
Sexual Misconduct Procedures
Also known as the "Red Book"

A Pastoral Letter to Christ's Faithful
of The Diocese of La Crosse

The Most Reverend Raymond L. Burke
Bishop of La Crosse

October 18, 1997
Feast of Saint Luke, Evangelist

On the Promulgation of
The Revised Sexual Misconduct Policy and Procedures
For the Diocese of La Crosse

To Christ's Faithful of the Diocese of La Crosse:

Dear brothers and sisters in Christ,

The Church is our second home. Each of our individual homes is meant to be a small Church which finds its spiritual birth and growth in the larger Church, our parish. Our participation in the life of the Church is, therefore, our greatest treasure after the gift of life itself. It is sacred to us, for it unites our individual lives to God, the source of all life, and to one another, the family of God's children.

Those who serve us in the Church represent, in one way or another, our Lord Jesus Christ as He shares His divine life with us in the Church. Priests and deacons, consecrated persons and laity who serve us in the Church, also as volunteers, are therefore held to the highest standard of moral conduct. Any breach of moral conduct on their part carries an additional burden of responsibility, for it betrays the trust which the Church places in them.

Sexual misconduct, because it is a violation of a person in his or her intimate being, always inflicts a most severe wound in the victim. When the act of sexual misconduct is carried out in the context of the Church's work, the wound is even more severe, for it touches upon the victim's faith in God and in His love for us. For that reason the Church, together with society in general, has become increasingly aware of the nature and gravity of acts of sexual misconduct, and desires to address such acts committed by agents of the Church with all of the spiritual remedies at her disposal.

The revised Sexual Misconduct Policy and Procedures of the Diocese of La Crosse indicate the practical ways by which our Diocese will continue to address the situation of sexual misconduct by those who serve God's people in the name of the Church. First of all, they mandate ongoing education for all agents of the Church regarding proper conduct, especially in the delicate area of human sexuality. In the sad case of an act of sexual misconduct, they aim to do what is just for all involved: the victim, the perpetrator and the whole body of the Church. What is more, they aim to bring the love of God to those who suffer the terrible wound inflicted by acts of sexual misconduct.

I take the occasion of the promulgation of the revised Sexual Misconduct Policy and Procedures to invite all who have suffered the severe wound inflicted by sexual misconduct on the part of an agent of the Church to seek the healing and reconciliation which our Lord Jesus Christ alone can provide. The holy Gospels attest to the healing power of our Lord Jesus Christ. I invite you to place your trust in the Lord and in the grace of healing which He continues to pour out for us in the Church.

Saint Luke, who feast we celebrate today, tells us that our Lord Jesus sent forth the Twelve on their mission "to proclaim the reign of God and heal the afflicted." (Lk 9,2) Let us pray that the revised Sexual Misconduct Policy and Procedures will be a fit instrument to assist in healing the terrible affliction of sexual misconduct. Let us invoke the intercession of the Blessed Virgin Mary, Mother of the Church, to bring health and healing to all in the Church.

Invoking God's blessing upon you and your homes, I remain

Yours sincerely in Christ

(Most Rev.) Raymond L. Burke
Bishop of La Crosse

Decree

Promulgating the Revised Sexual Misconduct Policy and Procedures for the Diocese of La Crosse

The Diocese of La Crosse has had, for a number of years, a policy and procedures to respond to allegations of sexual misconduct on the part of Diocesan employees and agents. In order that the policy and procedures might respond more fully and effectively to such allegations, in the light of up-to-date knowledge in the matter and the Church's experience, it has been necessary to undertake their revision. For this reason a committee was convened and, as a result of its work, this revision of the Sexual Misconduct Policy and Procedures for the Diocese of La Crosse has been formulated.

I hereby decree that the *Revised Sexual Misconduct Policy and Procedures for the Diocese of La Crosse* is to be published and to become effective today.

Given at La Crosse this eighteenth day of October in the year of Our Lord 1997, the Feast of Saint Luke, Evangelist.

(Most Rev.) Raymond L. Burke
Bishop of La Crosse

Sr. Marlene Weisenbeck, F.S.P.A.
Chancellor

Sexual Misconduct Policy

1. Sexual misconduct by any Diocesan agent, while performing the work of the Diocese, is contrary to Catholic faith and morals, is outside of the scope of his or her duties and responsibilities, and is absolutely prohibited.
2. No person shall be subjected to sexual misconduct by any Diocesan agent, including clergy, consecrated persons, employees or volunteers of the Diocese of La Crosse.
3. All Diocesan agents shall comply with all federal, state or local, civil and criminal laws, prohibiting sexual misconduct; all laws requiring the reporting of known or suspected instances of sexual misconduct; and all requirements, procedural and substantive, set forth in this policy.

Sexual Misconduct Procedures

■ PURPOSE

1. **To convey the message** by word and deed that sexual misconduct is a moral outrage; that it will not be tolerated or condoned in the Church, regardless of the status of the offender; and that the time and resources of Church authority are committed to a just, pastoral response to all involved.
2. **To provide a prompt, compassionate and appropriate response** to reporters of sexual misconduct.
3. **To respect the canonical and civil rights** of the parties involved.
4. **To provide a confidential procedure to gather all relevant facts** which respects the privacy of the reporter and of the accused.
5. **To provide a mechanism**, when appropriate, to make available competent and supportive professional resources to victims, perpetrators and the accused.
6. **To provide and develop a climate and opportunities** for remediation, reconciliation and forgiveness.
7. **To provide a process** which seeks to restore trust.

