

ARCHDIOCESE OF SEATTLE
Office of the Archbishop
910 Marion St.
Seattle, WA 98104-1299



July 1, 1998

Dear Friends,

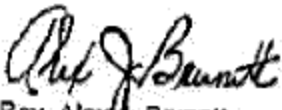
For several years the Archdiocese of Seattle has had policies in place to respond to the problem of sexual abuse, sexual misconduct or sexual harassment by clergy, professional ministers, church employees or volunteers. It is good to be able to present these policies in this booklet so that as a Church we can be accountable and responsible to the community.

The Professional Ethics Policy is an integral part of life, mission and ministry of the Church in Western Washington. The problem of unethical sexual conduct compromises the integrity of the Church's ministers, violates its fundamental principles and causes serious damage to individuals and to the whole Christian community. Such conduct is never permissible.

The response of the Archdiocese of Seattle in cases of sexual abuse or misconduct must include the pastoral care of the victim, the well-being of the community and the assessment and treatment of the offender.

I ask that you read the policy and become familiar with it. Each of us must remember that we are responsible for maintaining the integrity of the ministerial relationship in living out our ministry to God's people.

Sincerely yours in Christ,

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Most. Rev. Alex. Brunett
Archbishop of Seattle

*Archdiocese of Seattle
Professional Ethics Policy*

POLICY

It is the policy of the Archdiocese of Seattle that clergy, professional ministers, church employees and volunteer leaders are to maintain the integrity of the ministerial relationship at all times. Unethical sexual conduct between clergy, professional ministers, church employees or volunteers and those in their care is a violation of that ministerial relationship as well as Catholic moral teaching. Such conduct is therefore never permissible.

CONTEXT

The problem of unethical sexual conduct compromises the integrity of the Church's ministers, violates its fundamental moral principles, and causes serious damage to individuals and to the whole Christian community.

In their professional roles, persons in leadership positions are in positions of power vis a vis parishioners or others who seek counsel, leadership, support or pastoral care. The pastoral relationship is by definition a relationship of trust. It is the responsibility of the clergy, professional minister, church employee or volunteer leader to maintain the integrity of this relationship.

1. PROTOCOL

Anytime clergy, professional ministers, church employees or volunteer leaders use the influence of a ministerial relationship to precipitate or engage in unethical sexual conduct with employees, parishioners or clients, they involve themselves in irresponsible, unethical acts. Such behavior compromises the dignity of the human person and violates the moral teachings of the Church. Additionally, such conduct takes advantage of vulnerable persons and may be criminal in nature.

Sexual conduct may occur in a variety of situations.

A. Sexual Abuse includes all sexual conduct with children and non-consenting adults.

B. Sexual Misconduct is sexual conduct with an adult who may otherwise be consenting but with whom the perpetrator has a ministerial relationship of trust, presumes a disparity of power, and is acting on behalf of or representing the parish, school, institution or agency of the Archdiocese.¹

Clerics, with the exception of married permanent deacons, by virtue of their

state of life as defined in Canon Law, are required to observe "perfect and perpetual continence" (c. 277).²

Thus it follows that the same law admits the imposition of a penalty for such acts as can be defined as sexual abuse or sexual misconduct (c. 1395).

C. Sexual Harassment can occur any time during work or during work-related business. It includes any or all of the following:

1) **Verbal Harassment:** includes but is not limited to derogatory comments, jokes and slurs; can include belligerent or threatening words spoken to another employee.

¹ For definition of terms see Appendix 1, Page 17

² Reference is to a particular canon of The Code of Canon Law. Subsequent references are abbreviated.



2) **Physical Harassment:** includes but is not limited to unwanted physical touching, contact, assault, deliberate impeding or blocking movements, or any intimidating interference with normal work or movement.

3) **Visual Harassment:** includes but is not limited to derogatory, demeaning or inflammatory posters, cartoons, written words, drawings, novelties, clothing, or personal attire or gestures.

