DIOCESE OF MADISON POLICY REGARDING SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS

INTRODUCTION

No minor should ever be sexually abused. However, since sexual abuse of minors can and does happen, this policy seeks to prevent it to the greatest extent possible and to ensure that any act of sexual abuse of minors perpetrated by adults who are clerics, church workers, and volunteers in the Diocese of Madison is dealt with swiftly, justly, and with the compassion envisioned by the Gospel.

The particular problem of sexual abuse of minors is “a crisis without precedent in our times” in the Church in the United States, according to the Charter for the Protection of Children and Young People issued in June 2002 by the United States Conference of Catholic Bishops (USCCB). The damage caused by sexual abuse of minors is devastating and long-lasting, and the USCCB has committed to pastoral outreach to repair the breach with those who have suffered sexual abuse and with all people of the Church, to provide safety and protection for minors and young people in Church ministries and institutions, to manifest accountability to God and His people, to strive to heal the trauma that victims/survivors and their families suffer, and to be in dialogue with all Catholics about the issue.

There is a special need to address the problem of unethical sexual contact by clerics, church workers, and volunteers with transparency and openness. It is necessary to foster an atmosphere in which silence, ignorance, and minimization are overcome by understanding, Christian love, and mutual respect.

The following policy regarding the sexual abuse of minors and vulnerable adults is adopted for the Diocese of Madison in the awareness that the great majority of priests, seminarians, deacons, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; out of concern that any minor or vulnerable adult who is the victim of sexual abuse be nurtured, treated and healed; out of concern that a perpetrator of sexual abuse be treated justly with a view to whatever reform is possible; and out of concern for the well-being of the whole people of God living in the Diocese of Madison.
DESCRIPTION OF TERMS

“Adult” denotes a person 18 years of age or older.

“Minor,” “child,” or “young person” all denote a person who is under 18 years of age.

“Vulnerable adult” denotes an adult who habitually enjoys only the imperfect use of reason. Unless otherwise noted or otherwise apparent, the terms “minor” “child” and “young person” are understood to include vulnerable adults.

“Sexual abuse of minors” also includes any form of physical or psychological abuse of a sexual nature when perpetrated on a person under 18 years of age or a vulnerable adult by a person older than 18 years of age.

“Sexual abuse of minors” also includes any form of sexual molestation or sexual exploitation of a minor or any other behavior by which an adult uses a minor as an object of sexual gratification, and thus constitutes an external, objectively grave violation of the sixth commandment.

“Sexual abuse of minors” additionally includes the acquisition, possession, or distribution of pornographic images of minors for purposes of sexual gratification, by whatever means of using whatever technology.

“Offender” means an individual who has performed an act of sexual abuse of a minor.

“Victim,” “survivor,” or “victim/survivor” means an individual against whom an act of sexual abuse of a minor has been performed.

“Supervisor” means the person to whom an individual is directly responsible, e.g., the school principal for school employees and volunteers; the program director for those who are employed by or volunteer in that program; the pastor for those who are employed by or volunteer in the parish and for other priests and permanent deacons who serve the parish; the diocesan office director for directors of programs which fall within that division; or the Bishop for priests, diocesan division heads, school principals.

“Clerics, church workers, and volunteers” means all those to whom this policy applies, including priests, deacons, seminarians, women and men religious, lay employees, and volunteers.

“Prompt” and “promptly” mean within two business days, unless another time frame is evident from context or required by the nature of the matter.
STATEMENT OF POLICY REGARDING SEXUAL ABUSE OF A MINOR

It is the policy of the Diocese of Madison that sexual abuse of minors, by priests, deacons, seminarians, or women or men religious, or by laypersons employed by or volunteering services to the parishes, schools, institutions, offices and programs of the Diocese is not tolerated. Such activity is contrary to basic Christian moral principles, and it is also a violation of the ministerial relationship of trust between clerics, church workers, and volunteers and those in their care. All clerics, church workers, and volunteers must comply with applicable state and local laws regarding incidents of actual or suspected sexual abuse of a minor, and with the procedures outlined in this document.

PREVENTION
Everyone needs to be aware of the causes and signs of sexual abuse of minors, the steps to take to protect minors, and the procedures to follow if sexual abuse is suspected or observed.

