministry/employment in assessing the need for planning special liturgies such as prayer services or a Mass for healing.

§8.D.5. The CRT will make recommendations for dissemination of information and pastoral outreach to other affected communities including the immediate families of a victim and an accused.

§8.D.6. The CRT will develop a recommendation for the Bishop concerning the involvement of Church leadership in ministering to the affected community in the recognition that in many cases it will be important for the Bishop himself to visit the place of ministry/employment as soon as possible to reassure the community that the Church is concerned and is quickly acting to address the situation in a Christian manner.

## **§ 9.SUPPORT COORDINATORS:**

§9.A.1. The Bishop will appoint persons to serve as support coordinators for a three-year term who will be directly accountable to the Bishop for pastoral outreach. These support coordinators may be reappointed.

§9.A.2. When a formal allegation has been received two Support Coordinators will be assigned. One will be designated for the alleged victim and his/her family and a second support coordinator will be designated for the accused.

§9.A.3. The support coordinator's primary responsibility is to coordinate the resources necessary for pastoral healing to the alleged victim and the accused. It is essential that the support coordinator focus on these responsibilities during the period of investigation and specifically avoid discussion of the allegation.

## **§10. CARE FOR VICTIMS OF SEXUAL MISCONDUCT:**

§10.A.I. The Church does not condone sexual abuse/sexual misconduct by its personnel. The response of the Church to alleged victims and families is extremely important. Sexual abuse/sexual misconduct is a breach of trust. Victims of alleged sexual abuse/sexual misconduct by Diocesan personnel must be given primary attention because such a breach of trust often leads to feelings in the victim and his/her family of betrayal by the alleged accused and alienation from the Church. The Church's response must include interventions on behalf of victims and their families designed to heal this breach of trust.

### **§10.B. - The Church's Response**

§10.B.1. The Bishop or his designee will contact the victim and his/her family to offer the Church's concern and to inform them that the Diocese's policy is in effect.

§10.B.2. The Diocese will offer counseling (as described in Section 10.C.) and present the name of the support coordinator, who will work with the victim and his/her family.

### **§10.C. - Assessment and Counseling**

§10.C.1. The Diocese through the support coordinator, will offer a list of qualified counselors from which the victims and immediate families select a counselor for an assessment.

§10.C.1.A. The Diocese will assume the cost of an assessment from a qualified counselor to determine the needs of the victim. The Diocese will not pay for counseling without such an assessment.

§10.C.1.B. Recommended length of counseling and treatment goals will be in the assessment.

§10.C.2. The Chancellor will review the assessment recommendations and, in consultation with the support coordinator, will determine what constitutes a reasonable length of time for counseling to be financially supported by the Church.

§10.C.3. The Chancellor will receive progress reports from counselors to make sure goals from the assessment are met.

§10.D. - When Civil Authorities Do Not Release Name of Victim

§10.D.1. When Child Protective Services of the Department of Economic Security or law enforcement agencies do not reveal the name of a victim to the Diocese, the Diocese will ask authorities to present to the victim and/or family a letter from the Diocese which will offer pastoral care, the name of a support coordinator and counseling.

**§11. OUTREACH TO THE ACCUSED:**

§11.A.1. While seeking to prevent sexual misconduct and to assist victims, the Diocese must also adhere to the principles of the Catholic Church regarding compassion and forgiveness for wrongdoers, even at the risk that this may be misperceived as approval by the Church of the wrong itself or as insensitivity to victims. Therefore, this policy affords the accused fair treatment, dignity, and pastoral support. If an accused has engaged in serious sexual misconduct, then that individual will be removed from his/her position with the Diocese, not for retribution, but to protect others from harm and to maintain the integrity of the work relationships within the Diocese. Where an accused has engaged in sexual misconduct that is less grave, it is hoped that this policy will be a source of early intervention to redirect the accused to more positive choices regarding human sexuality.

§11.B - Assessment and Initial Treatment

§11.B.1. For incardinated priests and deacons accused of a Category 1 or 2 sexual misconduct, a comprehensive medical and psychological assessment and initial treatment as prescribed by the assessment are mandatory and paid for by the Diocese. For allegations of Category 3 sexual misconduct such medical and psychological assessment and initial treatment, in a given case, could be recommended but will not be paid for by the Diocese unless specifically directed by the Diocese.

§11.8.2. For members of religious orders/congregations, such medical and psychological evaluation and initial treatment is recommended and would be paid for by the order/congregation. Members of religious orders/congregations are "on loan" to the Diocese and are therefore responsible to the major superiors of their orders/congregations.