4) **Sexual Harassment:** includes unwelcome sexual advances, requests for sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

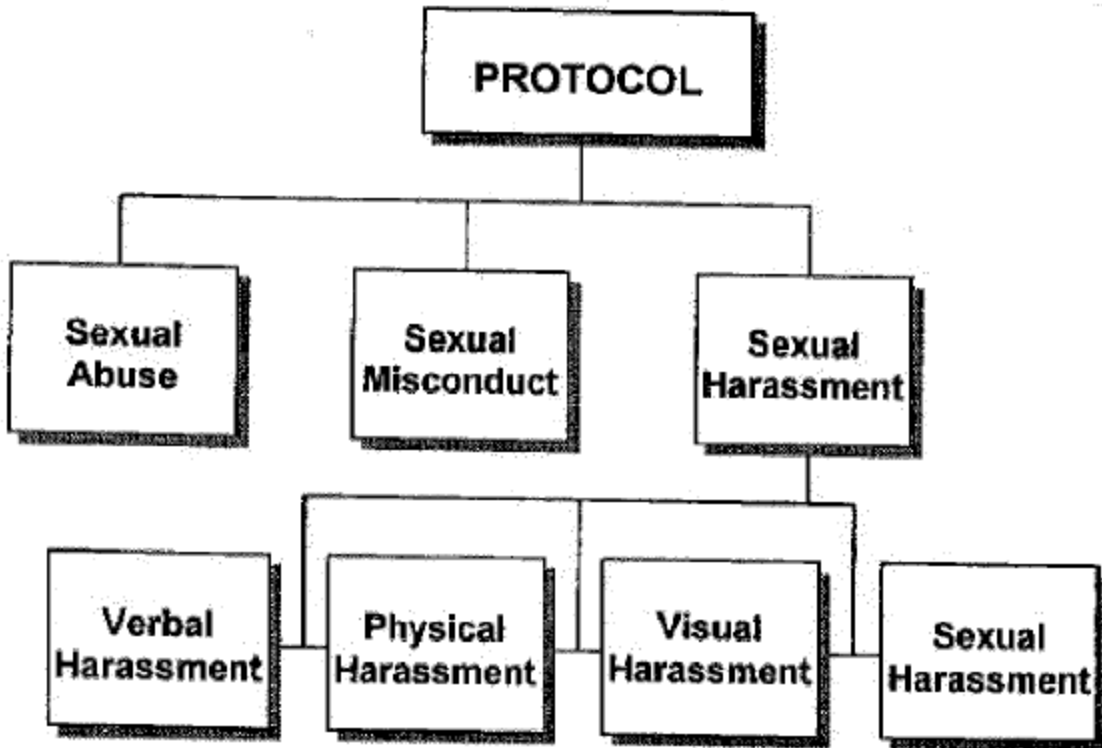
a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Prohibited sexual harassment includes offensive conduct of a verbal, physical or visual nature as defined above. Specific examples of prohibited sexual harassment may include sexual flirtation, advances, propositions, abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or the display in the workplace of sexually suggestive objects or pictures.

Summary Overview
Section 1



II. PRINCIPLES OF IMPLEMENTATION FOR SEXUAL ABUSE AND SEXUAL MISCONDUCT

The response of the Archdiocese of Seattle in cases of sexual abuse or misconduct by clergy, professional ministers, church employees or volunteers must include the pastoral care of the victim, the well-being of the community and the assessment and treatment of the offender.

Care is to be taken that all persons involved will be treated in a manner that is consistent with the gospel values of dignity, compassion, understanding and justice, as well as those standards which are normative in the wider professional community. When an accusation is made, the rights of all persons involved must be protected. Prompt and inclusive action is essential and non-negotiable.

A. Sexual Abuse is a violation of state law and will be reported to the proper authorities.

The Archbishop will refer incoming charges to the Case Manager who is responsible for handling the intake and supervising the internal investigation and the disposition of all complaints of sexual abuse and misconduct. All clergy, professional ministers, church employees and volunteer leaders are required to report in a timely way

any knowledge of sexual abuse to the Case Manager as well as to the civil authorities.³ For an explanation of the priest-penitent exception to this requirement see Appendix 2.

After the initial allegation is made to the Case Manager, it should be followed up in writing whenever possible and contain the signature of the alleged victim. In cases involving minors, the parent or guardian should sign the allegation.

³ The Case Manager is the employee of the Archdiocese who is appointed by the Archbishop as his delegate and spokesperson for cases of sexual abuse and misconduct.

After the signed allegation is received by the Case Manager, the accused individual will be informed of the allegation by the Archbishop or his delegate and will be given every opportunity to respond to the charges.