The priests, deacons, and seminarians of the Diocese, the women and men religious serving here, and those laymen and women employed or regularly utilized as volunteers by the parishes, schools, and other diocesan institutions, offices or programs have an obligation to be knowledgeable of these matters. These men and women are in a position of leadership in our diocesan community and, as such, are perceived as special and trustworthy individuals. Together, they are responsible for the well-being of minors on a daily basis. Thus, all are to study and accept the provisions contained in this policy statement.

EDUCATION
Educational sessions on these and related matters, including a “safe environment” program, are to be an ongoing part of the continuing formation of priests and the formation and continuing formation of deacons, women and men religious, lay employees, and volunteers.

Recognition, prevention, and reporting of sexual abuse of minors are to be included in school inservice programs each year and in the training program for anyone who serves in any capacity at the diocesan summer camp.

PARENTS AND MINORS
Parents and minors have their part to play in the prevention of sexual abuse of minors. To that end, schools, religious education, and other youth programs are to include in their health and sexuality curricula an appropriate discussion of sexual abuse of minors. It is recommended that parents participate in these programs with their children and that parishes provide programs specifically for parents. Parents are encouraged to develop good and open communication with their children.
THOSE WHO WORK WITH MINORS

Persons who serve our young people are among the most valuable assets to our faith community. Along with parents, they contribute to the spiritual, emotional, intellectual, and physical well-being of our young people. Only those persons who are suited, both by temperament and psychological makeup, should be chosen to work with young people.

Therefore, each applicant for employment in a position involving regular contact with minors in the parishes or institutions of the Diocese must supply the hiring agent with personal information sufficient to assess his or her suitability for contact with minors. Each applicant must agree to a background search (see Appendix II). Each applicant must supply the names of at least three references, including the most recent employer, in addition to the names of any close friends or relatives that are given as references. At the time of hiring the individual must sign the statement indicating receipt and acceptance of this policy (see Appendix V).

Candidates for ordination must agree to a background search at the time they apply for diocesan sponsorship. At the time of acceptance for sponsorship by the Diocese, the seminarian must sign the statement indicating receipt and acceptance of this Policy.

Hiring agents are to speak with all relevant references provided by applicants and are to examine and verify employment history. The background of all personnel who have regular contact with minors will be evaluated, specifically utilizing the resources of law enforcement and other community agencies. In addition, adequate screening and evaluative techniques will be employed in determining the fitness of candidates for ordination. All employment information is gathered by the local hiring agent and is to be kept there in a confidential file until seven years after employment terminates, at which time it is to be destroyed.

In light of the foregoing requirements for employment, those who recruit volunteers who work with children are to exercise due caution in selecting volunteers. Those who regularly are utilized as volunteers must agree to a background search (see Appendix II) and they must sign the statement indicating receipt and acceptance of this Policy (see Appendix V). If there is any cause for concern, the matter should be brought to the attention of the appropriate supervisor and the volunteer should not be placed in a position involving contact with minors until the concern is resolved.

CONTACT WITH MINORS

All who minister to minors in the church must be vigilant to guard against words or actions that result in mistaken perceptions, especially regarding sexual abuse.

Except where civil law explicitly permits a person to counsel a minor without parental consent, and in the course of the Sacrament of Penance, a minor may only receive regularly scheduled, individual instruction or counseling from a cleric, church worker, or volunteer with the consent of the minor’s parent or guardian.
The written consent of a parent or guardian is required for any minor to participate in an organized, ongoing program sponsored by a parish or institution of the Diocese. The consent form should include how emergency care for the minor may be provided, as warranted by the program or activity involved.

At least two adults must be present for any activity sponsored by a parish or institution of the Diocese, with the exception of the Sacrament of Penance and regular school or religion classes. Whenever possible, one of the adults should be the parent of a participant. At least two adults must be present when any overnight activity is involved. If, for unanticipated reasons, only one adult can be present for a given daytime activity, an exception can be made for that particular activity.

No minor may be disciplined corporally or corrected with abusive or other inappropriate language.

No cleric, church worker, or volunteer may provide alcohol to a person less than twenty-one years of age. This prohibition does not apply to sacramental wine at the Eucharistic celebration.