■ PROCEDURE

1. All allegations of sexual misconduct against Diocesan agents (clergy, consecrated persons and/or lay persons) shall be immediately reported to the Diocesan Bishop. All such reports are confidential.
2. The Diocesan Bishop shall meet with the Diocesan Attorney and may meet with others to assess initially the nature of the allegations and appropriate response to the allegations. This initial assessment will address the issues of possible risks to the accuser and potential victims, possible risks to the accused, reporting requirements, the selection of the persons to represent the Diocesan Bishop to the accuser and the accused (see Paragraphs 7 and 8 below), and the investigative protocol.
3. The Diocesan Bishop and/or his designee shall promptly respond to the accuser/reporter acknowledging the allegations and providing the accuser/reporter a copy of the Diocesan Sexual Misconduct Procedures.
4. The Diocesan Bishop and/or his designee shall notify the accused that an accusation has been made and provide the accused with a copy of the Diocesan Sexual Misconduct Procedures. If the accused is a cleric of another Diocese or a consecrated person, the ecclesiastical superior of the accused shall also be notified.
5. When necessary, the Diocesan Bishop shall take immediate steps to safeguard the health, safety and welfare of all persons, which may include a leave of absence for the accused, reports to the appropriate authorities, notice to the insurance carriers and/or referral to professionals (medical, psychological or legal).
6. The investigative protocol shall be carried out in a timely manner.
7. The Diocesan Bishop shall appoint a person to act as a liaison between the Bishop and the accuser/reporter; to represent the compassionate pastoral presence of the Diocesan Bishop; to gather detailed facts, including written statements from the accuser/reporter, documents, witness statements and records (releases); to submit written reports to the Diocesan Bishop; and ultimately to facilitate reconciliation and healing. All information and communication with the accuser and to the Diocesan Bishop shall be confidential.
8. The Diocesan Bishop shall appoint a person to act as a liaison between the Bishop and the accused; to represent the compassionate pastoral presence of the Diocesan Bishop; to gather detailed facts including written statement from the accused, documents, witness statements and records (releases); to submit written reports to the Diocesan Bishop; and ultimately to facilitate reconciliation and healing. All information and communications with the accused and to the Diocesan Bishop shall be confidential.
9. When appropriate, the Diocesan Bishop may request a third-party assessment of the accuser and/or accused, including independent medical, psychological or other examinations at Diocesan expense. All documents and/or reports are confidential.
10. After the investigative protocol is completed, the Diocesan Bishop shall make a determination whether or not the accusation is sufficiently confirmed.
11. If the accusation is not sufficiently confirmed, the Diocesan Bishop, with the respective liaisons to the accuser/reporter and the accused, shall communicate such determination to both parties. In addition, the Diocesan Bishop shall assist the parties to achieve reconciliation. A written statement shall be made, placed and recorded in the confidential records of the Diocese.
12. The following will apply if the accusation is sufficiently confirmed:
 - a. The Diocesan Bishop shall take reasonable immediate steps to safeguard the health, safety and welfare of the victim and others involved and to prevent the misconduct from being repeated.
 - b. At the sole discretion of the Diocesan Bishop, when appropriate, the Diocese may make assistant available to the victim. The nature, content and extent of the assistance will depend upon each circumstance. Factors to be considered include the nature of the offense; the harm caused by the offense; the degree of culpability of the Diocese; the financial and professional resources available to the Diocese; and what canon law, civil law and contractual agreements of the Diocese permit.
 - c. At the sole discretion of the Diocesan Bishop, when appropriate, the Diocese may make professional resources available to the perpetrator. The nature, content and extent of the assistance will depend upon each circumstance. Factors to be considered include the nature of the offense; the harm caused by the offense; the degree of culpability of the Diocese; the financial and professional resources available to the perpetrator and the Diocese; and what canon law, civil law and contractual agreements of the Diocese permit.
 - d. No cleric, consecrated person or lay person who has engaged in sexual misconduct may be assigned in the future, if ever, to any Diocesan position, unless and until he or she has successfully completed any and all recommended assessment and initial therapy, is professionally deemed as presenting no unreasonable risk of reoffense, has had a prolonged period without recidivism, is reasonably monitored and supervised, and demonstrates to the satisfaction of the Diocesan Bishop that he or she presents no reasonable risk of harm.
 - e. Confidential written records shall be maintained by the Diocese concerning any accusations of sexual misconduct. All records of the investigative protocol are confidential and shall be kept in the secret archives.

13. When it is apparent that the accusation of sexual misconduct has caused hurt and scandal in the communities in which it is alleged to have occurred or did occur, the Diocesan Bishop shall direct the Dean to assess the nature and degree of the harm caused, and recommend and implement a plan of community healing and reconciliation.

Sexual Misconduct Policy and Procedures

■ SCOPE

1. These Sexual Misconduct Policy and Procedures govern all Diocesan agents, including clergy, consecrated persons, employees and volunteers, while they are performing the work of the Diocese.
2. The Sexual Misconduct Policy and Procedures are not intended to cover other moral transgressions or matters involving violations of the Code of Canon Law.