

Policy for the Prevention of and Response to

# SEXUAL ABUSE, SEXUAL MISCONDUCT AND SEXUAL HARASSMENT

ARCHDIOCESE OF SEATTLE

Office of Human Resources

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## INTRODUCTION

The Archdiocese of Seattle deeply cherishes the bond of sacred trust between its people and the clergy and lay ministers of the Church. As a faith community, we acknowledge the inherent worth and dignity of every person as created in the image and likeness of God. Sexual abuse, sexual misconduct and sexual harassment are abusive and harmful actions that have no place in the Church community, or in society at large.

The Archdiocese of Seattle has had a long commitment to the protection of children, youth and vulnerable adults. For more than twenty years, the Archdiocese has taken steps to assure the safety of those who are served in our parishes, schools and agencies. With the promulgation of this updated policy, we expand upon our historical efforts as we move beyond compliance and toward conversion.

*The Policy for the Prevention of and Response to Sexual Abuse, Sexual Misconduct and Sexual Harassment* applies to all Church personnel while ministering and working for parishes, schools, chancery offices and agencies of the Corporation of the Catholic Archbishop of Seattle (hereinafter referred to as “Archdiocese”).

This policy is effective October 1, 2007. It replaces the *Policy for Prevention of Sexual Abuse and Response to Allegations of Sexual Abuse of Minors* (October, 2004) and *Ministerial Responsibility Requirements* (October, 2000), and is to be administered in an open, straightforward and evenhanded manner with a commitment to providing professional assistance and compassionate support to victims; professional evaluation, due process and accountability for the accused; full cooperation with civil authorities; and prevention, education, screening and formation for the entire community. It was developed in consultation with the Archdiocesan Review Board and other professional community resource persons from the fields of counseling, law, pastoral care, education and research. We are most grateful for their expertise and assistance.

This policy is promulgated as particular law for the Archdiocese of Seattle and is complementary to the United States Conference of Catholic Bishops (USCCB) *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, which became the approved canon law for the Church in the United States in 2003 and were revised in June 2005.

## POLICY

**Sexual abuse, sexual misconduct and sexual harassment between Church personnel and those in their care is a violation of the ministerial relationship as well as Catholic moral teaching. Sexual abuse, sexual misconduct and sexual harassment between Church personnel and those in their care is prohibited and is subject to disciplinary action up to and including dismissal from employment, ministry and/or the clerical state.**

## DEFINITIONS

**Sexual abuse** is any form of sexual contact or conduct involving minors, vulnerable adults or non-consenting adults. Sexual abuse may include direct sexual contact as well as other exploitive behaviors including but not limited to:

- Inappropriate verbal stimulation;
- Taking or showing sexually explicit photographs of or to a minor or vulnerable adult; or
- Exposing a minor or vulnerable adult to pornography or other sexual activity.

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**Sexual misconduct** is sexual contact or conduct with an adult who may otherwise be consenting, however the following conditions are in place:

- The perpetrator is acting on behalf of or representing a parish, school, institution or agency of the Archdiocese; and
- There is a ministerial relationship of trust; therefore
- A disparity of power is presumed.

**Sexual harassment**, is unwelcome advances, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such a conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include, but is not limited to: sexual comments, innuendoes, displays or jokes; unwelcome invitations to sexual activity; unwelcome touches, pinches or hugs; or pressure to engage in sexual activity as a condition of employment or promotion.

**Minors** are individuals under the age of 18.

**Vulnerable adults** include:

- Any person over 60 unable to care for him or herself;
- Certain individuals with developmental disabilities;
- Anyone over the age of 18 who has a legal guardian;
- Individuals receiving in home care through a licensed health, hospice or home health care agency or from an aide hired on their own;
- Certain individuals receiving pastoral care services;<sup>1</sup> or
- Individuals incarcerated in a correctional facility.<sup>2</sup>

**Church personnel** include the following:

### 1. Priests and deacons (clerics)

- a. Clerics incardinated in the Archdiocese;
- b. Clerics who are members of religious institutes or in other forms of consecrated life, and are assigned to pastoral work in the Archdiocese or who are otherwise engaged in the care of souls, the public exercise of divine worship and other works of the apostolate (c.678);
- c. Clerics of other jurisdictions who are assigned to pastoral work in the Archdiocese, whether or not seeking incardination within the Archdiocese;
- d. Clerics who are otherwise legitimately residing within the territory of the Archdiocese and are engaged in part-time or supply ministry.