A cleric, church worker, or volunteer must obtain the consent of a minor’s parent or guardian before inviting or allowing the minor to visit in the adult’s home and a second adult must be present. When religious education classes take place in a home, all parents or guardians must be aware of this fact, and a second adult normally must be present.

No minor may visit overnight in a rectory or other residence of a priest, or stay overnight with a priest in any other place, unless in the company of the minor’s parent or guardian. An exception can be made if the minor is a close relative of the priest, provided the parent or guardian consents.

No minor may travel alone with a priest for an extended distance, unless in the company of the minor’s parent or guardian or with their express written consent. An exception can be made if the minor is a close relative of the priest or when urgent circumstances require parental permission to be presumed (such as giving a stranded minor a ride home).

SEMINARIANS AND DEACON CANDIDATES

Part of the application process for acceptance as a seminarian or as a candidate for the permanent diaconate in the Diocese of Madison is a psychological evaluation. One purpose of this evaluation is to consider matters relating to sexuality.

The Diocese expects that each seminary will offer sufficient training with regard to clerical continence and celibacy and the necessity of leading a chaste and moral life. This occurs in the academic setting, but more particularly in spiritual direction and pastoral formation. The Diocese will require that the seminary include this aspect of formation in its reports on seminarians.
The Diocesan Program of Diaconate Formation will offer sufficient training with regard to the necessity of leading a chaste and moral life. This occurs both in the academic setting and in spiritual direction and pastoral formation.

Prospective seminarians must agree to a background search at the time they apply for sponsorship by the Diocese; prospective candidates for the permanent diaconate are to agree to a background search at the time they apply for acceptance into the program of formation (see Appendix II). Upon acceptance, each seminarian or candidate must sign the statement indicating that he has received and agrees to adhere to this Policy (see Appendix V).

PRIESTS OR DEACONS FROM OUTSIDE THE DIOCESE

Before a priest or deacon will be accepted for ministry in the Diocese of Madison, he must obtain a letter of recommendation from his bishop or religious superior. As part of the recommendation, and in keeping with the Essential Norms, the bishop or religious superior must indicate that there have been no founded accusations or convictions involving physical or sexual abuse of a minor brought against the priest or deacon. Updated letters may be required with the passage of time or when circumstances suggest it. The coordination and retention of these letters is overseen by the Office of the Vicar General.

Further, the individual must agree to a background search when required (see Appendix II). Prior to beginning his assignment, the priest or deacon must sign the statement indicating that he has received and agrees to adhere to this policy (see Appendix V).

PREVENTATIVE INTERVENTION

Any cleric, church worker, or volunteer who observes another cleric, church worker, or volunteer behaving in a manner which may pose a risk to a minor ordinarily should bring this concern to the attention of that person. Then, when warranted, the matter is to be reported to the proper supervisor. That supervisor is to deal with any situation of risk without delay. If the risk is not resolved in a satisfactory manner, the supervisor may take appropriate action in keeping with these policies and the appropriate personnel policies.

Any other adult who observes a cleric, church worker, or volunteer behaving in a manner which may pose a risk to a minor is encouraged to call the matter to the attention of that adult. When warranted, any adult should report such concerns to the proper supervisor.

RESPONSE

When there is an allegation of sexual abuse of a minor, the persons involved must have recourse, and the situation must be evaluated and addressed in a manner that is just, compassionate, and understanding. To that end, the Diocese of Madison has developed the following response to allegations of sexual abuse of a minor.

The entire diocesan community, under the leadership of the Bishop, must respond forthrightly and with compassion and care to the alleged victim and the alleged victim’s family, to the local
church community affected, to the diocesan church community, and to the alleged offender. The response must be geared towards personal and communal healing, a fair assessment of the accused, and just treatment for those who are in fact offenders. The prevention of further sexual abuse by a known offender is paramount.

RESPONSE TO VICTIM

The first obligation of the Church with regard to victims of sexual abuse of minors, apart from concern for their immediate safety, is for healing and reconciliation. The Diocese will reach out to victims/survivors of sexual abuse of minors and those claiming to be victims of such sexual abuse. Diocesan outreach may include counseling, spiritual assistance, support groups, and other social services. By way of pastoral outreach to victims/survivors of sexual abuse of minors, the Bishop or his designated representative will offer to meet with confirmed or alleged victims/survivors of sexual abuse of minors and with their families, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by St. John Paul II and echoed by his successors.

