

DIOCESE OF MADISON POLICY REGARDING SEXUAL HARASSMENT

INTRODUCTION

All who are associated with any parish, school, institution, office or program of the Diocese of Madison expect to be treated in a manner consistent with Catholic teaching regarding the dignity of each human being. Consequently, sexual harassment will not be tolerated. Any such harassment on the part of a cleric, church worker, or volunteer is an abuse of his or her position, pastoral role, and responsibility.

Aware that the great majority of priests, deacons, seminarians, women and men religious, lay employees, and volunteers are competent, ethical, balanced, and mature; concerned that any victim of sexual harassment be nurtured, treated and healed; concerned for the ministerial well-being of our people in general; and concerned that a perpetrator of sexual harassment be treated justly toward whatever healing is possible; the following Policy regarding sexual harassment is adopted for the Diocese of Madison.

DESCRIPTION

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- submission to the conduct is explicitly or implicitly made a term or condition of employment.
- submission to or rejection of the conduct is used as the basis for an employment decision.
- the conduct has the effect of unreasonably interfering with work performance or creates an intimidating, hostile or offensive work environment.

Note that other terms described in preceding portions of the Policy also are used here.

STATEMENT OF POLICY REGARDING SEXUAL HARASSMENT

It is the Policy of the Diocese of Madison that sexual harassment by priests, seminarians, deacons, 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 to be tolerated. Such activity is contrary to basic Christian ethical principles and is a violation of the ministerial relationship of trust between clerics, church workers, and volunteers and those they serve. All clerics, church workers, and volunteers must comply with the procedures outlined in this document.

PREVENTION

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, and programs have a right to expect a safe environment in which to minister; an environment that is free from harassment, especially sexual harassment. These men and women are in a position of leadership in our Diocesan community and as such are perceived as special and trustworthy individuals. Thus, all are to study and accept the provisions contained in this policy statement.

EDUCATION

Educational sessions on these and related matters 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. Appropriate materials are available from the Diocesan office.

RESPONSE

Clergy, church workers, and volunteers who consider themselves to be victims of sexual harassment or who are offended by sexual jokes, comments or other conduct in the workplace are immediately to report the behavior to their supervisor or to the person in charge of personnel.

Verified sexual or other harassment of co-workers or others contacted in the course of work by lay employees or volunteers is to be disciplined in the following manner:

First offense—written warning

Second offense—written warning and appropriate counseling

Third offense—termination or suspension without pay (at employer's discretion)

When the one accused of harassment is a woman or man religious, the report is to be made to the pastor or institution/office/program supervisor who will act in accord with the steps outlined above for lay employees. A copy of the second written warning is to be forwarded to the Chancellor, who will notify the Bishop of the warning. The individual will be notified that any further verified offense will result in suspension of permission to remain in ministry in the Diocese of Madison. The fact of a written warning will be reported to that person's religious superior, along with the information that a third verified offense will result in the person being denied further permission to remain in ministry in the Diocese of Madison.

When the one accused of harassment is a seminarian, the report is to be made to the Chancellor who will notify the Bishop and the Vocations Director. If the seminarian is at the seminary, seminary officials will be asked to conduct an appropriate investigation. If the seminarian is on assignment in the Diocese, the Chancellor and the Dean (or other priest from the area) will investigate the complaint. If the complaint is verified, the seminarian will be required to obtain professional counseling as a condition for continued Diocesan sponsorship. Any further verified offense will result in the Diocese terminating sponsorship of the seminarian.

If the one accused of harassment is a priest or deacon, the complaint is to be made to the Chancellor. Along with the Dean of the area (or another priest of the area), the Chancellor (or his designee) will investigate the complaint. Should a complaint involve the Chancellor, it is to be made to the Bishop, who will ask two persons to conduct the investigation. If the complaint is admitted or established, the Bishop will be notified so he may take appropriate action.

After a second instance of sexual harassment by a priest or deacon is admitted or established, the Bishop will issue a penal precept, threatening suspension from the exercise of sacred orders, if there is further verified instance of sexual harassment. If the individual is a priest or deacon from another Diocese but residing in the Diocese of Madison, after a second verified offense, his bishop or religious superior will be notified that his permission to minister in the Diocese has been suspended, pending the completion of appropriate therapy.

RETURN TO ACTIVE MINISTRY

Only with the permission of the Bishop can: 1) a lay employee or volunteer who was terminated due to sexual harassment be re-employed; 2) a woman or man religious or a priest or deacon from another Diocese whose permission to function here was suspended due to sexual harassment return to ministry in the Diocese of Madison; 3) a seminarian who lost Diocesan sponsorship due to sexual harassment regain Diocesan sponsorship. This will occur only if there is an affirmative evaluation from the counselor indicating the problem that led to the offense is controlled and that there is no further danger of harassment, a positive recommendation from the supervisor is obtained, and upon the advice of the Review Board (see Appendix I).

For a priest or deacon of the Diocese, lifting the suspension will depend upon an affirmative evaluation from the counselor, as well as an appropriate apology to the offended parties, and the advice of the Review Board (see Appendix I).

RESPONSE TO VICTIM/PARISH/INSTITUTION

The welfare of the victim is of primary concern. To that end, the Bishop or supervisor will offer to help the individual deal with the experience he or she has undergone, including professional counseling, as warranted.

When counseling is warranted, the Diocese or parish/institution will provide for such counseling when the offender was a priest, seminarian, deacon, woman or man religious, employee, or volunteer of the Diocese of Madison at the time the sexual harassment occurred.

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

When it is necessary, the Bishop or supervisor, working in conjunction with the pastor, institution supervisor, office or program director, and/or the Dean, will determine how the Diocese will assist the local parish, school, institution, office or program to respond to an allegation of sexual harassment. Depending on the circumstances involved, the Bishop may consult with the Review Board, the Diocesan attorney, and others before coming to a determination.