### 2. Seminarians

- a. Seminarians enrolled in the seminary program of the Archdiocese;
- b. Those enrolled in the permanent diaconate formation program of the Archdiocese.

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1. "Certain individuals receiving pastoral care services" added for policy revision effective June 2011.

2. "Individuals incarcerated in a correctional facility" added for policy revision effective July 2011.

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### 3. Religious (Men and Women)

- a. Member of religious institutes or societies of apostolic life who are working for the Archdiocese's parishes, schools or agencies or who are otherwise engaged in the care of souls, the public exercise of divine worship and other works of the apostolate (c.678);
- b. Hermits and consecrated virgins legitimately residing within the Archdiocese.

### 4. Lay Faithful

- a. All paid employees of the parishes, schools or agencies of the Archdiocese;
- b. All volunteers authorized to perform services entered into of his/her own free will on behalf of the parishes, schools or agencies of the Archdiocese and who have ongoing unsupervised contact with minors or vulnerable adults.

## SCREENING AND SELECTION

No individual with a known criminal conviction for sexual abuse of a minor or vulnerable adult, sexual misconduct or violence is allowed to engage in paid or volunteer work for the Archdiocese. In any case in which there is no known criminal conviction but in which the sexual abuse of a minor or vulnerable adult, sexual misconduct or violence is admitted or established, the individual who committed the established or admitted offense is not allowed to engage in paid or volunteer work for the Archdiocese.

### Application Forms

All regular employees must complete and sign the standard employment application form prior to being considered for employment.

Volunteers with ongoing unsupervised contact with minors or vulnerable adults are encouraged to complete and sign an application form.

### Background Checks

All Church personnel are required to successfully undergo a criminal background check conducted by the Archdiocese every three years.

### References

Clerics from other jurisdictions and members of religious institutes or societies of apostolic life must supply written references from their legitimate superior including disclosure of anything in the person's history or behavior that would make him or her unsuitable for ministry, including prior allegations of sexual abuse, sexual misconduct or sexual harassment.

Candidates for employment must have the following completed prior to the extension of an offer of employment:

- Prior employment confirmed;
- Previous two supervisors contacted;
- If they were employed previously by a parish, school or agency in the Archdiocese of Seattle, the former appointed pastoral leader, principal or supervisor must be contacted and the Office of Human Resources at the Chancery must be contacted; or
- If they are to be employed as a teacher or principal they must have completed the application process, and been approved as a candidate, through the Catholic Schools Department.

All applicants to the priesthood and/or permanent diaconate, as well as priests and deacons seeking incardination in the Archdiocese, are required to participate in psychological screening by a qualified professional, to assess their fitness for ministry and their fitness to work with minors.

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## Psychological Screening

All applicants to the priesthood and/or permanent diaconate, as well as priests and deacons seeking incardination in the Archdiocese, are required to participate in psychological screening by a qualified professional, to assess their fitness for ministry and their fitness to work with minors.

## **TRAINING**

### New Church Personnel Training

Individuals entering into service for the Archdiocese are required to complete the following within three days of starting work:

- Signed statement of receipt and agreement to adhere to the *Policy for the Prevention of and Response to Sexual Abuse, Sexual Misconduct and Sexual Harassment*;
- Signed statement of receipt and agreement to adhere to the *Code of Professional Conduct for Church Personnel*;
- Signed statement of receipt and agreement to adhere to *Reporting Suspected Abuse or Neglect of Minors and Vulnerable Adults*.