The welfare of the victim is of primary concern. To that end, the Diocese of Madison offers counseling to help the individual deal with the experience he or she has undergone.

The Diocese will provide payment for counseling when assessment determines that the alleged offender was a priest, seminarian, deacon, woman or man religious, employee or volunteer of the Diocese of Madison at the time the sexual abuse of a minor occurred.

Whenever possible, the offender should be the person primarily responsible for the payment of expenses for the victim’s therapy and will be encouraged to reimburse the Diocese for any expenses incurred to the extent possible.

RESPONSE TO PARISH/INSTITUTION

When an allegation regarding sexual abuse of minors involving a cleric, church worker, or volunteer becomes public, the response of the Diocese to the people of the area is an important pastoral concern. Working in conjunction with the pastor, institution supervisor, office or program director, and/or the Vicar Forane, the Bishop will determine how the Diocese will assist the local community to respond to the allegation. The Bishop may consult with the Sexual Abuse Review Board, the diocesan attorney, and others before coming to a determination.

REPORTING TO CIVIL AUTHORITIES

The Diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to the appropriate district attorney or other appropriate governmental agency, and will cooperate in the investigation in accord with applicable law. The Diocese will cooperate with public authorities about reporting in cases where the alleged victim is no longer 18 years of age or under. In every instance, the Diocese will advise and support a person’s right to make a report to public authorities.
Wisconsin law requires many individuals who know or have reasonable cause to suspect sexual abuse or neglect of minors to report the matter promptly to the appropriate governmental agency. In addition to those who must report, state law provides that any person who knows or has reasonable cause to suspect sexual abuse of a minor or neglect may report without incurring liability. (See Appendix IV for the text of the applicable Wisconsin law and a listing of those who are required to report). All clerics, church workers, and volunteers of the Diocese are to be familiar with this portion of Wisconsin law. Those who are obligated to report to civil authorities are to do so without delay.

REPORTING TO CHURCH AUTHORITIES

Any cleric, church worker, or volunteer (except anyone whose knowledge is obtained through the Sacrament of Penance or is protected by legal privilege), even when not obligated by state law to report to civil authorities, who witnesses an act of sexual abuse of a minor perpetrated by another or who suspects that such an act has occurred or who receives a report of such an act, must report the incident immediately to the Victim Assistance Coordinator. If the report is not submitted in written format, Victim Assistance Coordinator shall make a written record of the oral report. The Victim Assistance Coordinator may be reached at 608-821-3162, or by writing to: 702 S. High Point Road, Suite 225, Madison, WI 53719. Should a complaint involve the Victim Assistance Coordinator or Diocesan Investigator, it is to be made to the Bishop, who will appoint a person to take the role assigned by this policy to the Victim Assistance Coordinator or Diocesan Investigator.

Any other person who believes that a minor has been sexually abused by a cleric, church worker, or volunteer is encouraged to report the incident to the Victim Assistance Coordinator.

The Diocesan Investigator or the Victim Assistance Coordinator will notify the Bishop about the reported incident, as well as the Sexual Abuse Review Board, the diocesan attorney, the insurance carrier as required, and any others who need to be aware that the report has been made. If the complaint involves an individual who is a member of a religious community, or a priest or deacon from another diocese but residing in the Diocese of Madison, the complaint will be reported immediately to that person’s religious superior or ordinary.

If so indicated by preliminary investigation of an allegation of sexual abuse of a minor by a priest or deacon, the Bishop will notify the Congregation for the Doctrine of the Faith.

The procedure for making a complaint will be published annually in the diocesan newspaper, and pastors are encouraged to publish it annually in the parish bulletin.

PRELIMINARY INVESTIGATION

The incident is to be investigated quickly by the Diocesan Investigator. (If he deems it appropriate, the Bishop on an ad-hoc basis may appoint others for this investigation). This is a preliminary investigation, aimed at determining whether there is sufficient evidence for the allegation to be regarded as credible (Norm 6).
A report of this preliminary investigation will be given to the Bishop and the Sexual Abuse Review Board. If, after having heard the report and consulted with the Review Board, the Bishop judges that the initial complaint is not credible, the report is to be placed in a confidential file at the Chancery in keeping with the section on records below. The conclusion that the complaint is not credible will be communicated to the one making the complaint, the alleged victim, and the one accused.