The Archdiocese will fully cooperate with civil authorities in their investigation of the charges. In the case of clerics, members of religious institutes and holders of ecclesiastical office,⁴ the Archbishop shall personally direct his delegate to assure that an outside, professional assessment takes place for both the alleged victim and the person accused. Should this be a cleric, canon law will be followed (c. 1717). These three categories of persons are singled out because of their unique relationship to the bishop or superior and because they are subject in a particular way to canon law. Decisions regarding such individuals will be guided by procedures of canon law which may include voluntary administrative leave.

Accused employees and volunteer leaders who are not clerics, members of a religious institute or holders

of ecclesiastical office may be placed on administrative leave by the appropriate diocesan supervisor or authority pending the outcome of the civil and internal investigation.

The Archdiocese will balance the need to protect children or others who may be at risk with the need to protect the rights and reputation of the person accused. The safety of those in the community is always paramount. The Archbishop, at his discretion and according to the norm of canon law, may take any other appropriate action when there has been an allegation of sexual abuse by clergy, professional ministers, church employees and volunteer leaders of the Archdiocese.

When allegations of sexual abuse are made, the Case Manager will keep in contact with the alleged victim or his or her delegate and his/her family if appropriate. Psychological counseling and pastoral care may be offered in the spirit of Christian justice and charity. Counseling may be paid for by the Archdiocese during the course of the investigation, consisting of up to twelve sessions with a therapist

⁴ An ecclesiastical office is "any function constituted in a stable manner by divine or ecclesiastical law to be exercised for a spiritual purpose" (Code of Canon Law, c 145, §1). The diocesan officer is an example of an office stated in the universal law itself; the diocesan bishop can create such offices by individual decree.

who both specializes in the treatment of victims of sexual abuse and is authorized by the Archdiocese.

There are three possible outcomes from the civil or the internal investigation and assessment process. The allegation may be found to be true either through the admission or lack of denial of the perpetrator or through the results of the civil or internal investigation or the assessment process. Alternatively, the allegation may be found to be untrue. Thirdly, the evidence supporting the allegation may be inconclusive to support a finding either way.

1) IF A COMPLAINT OF SEXUAL ABUSE IS TRUE, the perpetrator is subject to the sanctions of criminal and/or civil law. Additionally, any employee or volunteer of the Archdiocese who is neither a cleric, member of a religious institute nor holder of ecclesiastical office and is found guilty

of an incident of sexual abuse may be terminated from employment or volunteer commitment or any other position of responsibility within the Archdiocese. When any cleric, member of a religious institute or holder of ecclesiastical office is found guilty in secular law of sexual abuse, or when it appears that a complaint of this sort against such a person is true, the Archbishop shall proceed according to the norm of canon law (see Appendix 3). Additionally, when a complaint of sexual abuse is true, the following applies:

Treatment Costs:

a) In all possible cases, the offender should be responsible for the payment of the victim's therapy services. In some instances the Archdiocese will subsidize the therapy and the offender will reimburse the Archdiocese, even if repayment extends over many years.





The Case Manager will inform the parties regarding the outcome of the investigation. Finally, the Case Manager may ask the Special Assistant to the Vicar General,⁵ the one responsible for all followup with victims, to make arrangements for the ongoing psychological and pastoral care of the victim.

2) IF A COMPLAINT OF SEXUAL ABUSE IS UNTRUE, the Case Manager will inform the parties in writing of the outcome of the investigation. If necessary, continued efforts will be made to maintain the good name of the accused and provide for his/her well-being. Further, the Case Manager will make appropriate arrangements for the pastoral care of the complainant. If there are any future steps that can be taken to assure a return to normal relationships in the parish, school or agency involved, the Case Manager shall consider these steps.

3) IF THE EVIDENCE IS INCONCLUSIVE AS TO THE VALIDITY OF A COMPLAINT OF SEXUAL ABUSE, two factors must be balanced. First, the safety and well-being of the alleged victim and the community must be protected. Second, the rights of the accused must be considered. Based on the charge and the nature of the evidence, lay employees or volunteers may be placed on corrective action or terminated under the personnel policies of the Archdiocese in effect at that time; clerics may be issued a warning as understood in canon law. It lies with the prudential judgment of the Archbishop and his delegate to require psychological evaluation and treatment of the person accused. The Case Manager will also inform the parties of the outcome and make efforts to minimize the impact on the victim and the community. In these cases, the Case Manager may refer the alleged victim to the Special Assistant to the Vicar General for followup with pastoral care and psychological counseling, as appropriate.