Individuals entering into service for the Archdiocese are required to complete the *Protecting God's Children* training program within 90 days of beginning work.

### Ongoing Church Personnel Training

Church personnel are required to participate in ongoing trainings as defined by the current terms of the Safe Environment Program training requirements.

### Other Training Participants

Volunteers who do not have ongoing unsupervised contact with minors or vulnerable adults, parents, youth and members of the community-at-large are encouraged to attend trainings offered by the Archdiocese.

## **REPORTING**

### Reporting Suspected Sexual Abuse

Church personnel who have reasonable cause<sup>3</sup> to believe that a child or vulnerable adult has suffered abuse or neglect, shall report such incident, or cause a report to be made, to proper law enforcement agency or to Washington State Department of Social and Health Services (DSHS) at 1-866-END-HARM (1-866-363-4276) at the first opportunity, but no later than forty-eight hours after they decide reasonable cause exists.

Anyone who has knowledge of sexual abuse or misconduct by a member of the clergy, Archdiocesan employee, or volunteer is also urged to call the Archdiocesan Abuse Hotline, at 1-800-446-7762, within, or no later than, 48 hours of learning of alleged abuse.

If the alleged abuse involves a teacher or principal, the Office of Professional Practices in the Office of the Superintendent of Public Instruction at 360-725-6130 must be notified by the Catholic Schools Department.

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3. "Reasonable cause" means a situation that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations that a child has been or is being abused.

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## RESPONDING TO ALLEGATIONS AGAINST CHURCH PERSONNEL

### Allegations of Sexual Abuse of a Minor or Vulnerable Adult

When there is sufficient evidence that sexual abuse of a minor or vulnerable adult by Church personnel may have occurred, the Archbishop initiates an investigation in accord with the norms of canon law. The Archbishop determines whether the evidence is sufficient.

The Archdiocese cooperates with civil authorities in matters under investigation.

During investigations by civil authorities or the Archdiocese, the subject of the investigation is placed on administrative leave for his/her own protection as well as the safety of the community and/or co-workers. During the administrative leave, the individual continues to receive any compensation and benefits that had been regularly received prior to the investigation. The length of the administrative leave is dependent on the course of the investigation.

Steps are taken at all times to protect the rights of all persons involved in the investigation, including the right to the protection of one's privacy and the right to a good reputation (c. 220). Any allegation of sexual abuse involving a priest or deacon is investigated in accord with the USCCB's Essential Norms.

When even a single act of sexual abuse of a minor or vulnerable adult is admitted or established after the process in accord with canon law or civil law, the offending party is to be removed permanently from ecclesiastical ministry, Church employment or volunteer work, not excluding dismissal from the clerical state, if the case so warrants (c. 1395 §2).

When an allegation of sexual abuse is not substantiated after the established process, the subject of the investigation is reinstated to his or her position. The Archdiocese works with the individual to protect, or if necessary, restore his or her good name and reputation.

### Allegations of Sexual Misconduct or Harassment

When there is sufficient evidence that sexual misconduct or harassment by Church personnel may have occurred, the Archbishop initiates an investigation in accord with the norms of canon law. The Archbishop determines whether the evidence is sufficient.

During investigations of sexual misconduct or harassment the subject of the investigation may be placed on administrative leave for his/her own protection as well as the safety of the community and/or co-workers. During the administrative leave, the individual continues to receive any compensation and benefits that had been regularly received prior to the investigation. The length of the administrative leave is dependent on the course of the investigation.

Steps are taken at all times to protect the rights of all persons involved in the investigation, including the right to the protection of one's privacy and the right to a good reputation.

When sexual misconduct or harassment by Church personnel is admitted or established after the established process, the offending party is subject to appropriate disciplinary action up to and including termination of employment or volunteer work, in accord with the norms of canon law.

When an allegation of sexual misconduct or harassment by Church personnel is not substantiated after the established process, the subject of the investigation is reinstated to his or her position. The Archdiocese works with the individual to protect or restore his or her good name and reputation.

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