If the initial complaint is credible, the following actions will be conducted immediately:

1. Provide effective and compassionate care to the alleged victim and the alleged victim’s family. Such pastoral care initially falls to those at the local level until other care is arranged. Whatever response is made, it is to be coordinated with the civil officials investigating and responding to the reported incident.

2. Inform the accused individual of the investigation and give them the opportunity to respond. He or she will be relieved of his or her duties and placed on administrative leave. During the administrative leave, regular salary and benefits are to be provided. The permanent status should be resolved as soon as possible.

3. When the accused individual is a priest or deacon, ordinarily he will be issued a penal precept instructing him not to have private contact with anyone under 18 pending the outcome of the investigation.

He may be requested by the Bishop to undergo and comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the Bishop and the accused, to determine if he is impeded by psychic cause from exercising ministry (canon 1044, §2, 2°). For a clerical member of a religious community or cleric not incardinated in the Diocese, compliance with this request is also a condition for remaining in the Diocese (canons 679 and 271 §3).

4. When the accused individual is a seminarian, he may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued diocesan sponsorship. An accused woman or man religious may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued ministry in the Diocese.

5. When the accused individual is a lay employee or volunteer, that person may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued employment or eligibility to continue providing volunteer services.

6. Appropriate steps to protect the reputation of the accused during an investigation will be taken. The accused will be encouraged to retain the assistance of civil and canonical counsel as may be appropriate, and will be promptly notified of the results of the investigation (Norm 6).

However, if the matter has been reported to civil authorities, it may be better for the local church community to be advised of the accusation by the Bishop or another person chosen by the Bishop, rather than to hear it from rumor or another source.
7. Whenever possible, the investigation is to include interviews with the alleged victim, the alleged victim’s parents, the person making the initial report, the accused person, and any other person who may have knowledge of the situation, as well as the report of the psychological assessment.

8. The Diocese will cooperate with investigations by civil authorities in accord with applicable law. It is recognized that an investigation by civil authorities may delay the church investigation anticipated above. In that situation a final church determination may need to be delayed pending resolution of the investigation by civil authorities.

9. Once the investigation has concluded, a report from the investigator will be presented to the Bishop and the Sexual Abuse Review Board. After having heard the opinion of the Review Board, the Bishop is to judge either that the accusations appear to be unfounded and the case should be considered closed (pending the outcome of any civil investigation) or that there is credible evidence that sexual abuse of a minor has been perpetrated by the accused. His decision will be communicated in a decree to the one bringing the complaint and the alleged victim.

ACTION WHEN THERE IS CREDIBLE EVIDENCE THAT SEXUAL ABUSE HAS BEEN PERPETRATED BY THE ACCUSED, BUT PRIOR TO A DEFINITIVE ESTABLISHMENT OF GUILT

If the Bishop judges that there is credible evidence to believe that sexual abuse of a minor has been perpetrated by the accused, but guilt has not yet been definitively established:

1. The matter will be reported to the civil authorities if this has not already occurred and, if the accused is a priest or deacon, to the Congregation for the Doctrine of the Faith. The Diocesan Investigator will notify the person making the report that it has been reported.

2. If the accused person is a layperson, the person will be placed on administrative leave.

3. If the accused person is a man or woman religious, he or she will be notified that permission to function in ministry in the Diocese is suspended, pending the outcome of the case. The appropriate religious superior will be notified.

4. If the accused person is a seminarian, his sponsorship by the Diocese will be suspended, pending the outcome of the case.

5. If the accused person is a priest or deacon, the Bishop, respecting the right of the accused person to adequate defense and in keeping with any direction from the Congregation for the Doctrine of the Faith, will determine whether to initiate a canonical process appropriate to the results of the evaluation indicated in number three under “preliminary investigation.” Depending on the circumstances, this could be a process to invoke an impediment to the exercise of orders or the canonical penal process. Protective measures available to the Bishop at this stage include the possibility of restricting residence, removal from office, or restriction from celebrating Mass in public.
Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances it will direct the Bishop how to proceed. Since sexual abuse of a minor is such a grave offense, even if the case would otherwise not be allowed due to the expiration of the Church’s statute of limitations (known as “prescription”), the Bishop may apply to the Congregation for the Doctrine of the Faith for a derogation from prescription, indicating relevant grave reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When an accused cleric does not choose canonical counsel, the Bishop will provide him a canonist to help ensure his right of defense is safeguarded throughout the process. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented while the penal process is pending.