⁵ The special Assistant to the Vicar General is a professionally qualified consultant retained by the Archdiocese to follow up with individual victims and report to the Committee appointed by the Archbishop.

B) Sexual misconduct does not ordinarily constitute criminal behavior. However, since it is a violation of the ministerial relationship, it is unethical and impermissible. The Archdiocese of Seattle will treat all reports of such behavior as serious.

The Archdiocesan Case Manager is responsible for handling the intake and the supervision of internal investigations of reports of sexual misconduct. Any person who believe he/she has been a victim of sexual misconduct should report this to the local authority at the appropriate (parish, school or agency) level.⁶ The local authority will then report the charge directly to the Case Manger. If the accused person is also the local authority, the victim should report directly to the Case Manger.

Following the initial complaint, a written report signed by the alleged victim is required. This report will be submitted to the Case Manager.

As in the case of sexual abuse, the accused individual will be informed by the Archbishop or his delegate upon com-

pletion of the written report. The accused will be given every opportunity to respond to the charges.

In the case of clerics, members of religious institutes and holders of ecclesiastical office, the Archbishop may personally direct or order his delegate to supervise an investigation in accord with canon law (c. 1717) if there is any likelihood that the charges are true.

The Archdiocese maintains an investigation protocol. The process is initiated by the Case Manager and carried out by an investigator who does the necessary fact finding. The results are reported to the Case Manager and the Archbishop.

During the investigative process, the accused may be placed on administrative leave by the Archbishop or local authority, depending on the nature of the charge or evidence. For clerics, members of religious institutes and holders of ecclesiastical office, the Archbishop determines the necessary action according to the norm of canon law (refer to the procedure found in Appendix 3).

⁶ Examples of local authority are usually, but not limited to, pastors, principals and department supervisors.

Again, because the right of the victim, the accused and the community are all at stake, the Archdiocese will proceed cautiously and prudently, keeping these rights in proper balance.

The Case Manager will oversee the pastoral care of the alleged victim during the investigation process. Psychological counseling may be paid by the Archdiocese for up to twelve sessions with a therapist authorized by the Archdiocese who has expertise in the area of the treatment of victims of sexual misconduct.

As with sexual abuse, there are three possible outcomes from an internal investigation of sexual misconduct. The allegation may be well founded, either through the admission or lack of denial of the accused or through the results of the investigation. Alternatively, the charge may be unfounded. Thirdly, the evidence supporting the allegation may be inconclusive to support a finding either way.

1) IF A COMPLAINT OF SEXUAL MISCONDUCT IS TRUE, anyone who is not a cleric, member of a religious institute or holder of ecclesiastical of-

fice and is found to have engaged in sexual misconduct may be placed on corrective action or terminated, depending on the nature of the charges and the personnel policies of the Archdiocese at the time. Clerics, members of religious institutes and holders of ecclesiastical office are subject to the norm of canon law (refer to the procedure found in Appendix 3). They may be required to have a psychological evaluation and treatment or participate in other remedial actions. Ministerial placement will depend on the nature of the charges and the prudential judgment of the Archbishop. The Case Manager or local authority will inform the parties of the outcome of the investigation. The Case Manager may ask the Special Assistant to the Vicar General to make arrangements for the ongoing psychological and pastoral care of the victim. Additionally, when a complaint of sexual misconduct is true, the following applies:

Treatment Costs:

a) In all possible cases, the offender should be responsible for the payment of the victim's therapy services. In

some instances the Archdiocese will subsidize the therapy and the offender will reimburse the Archdiocese, even if repayment extends over many years. The Case Manager should facilitate this with the offender's treatment provider.

2) IF A COMPLAINT OF SEXUAL MISCONDUCT IS NOT TRUE, the Case Manager or the local authority will inform the parties. She/He will express the gratitude of the Archdiocese to the accused for his/her patience during the process. Whenever possible, efforts will be made to restore the good name of the accused and provide for his/her well-being. Additionally, the Case Manager or the local authority will make any arrangements for the pastoral care of the complainant, if appropriate. If there are any further steps that can be taken to assure a return to normal relationships in the parish, school or agency involved, the Case Manager or local authority will authorize these steps.