§11.B.3. For accused lay employees and volunteers, such medical and psychological assessment and initial treatment are recommended but will not be paid for by the Diocese unless specifically directed by Diocese.

§11.B.4. Failure to comply with a mandated or directed assessment and/or treatment under the provisions and procedures of this section can result in removal of faculties for clerics, and removal from position for lay employees and volunteers.

§11.C. - Sacramental Confession of Accused

§11.C.1. At no time after an allegation has been received does the Bishop or any priest involved in the case hear the sacramental confession of the accused. This is not intended to prevent the accused from receiving the

Sacrament. The accused is free to receive the Sacrament from any other priest with appropriate faculties.

§11.D. - Attorney Fees

§ 11.D.1. All legal expenses will be borne by the accused subject to the provisions of 11.E.1.D.

§11.E. - Allegation Not Verified

§11.E.1. When it has been determined by civil authorities and/or by the Investigatory Committee that an allegation of sexual abuse/sexual misconduct is unsubstantiated, efforts shall be taken to heal the harm done to the individual and the community if the matter was made public.

§ 11.E.1.A. A process of healing shall be offered to the parish or agency of employment with assistance from the Community Response Team.

§11.E.1.B. The Support Coordinator for the accused will facilitate a return to the ministerial position or place of employment. The support coordinator will continue regular contact with the individual to show the concern and support of the Church. Counseling may be encouraged to further assist the individual with the emotional challenges of re-entry.

§ 11.E.1.C. A concerted effort to restore the good name of the individual shall be made, including publicizing the results of the legal process.

§11.E.1.D. Because of the special canonical relationship between the Bishop and incardinated clerics, the Church will reimburse any legal expenses incurred when an allegation is not verified providing the provisions and procedures of this policy have been followed by the accused.

**§12. GUILT ESTABLISHED  
(Court Conviction or Misconduct Determined by the Investigatory Committee):**

§12.A. - Category 1 or 2 Misconduct

§12.A.1. When an accused who has committed a Category 1 or 2 misconduct is convicted of a felony sex offense by a court of law, the accused's employment is terminated, or in the case of an accused cleric, the accused is terminated from his ministerial assignment.

§12.A.2. In cases where the accused has committed a Category 1 or Category 2 misconduct and is convicted of a misdemeanor offense by a court of law, or in the case where the Investigatory Committee determines the accused did commit a Category 1 or Category 2 misconduct, the accused shall be subject to appropriate disciplinary action which, in the absence of significant mitigating circumstances, shall be presumed to be termination of employment or, in the case of a cleric, termination from ministerial assignment.

§12.A.2.a. If such a person is allowed into service in the Diocese, the Bishop and/or the Administrator of the place of employment may place restrictions on the services, such as not working with minors, requiring counseling at his/her own expense or other rehabilitative measures.

§12.A.3. Members of religious orders or congregations, clerics of other Dioceses, lay employees and volunteers whose employment is terminated or who are relieved from ministerial assignment for these reasons will not be allowed to return to service within the Diocesan agency.

§12.A.4. When the accused is an incardinated cleric of the Diocese of Phoenix and has been terminated from active ministry pursuant to paragraphs 12.A.1. or 12.A.2. above, the Bishop *may* initiate appropriate ecclesiastical processes which can result in canonical consequences up to and including the dismissal from the clerical state. If the cleric is not dismissed from the clerical state and seeks to return to ministry the cleric may return to ministry only in accordance with the following:

§12.A.4.a. Such a cleric shall never return to ministry that includes access to minors as an ordinary part of his assignment.

§12.A.4.b. Such a cleric must have undergone a treatment program, designated by the Diocese, of no less than two years duration, and obtained a favorable prognosis from those responsible for this treatment.

§12.A.4.c. Such a cleric must be successfully involved in an aftercare program designated by the Diocese and the prognosis for his treatment must continue to be positive.

§12.A.4.d. Such a cleric must not have engaged in any further sexual misconduct and must be otherwise fit for ministry.

§12.A.4.e. Such a cleric must meet the requirements of Section 13.

§12.A.4.f. Those responsible for the supervision of the cleric will be fully informed of previous misconduct.

