

SEXUAL MISCONDUCT POLICY OF THE DIOCESE OF COLORADO SPRINGS

Effective October 1, 1991
Seventh revision effective May 15, 2008

1. Preamble. God made humans male and female and saw that this was good. Gn. 1:27; 2:21-23; and 5:1-2. God gifted humans with gender and sexuality. The Bible teaches that any good gift from God can become misused or distorted and that such corruption can result in injury, shame and humiliation. Gn. 3:8-13 and II Sam. 11:1-12:15.

The Gospel calls The Diocese of Colorado Springs to minister to all of God's people and to show special tenderness and care for those who are vulnerable, including children and the elderly, and those experiencing illness, loss, and brokenness. The ministries of the Diocese cannot succeed unless the Diocese takes care to ensure that its ministries are safe for all.

2. Prohibition. Sexual misconduct¹ is contrary to Christian principles. It is always outside the scope of duties for Diocesan volunteers, for Diocesan Workers,² and for Religious.³ It is forbidden.

3. Distribution and Acknowledgment of Policy. The Vicar General or his designee shall distribute a copy of this policy to all Diocesan Workers and Religious, who, in turn, must in writing acknowledge receipt of this policy and agree to comply with its terms.

4. Education. Upon request of the Diocese, Diocesan Workers and Religious shall either attend designated educational programs regarding sexual misconduct or review the Diocesan Orientation video and other sexual misconduct educational materials provided by the Diocese.

5. Background Questionnaires. Each person applying to become a Diocesan Worker shall complete an information questionnaire and a background investigation disclosure and authorization form as part of the application process. The Vicar General or his designee shall review the information questionnaires and criminal background reports of all Diocesan priests, deacons, seminarians, deacon candidates and of all Religious and extern priests. The Diocesan Insurance and Benefits Manager or his or her designee will review these documents for all other Diocesan Workers.

6. Obligation to Report. There are two distinct types of reporting: internal and external. Internal reporting provides notice to Diocesan officials of suspected instances of *types of sexual misconduct*. External reporting provides notice to local law enforcement agencies of suspected instances of *child abuse or neglect*.

Internal Reporting: Diocesan Workers and Religious, who know or reasonably suspect an incident of sexual misconduct involving a minor or who believe that they are victims of sexual misconduct, shall immediately provide a detailed report of the same to:

Terri Sortor, Human Resource Manager, 719-660-6073

OR

Ed Gaffney, Director of Pastoral Services, 719-651-7742

Diocese of Colorado Springs
228 North Cascade Avenue
Colorado Springs, Colorado 80903
719-636-2345

The Bishop will be notified upon any allegation made against a priest or deacon. Upon request of the chair of the conduct investigation team, the individual making the report shall also provide a detailed, written report.

External Reporting: The Diocese will report every allegation of sexual abuse of a person who is a minor to law enforcement. In addition, Colorado law requires “mandated reporters”--including clergy, school employees, medical personnel, mental health professionals, and others--to immediately report every reasonably suspected situation of child abuse or neglect to the appropriate local law enforcement agency. Child abuse or neglect includes more than sexual misconduct against minors as defined by this policy. It includes physical injury of a child, malnutrition, failure to thrive, and inadequate parental provision of food, clothing, shelter, or medical care.

Any Diocesan Worker or Religious, who is a mandated reporter who has any doubt regarding his or her external reporting obligations, should consult with the chair of the conduct investigation team or with the Diocesan Human Resource Manager.

Those making external reports should make them, by phone and in writing, to the appropriate law enforcement agency. The written report must be submitted on the Diocese of Colorado Springs Child Abuse Reporting form. Copies of the form may be acquired from pastors, parish directors, principals, and the Diocesan Human Resource Manager.

Subject to certain exceptions, Colorado law states that any person who participates “in good faith in making [such] a report . . . shall be immune from any liability, civil or criminal, or termination of employment that otherwise might result by reason of such” reporting.