3) IF THE EVIDENCE IS INCONCLUSIVE AS TO THE VALIDITY OF A COMPLAINT OF SEXUAL MISCONDUCT, it lies with the prudential judgment of the local authority in the cases

of those who are not clerics to counsel the accused about sexual misconduct. Such persons may be placed on corrective action or terminated.

In cases involving clerics, members of religious institutes and holders of ecclesiastical office, counsel pertains to the Archbishop or his delegate. Such persons may be referred for evaluation and treatment. They may also be liable to other sanctions deemed appropriate by the Archbishop according to the norm of canon law.

The Case Manager or the local authority will inform the parties of the outcome and make efforts to minimize the impact on the alleged victim and the community. In these cases, the Case Manager will refer the victim to the Special Assistant to the Vicar General for followup with pastoral care and psychological counseling, if appropriate.



Summary Overview
Section II

**PRINCIPLES OF IMPLEMENTATION FOR
SEXUAL ABUSE AND MISCONDUCT**

SEXUAL MISCONDUCT

Procedure Criteria

IF A COMPLAINT OF SEXUAL MISCONDUCT IS TRUE, anyone who is not a cleric, member of a religious institute or holder of ecclesiastical office and is found to have engaged in sexual misconduct may be placed on corrective action or terminated, depending on the situation.

IF A COMPLAINT OF SEXUAL MISCONDUCT IS NOT TRUE, the Case Manager or the local authority will inform the parties.

IF THE EVIDENCE IS INCONCLUSIVE AS TO THE VALIDITY OF A COMPLAINT OF SEXUAL MISCONDUCT, it lies with the prudential judgment of the local authority in the cases of those who are not clerics to counsel the accused about sexual misconduct.

SEXUAL ABUSE

Procedure Criteria

IF A COMPLAINT OF SEXUAL ABUSE IS TRUE, the perpetrator is subject to the sanctions of criminal and/or civil law.

IF A COMPLAINT OF SEXUAL ABUSE IS UNTRUE, the Case Manager will inform the parties in writing of the outcome of the investigation.

IF THE EVIDENCE IS INCONCLUSIVE AS TO THE VALIDITY OF A COMPLAINT OF SEXUAL ABUSE, two factors must be balanced.

First, the safety and well-being of the alleged victim and the community involved.

Second, the rights of the accused.

III. COMMITMENT TO PREVENTION

The Archdiocese of Seattle is committed to fully addressing the problem of sexual abuse, sexual misconduct or sexual harassment by clergy, professional ministers, church employees or volunteer leaders. Therefore, the Archdiocese of Seattle maintains comprehensive systems designed to uphold the integrity of all ministerial relationships to prevent the misuse of power and authority. These systems include:

A. Screening

Any cleric or religious applying for ministerial services in the Archdiocese of Seattle is required to complete an application process which is consonant with the guidelines of the National Conference of Catholic Bishops (NCCB) for visiting clerics and religious. All seminarians and volunteer leaders who will have unsupervised access to children, vulnerable adults or developmentally disabled persons, are required to complete the Archdiocesan Disclosure form and the Washington State Patrol Screening form. This screening will be initiated on or before the beginning date of employment.

B. Education

Since 1989 the Archdiocese of Seattle has educated clergy, professional ministers and church employees as well as volunteer leaders in our parishes, schools and Catholic Community Service agencies about Professional Ethics.

Specifically, focus has been on sexual abuse and sexual misconduct and the misuse of powers and authority. To this end, a one-day educational workshop is in place. All those who work for the Archdiocese of Seattle are required to attend.



The workshop focuses on:

Preparing the Church and its representatives to maintain the integrity of the ministerial relationship and to protect vulnerable persons such as staff, volunteers, parishioners and others with whom Archdiocesan employees interact in their occupational capacities.

The presentations analyze sexual abuse by clergy and other Archdiocesan employees as a form of unethical conduct by persons in positions of authority and trust. The presentations provide a framework of understanding and information that will enable participants to:

- 1) more readily identify sexual abuse and potential abuse situations within the work setting.
- 2) intervene and respond appropriately to sexual abuse when it does occur.