§12.A.4.g. Such a cleric must sign a written agreement with the Diocese. The agreement must include such provision as to his restrictions, residence, therapy, supervision, and other matters as may be recommended by his therapist or by the Bishop. The Vicar for Priests, or the Director of the Diaconate will monitor the cleric's compliance with the terms of the agreement and overall performance, and will present written reports to the Bishop at least annually. The Vicar/Director, the Bishop or the cleric may initiate a supplementary review of the situation.

§12.A.4.h. If the cleric does not return to restricted ministry, the Bishop will be guided by the standards of Canon Law in determining the future financial support of the cleric. The Bishop shall consider requiring the cleric to live in a supervised setting as deemed necessary and appropriate by the Bishop. Should the cleric choose to petition for laicization, the Bishop shall offer the cleric an opportunity for continuing therapy as part of an appropriate transition program, along with assistance for occupational retraining as deemed necessary and appropriate.

#### §12.B. - Category 3 Misconduct

§12.B.1. In a case where the Investigatory Committee makes a finding that the accused committed Category 3 misconduct (other sexual misconduct), the Investigatory Committee may make recommendations to the Bishop. Such recommendations may include disciplinary actions (up to and including termination of employment or relief from assignment),

restrictions on ministry, restrictions on association with minors, recommendations for counseling or therapy or other such appropriate recommendations as the Investigatory Committee shall determine.

#### §12.C. - Review Process

With respect to all decisions made under this section the review process shall be subject to review as follows:

§12.C.1. For clerics the review process is subject to the provisions provided in Canon Law.

§12.C.2. For other employees, the Diocese provides a Diocesan Conciliation and Arbitration Process.

### **§13. REINSTATEMENT OF CLERIC:**

§13.A.1. If a cleric is terminated from active ministry due to a court conviction or misconduct determined by the Investigatory Committee and seeks to return to ministry pursuant to Section 12.A.4., the Investigatory Committee shall review all written and oral reports regarding his treatment and after-care progress, his conduct, and the specific nature of the restricted ministry being proposed and submit its recommendation to the Bishop regarding such a proposed return to ministry.

§13.A.2. Such a cleric must receive a favorable recommendation from the Investigatory Committee in order to be considered for a return to ministry.

§13.A.3. Such a cleric must also receive a favorable recommendation, independent from that of the Investigatory Committee, from a Reinstatement Committee appointed by the Bishop and composed of experts in the fields of psychology, health care, and other professions, the majority of whom are not employees of the Diocese.

### **§14. EDUCATION:**

§14.A.1. The Diocese of Phoenix recognizes that in order to more fully address the problem of sexual misconduct by Church personnel and volunteers, the Diocese will embark upon a comprehensive program of education designed to create an atmosphere of understanding that will help maintain the integrity of the pastoral, ministerial and other work relationships and prevent the misuse of power and authority.

§14.A.2. The educational component has prevention of abuse/sexual misconduct as its primary goal. This will be accomplished within the context of Church teaching, societal norms and the psychological foundations of human behavior and will focus on:

§14.A.2.A. Working definitions of sexual misconduct within pastoral, ministerial and other work relationships;

§14.A.2.B. Characteristics of coercive and exploitative sexual behavior;

§14.A.2.C. Definitions and dangers of dual relationships;

§14.A.2.D. Initial and ongoing educational strategies for maintaining the integrity of the pastoral, ministerial and other work relationships.

## **§15. MEDIA:**

§15.A.1. The Bishop will appoint one spokesperson for the Diocese, either the Chancellor, Assistant Chancellor, Director of Communications or the Diocesan Attorney. He/she shall respond to all media inquiries. In few instances, with the approval of the Bishop, another spokesperson may be appointed.

§15.A.2. The Diocesan Attorney shall brief the spokesperson on the legal boundaries of all public statements.

§15.A.3. If necessary, and with the Bishop's approval, the Director of Communications will call a news conference for the Bishop and prepare news releases and statements for the media.

§15.A.4. All Diocesan personnel will refer all calls from the media to the Diocesan Office of Communications.

## **§16. REVIEW OF THE POLICY**

§16.A.1. The Chancellor will review the Diocese of Phoenix Policy on Sexual Misconduct by Diocesan Personnel of the Church yearly.

§16.A.2. If at any time it is determined by the Chancellor, after consultation with legal counsel, that any term or provision of this policy is invalid or unenforceable, all other terms and provisions shall remain in full force and effect, and the invalid or unenforceable term or provision shall be replaced by a revised term or provision which, in the judgment of the Chancellor, is valid and enforceable and comes closest to expressing the intention of the invalid term or provision.