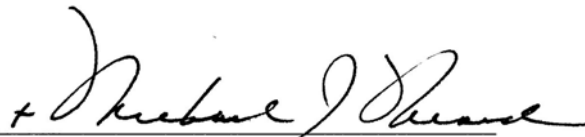
Seal of Confession Inviolable. The seal of sacramental confession is inviolate and must never be compromised. Accordingly, both internal and external reporting requirements established by this policy do not apply when the information giving rise to the duty to report is acquired exclusively through sacramental confession. Colorado law exempts clergy from the duty to report when they acquire information giving rise to suspicion of child abuse or neglect through privileged clergy communications, like sacramental confession.

7. Fact-Finding and Administrative Leave. Whenever a facially credible allegation of sexual misconduct is received, the chair of the conduct investigation team shall immediately consult with Diocesan counsel and initiate a thorough and impartial investigation. Investigations of priests and deacons will comply with canon law and pertinent magisterial documents. If it is deemed to be in the best interests of the alleged victim, other vulnerable individuals, the accused individual, or the Diocese, then the Bishop (as regards priests or deacons) or the Vicar General (as regards other individuals) may place the accused individual on administrative leave. Administrative leave is for everyone's protection. It is not punishment, and no one should construe it as implying guilt. This leave may be with or without pay. Whenever the investigation of a priest or deacon so indicates, the Bishop may refer the individual for medical or psychological evaluation and may also limit or revoke clerical faculties pending the outcome of the investigation.

8. Prohibition for Retaliation. Any Diocesan Worker or Religious bringing a sexual harassment report or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment or discriminated against because of such actions. Diocesan Workers or Religious who suspect any such retaliation must immediately report the same to the Diocesan Human Resource Manager, or, in the alternative to the Director of Pastoral Services.

9. Discipline. Corrective action, up to and including termination, will be applied when sexual misconduct has occurred. If a Diocesan Worker or Religious is confirmed to have sexually abused a minor, the Diocese will permanently remove the individual from his or her position or appointment with the Diocese. If such an individual is a Diocesan priest or deacon, the Bishop will, in accordance with canon law, permanently remove the individual from ministry. The Bishop may, in accordance with canon law, receive a request from a priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state, or the Bishop may request the individual's dismissal from the clerical state even without the consent of the individual. If the penalty of dismissal from the clerical state has not been applied, the offender is to lead a life of prayer and penance, and he will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.

I, Michael J. Sheridan, Bishop of the Diocese of Colorado Springs, do hereby promulgate this Sexual Misconduct Policy of The Diocese of Colorado Springs this fifteenth day of May, 2008 and declare that it shall take effect today, and shall continue in force and effect until thereafter revoked or amended by me or my successor.


Most Reverend Michael J. Sheridan
Bishop of Colorado Springs

¹ For purposes of this policy, “**sexual misconduct**” is any sexual conduct which arises from the work of the Diocese, involves a Diocesan Worker, Diocesan volunteer, or Religious, and another individual, and which constitutes either unlawful activity, sexual harassment, or activity contrary to Catholic moral teachings or canon law. Sexual Misconduct also includes youth peer sexual harassment.

“**Sexual harassment**” is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment does not refer to behavior or compliments of a socially acceptable nature. It refers to sexual behavior that, to a reasonable person, is unwelcome, that is personally offensive, lowers morale, and consequently interferes with work effectiveness. It can be visual, verbal, or physical.

“**Youth peer sexual harassment**” is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature by or between minors involved in any Diocesan activity which has the purpose or effect of intimidating, embarrassing, or humiliating the other person.

² “**Diocesan Workers**” includes:

- a) Priests and deacons serving the Diocese through incardination;
- b) Seminarians of the Diocese studying for or serving within the Diocese and seminarians of other Dioceses or religious communities serving with the Diocese or serving with Diocesan approval;
- c) Deacon candidates in formation for service in the Diocese;
- d) Employees of schools operated by the Diocese; and
- e) Employees in Diocesan offices, parishes, and missions.

³ “**Religious**” means members of religious orders performing services assigned to them by the Diocese. For the purposes of this policy, “Religious” also includes extern Diocesan priests.