3) provide opportunities for restoring individuals and staffs, the integrity of the parish, and the individual who has misused power and authority; and

4) take steps to prevent sexual abuse, misconduct and harassment in their own work and the work of those around them.

The objectives for this full day workshop are for participants to learn:

- 1) a working definition of sexual abuse, misconduct and harassment;
 - 2) some dynamics of child sexual abuse (abuser characteristics, consequences for victims, typical responses in the aftermath of disclosure);
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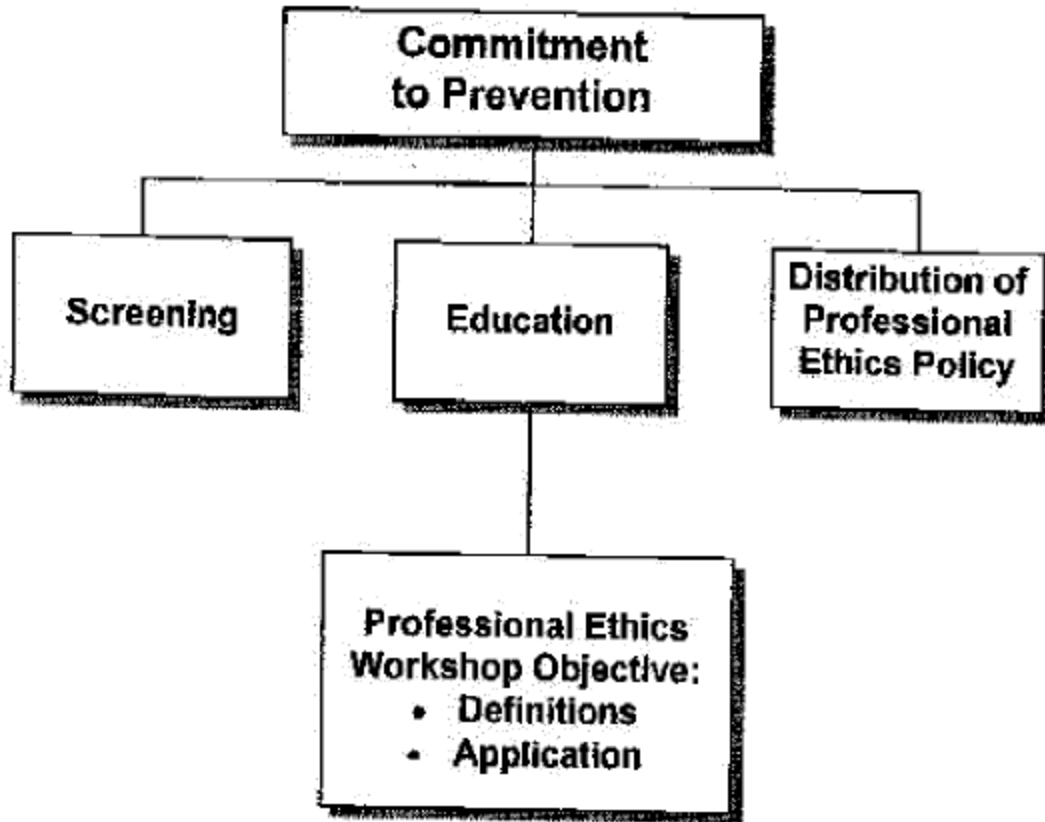


- 3) what constitutes coercive, exploitative behavior;
- 4) the nature and hazards of dual relationships;
- 5) distinctions between being "vulnerable" and being "at risk" to abuse;
- 6) appropriate responses when abuse has been disclosed;
- 7) strategies for minimizing your risk of violating the boundaries of the occupational relationship.

C. Distribution of Professional Ethics Policy

At the workshops and through other ways, the policy has been promulgated. Additionally, a brochure entitled "What to Do," which refers to the procedure to take when reporting potential abuse, misconduct and harassment, has been distributed widely. It is available in five languages.