The Diocese may also appoint a monitor who can effectively supervise the individual’s daily activities. In extreme circumstances, a trained monitor may be appointed to assist in arranging and defining his day-to-day activities, including non-ministerial work, therapy, and living arrangements.

If the accused priest or deacon is from another Diocese or a member of a religious community, the appropriate bishop or superior will be notified that the individual’s permission to minister in the Diocese of Madison has been suspended.

6. The accused person may receive a recommendation to undergo rehabilitative treatment. If the accusation involves criminal activity, it will be recommended that the individual go to a qualified treatment facility as soon as entrance can be arranged.

WHEN THERE IS ADMITTED OR ESTABLISHED SEXUAL ABUSE OF A MINOR

1. When sexual abuse of a minor is admitted or established after an appropriate process in accord with canon law, the Bishop will determine a course of action based on the reports of the professional evaluators, the recommendation of the individual’s supervisor, the advice of the Sexual Abuse Review Board, the advice of diocesan legal counsel, the advice of the diocesan insurance carrier, and canonical advice as warranted.

2. Sexual abuse of a minor that is admitted or established after an appropriate process in accord with canon law is deemed grounds for dismissal for any employee or volunteer; for immediate return to the place of incardination for a priest or deacon not incardinated in the Diocese, or removal from the public apostolate and/or removal from the Diocese for a woman or man religious; and for withdrawal of diocesan sponsorship for a seminarian.

3. When even a single act of sexual abuse of a minor on the part of a priest or deacon of the Diocese of Madison is admitted or established after an appropriate process in accordance with canon law, the offending priest or deacon must be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (Norm 8).
If the penalty of dismissal from the clerical state is not applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

At all times the Bishop has the executive power of governance, within the parameters of the universal law of the Church, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. The Bishop must exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor shall not continue in active ministry.

4. A priest or deacon who has committed an act of sexual abuse of a minor may at any time request dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may petition the Holy Father for the dismissal of the priest or deacon from the clerical state ex officio, even without the consent of the priest or deacon.

5. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before such a priest or deacon may be transferred for residence in another diocese/eparchy or religious province, the Bishop shall forward in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence, all information concerning any established or alleged acts of sexual abuse of a minor and any other information indicating that he has been or may be a danger to minors or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

Before receiving any priest or deacon from outside the jurisdiction of the Diocese of Madison, in accord with Essential Norms, the Bishop will obtain the necessary information regarding any past established or alleged act(s) of sexual abuse of a minor by the priest or deacon in question from the cleric’s Diocese of incardination.

Additionally, the priest or deacon will agree to a background search (see Appendix II).

RETURN TO ACTIVE MINISTRY WHEN A COMPLAINT IS DETERMINED TO BE UNFOUNDED

As a matter of natural justice, everyone has the right to be presumed innocent unless proven guilty. When a complaint is determined not to be proven and it is not established that the cleric, church worker, or volunteer engaged in sexual abuse of a minor, the Bishop will determine how the accused person’s good name is to be restored. Administrative leave may be terminated. When warranted, every effort will be made to return the individual to ministry or employment in the Diocese.

In the event that the circumstances and publicity associated with the accusation prevent a woman or man religious or a layperson from ministry or employment in the Diocese of Madison at least for a period of time, if warranted every effort will be made to assist the person to find employment elsewhere.
A pastor has a canonical right to remain in his appointment and cannot be removed without an appropriate canonical process. Other priests and deacons may enjoy the same right, depending on the offices they hold. However, if the exonerated priest or deacon concludes that the circumstances or publicity associated with the accusation prevent him from effective pastoral ministry in the place where he had been assigned, the Bishop will either provide another assignment in the Diocese of Madison, or assist him to find a pastoral assignment in another diocese with the understanding that when the circumstances have changed, the Bishop will provide him with an assignment in the Diocese of Madison.