

Protecting Your Rights as a Priest: A Practical Guide ©

Milwaukee Archdiocese Priests Alliance - March 15, 2007

Website: www.milwalliance.org

1. If the Vicar for Clergy (or another archdiocesan official) summons you to a meeting after informing you that you have been accused of sexual abuse or other misconduct, or if you are summoned to a meeting without being given the reason:
 - A. Call your attorney. If you do not have an attorney, get one. Contact the Priests' Rights Committee if you need assistance.
 - B. Call a canon lawyer (also known as a canonical advocate). Contact the Priests' Rights Committee if you need assistance.
 - C. Take your civil attorney, canonical advocate, or another reputable individual, such as a fellow priest, with you to the meeting. This will provide you with an independent witness to the proceedings and will limit the possibility that the meeting is mischaracterized or improperly interpreted at a later date.
 - D. Request that the Vicar for Clergy put the purpose of the meeting, including any and all specific allegations, in writing. If the Vicar for Clergy refuses to comply with this request, you can refuse to attend until an agenda is supplied. If you and your counsel decide to meet nonetheless, take careful notes. Whether the immediate evaluation of the content of the meeting is positive or negative, a written summary should be prepared by the summoned priest, reviewed by whoever accompanies him, and sent to the Vicar for Clergy for a written response with both included in the personnel file.
 - E. Know that nothing you say to any agent of the archdiocese is considered legally confidential. It is best to presume that all information given to the Vicar for Clergy is in the external forum as far as Church proceedings are concerned. There is nothing said under the "seal of confession" except the sacrament of penance itself. Make no statements before consulting with your counsel.
 - F. During the meeting, listening is of the utmost importance. If you choose to speak, think carefully before you speak. Avoid making statements or conceding facts that could be construed as an admission or confession by parties not in attendance and who review your words later in a different context. Do not be afraid to ask for a recess to consult your counsel. Do not make any decisions or agreements during the meeting.
 - G. Inform the Vicar for Clergy that you will expect to review your entire archdiocesan personnel file, and any other records kept about you in the Chancery or Vicar for Clergy Office when you meet. It is possible that your file contains written complaints or allegations about which you were never informed, even though you have the right to be informed of any such allegations according to the *Archdiocese of Milwaukee Clergy Manual*. It is recommended that you review the entire *Clergy Manual* at this time.

2. If the Vicar for Clergy (or another archdiocesan official) demands that you must undergo psychological testing or a psychological evaluation: Know that you cannot be forced to undergo psychological testing or a psychological assessment or evaluation, and that you have the right to refuse to release the results of any such process. Before making a decision in this matter thoroughly discuss it with both your civil attorney and canonical advocate.

3. If you decide to undergo mandated psychological testing or a psychological evaluation:
 - A. Be aware that the institution evaluating you considers the Archdiocese of Milwaukee – not you – its client.
 - B. Demand that the Vicar for Clergy give you a copy of all information being sent to the evaluating institution. Make a list of these documents, and have the Vicar for Clergy confirm in writing that this list is accurate and complete.
 - C. Refuse to go to an institution that is outside the United States, such as Southtown Institute in Toronto, Canada. Medical access and privacy laws are different in other countries, and enforcing your rights to your records and other pertinent information vis-à-vis a foreign facility can be time-consuming and expensive.
 - D. Do not sign any release of confidential information from a doctor, psychiatrist, psychologist, or psychiatric institution to the Archdiocese of Milwaukee before you have read the document or record you are releasing, and before discussing it with both your civil attorney and canonical advocate. Most release forms also contain words to the effect that the receiving institution is prohibited from releasing any information without the priest's consent. If that is not on the standard form, it should be written in. Psychiatric institutions will often ask a patient to give consent for a release of information before they have done anything. You need to know their conclusions or recommendations before you can decide it is in your best interest to release the information to the archdiocese.
 - E. Know that giving consent to a psychiatric institution to release confidential information about you protects only that institution, not you. American law demands that such institutions release only information that you permit to be released; in most circumstances, however, the law provides no protection to you against what the recipient of that information does with it. In most cases you can expect to have no legal recourse if the Archdiocese of Milwaukee re-releases the information to others without your consent. Discuss this with both your civil attorney and your canonical advocate.

The Milwaukee Archdiocesan Priests Alliance acknowledges the many terrible injustices suffered by victims of clerical abuse. Nothing in this document should be construed as an effort to protect priests who have harmed their victims, the Church and the reputation of their fellow clerics by their proven misconduct.