Summary Overview
Section III



APPENDIX I Definitions

This policy utilizes secular law to specifically define certain terms. These definitions are listed below:

1. **CHILDREN** refers to persons less than 18 years of age. Sexual conduct with children is morally reprehensible and civilly unlawful.
2. **NON-CONSENTING ADULTS** refers to adults who are subject to forcible compulsion to engage in sexual conduct, who do not consent to such conduct or who are incapable of consent due to either physical helplessness or mental incapacity.
3. **SEXUAL CONDUCT** is intended to be a broad term that includes verbal and non-verbal communication as well as physical contact. A communication is a statement or action which is sexual in nature and is intended for the sexual gratification of the employee or volunteer. Physical contact includes sexual intercourse and sexual contact.
4. **SEXUAL INTERCOURSE** has its ordinary meaning as well as expanded meanings as described in the Revised Code of Washington, 9A.44-010.
5. **SEXUAL CONTACT** means touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party [Revised Code of Washington, 9A.44.010].

APPENDIX 2

The Priest/Penitent Relationship

Although civil government in the United States upholds the separation of church and state by virtue of the First Amendment of the Constitution, there is no universally applicable legal doctrine that governs the relationship between civil and canon law in the United States today. When addressing specific topics that pertain to the state and the Catholic Church, one should consider both systems of law.

Generally the law on privileged communications protects clergy and other professionals from having to disclose confidential information when certain conditions are met. In the more specific area of the sacrament of confession, canon law protects by the sacramental seal the communication that takes place there. Confessors are forbidden "in any way to betray a penitent by word or in any other manner or for any reason" [c. 983]. In nearly every state of the union, this form of privileged communication is protected by civil

law; but in most cases, the situation must be clearly sacramental. Even when civil jurisdictions do not consider sacramental communication privileged, canon law still binds the confessor to secrecy. Other professional relationships involving clergy, e.g., marriage counseling, spiritual direction, other personal conversations, etc., may also be considered not privileged but possibly open to interpretation in some jurisdictions.

Therefore, in regard to the reporting of knowledge of sexual abuse, clerics are forbidden to violate the confidence established by the clergy/penitent relationship of the sacrament of confession. Most jurisdictions will uphold canon law in this area. Some states, including Washington, do not require clerics to report child abuse even outside the sacramental forum. In the State of Washington, then, clerics, when not prohibited by canon law, may report child abuse or the knowledge of it.

APPENDIX 3

Canonical Procedures

When the accused person in cases of sexual abuse or sexual misconduct is a cleric, member of a religious institute or holder of ecclesiastical office, the Archbishop shall proceed according to the norm of canon law. At times more than one category of the law may apply.

A. WHEN THE ACCUSED IS A CLERIC, the Archbishop shall conduct an investigation of his own in accord with Canon 1717. The Archbishop may choose to confront the accused with the allegation. If the accused admits to the wrongdoing, the Archbishop shall then determine if, to repair scandal, restore justice or reform the accused, a penalty is in order [c. 1341].

If the accused cleric does not admit to the offense and the Archbishop determines that a penal process should be initiated, he, with due regard for the cleric's right to defense,

can begin a trial or an administrative appeals process. During a penal process, restrictions on ministry and residence may be imposed [c. 1722]. In administrative penal decisions the accused shall be informed of the accusations and the proofs and be permitted to respond in self-defense [c. 1720].

If the Archbishop chooses neither the penal trial nor the administrative penal decision but still has reason for corrective action, he may rely on fraternal correction, penal remedy or penance [cc. 1339-1340]. Furthermore, through his prudential judgment and in accord with the norm of canon law, the Archbishop may impose further sanctions. If, after hearing from the experts, he determines that the cleric suffers from an impediment to the exercise of orders [c. 1044], the Archbishop may issue a decree declaring the presence of such an impediment.

(Appendix 3, continued...)

To restrict or control the residence of the accused in cases where the good of the community requires it and the accused is unwilling to agree to voluntary restrictions, the Archbishop may, after hearing the promoter of justice, impose a penal precept to that effect.

The Archbishop may require evaluation and specialized sex offender treatment for perpetrators of sexual abuse or misconduct.

B. WHEN THE ACCUSED BELONGS TO A RELIGIOUS INSTITUTE, the Archbishop shall observe those canons which pertain to institutes and their members. In all cases the Archbishop is to notify the appropriate superior of the accused.

C. WHEN THE ACCUSED HOLDS ECCLESIASTICAL OFFICE and is also a cleric, specific rules may apply (e.g., for the removal of a pastor). If a person is not a cleric, she/he may be removed from office according to the norm of law and with due regard for the special rules that apply to institutes of consecrated life [c. 624, 3] and financial support [c. 195].

