

Book II The People of God

§1200 LAY AND RELIGIOUS EMPLOYEES AND VOLUNTEERS SEXUAL ABUSE OF MINORS: POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE, AND PROCEDURES, FOR DETERMINATION OF FITNESS FOR MINISTRY, EMPLOYMENT OR VOLUNTEER SERVICE

§1201 Scope

1201.1. Policy These policies and procedures are for the Diocese of Springfield in Illinois (its curia, agencies, and institutions), for its parishes (including the parish schools, and Catholic secondary schools that include “Catholic” in their title or description or are attached to a parish or sponsored by the diocese), a religious institute, or other group, in canon law considered separate juridic persons, and for separate civilly incorporated institutions sponsored by the Diocese.

§1202 Purposes of These Policies and Procedures

The Diocese of Springfield in Illinois is committed to the proper care of all, including minors, who are served by Church personnel. The purposes of these policies and procedures are:

- a. to define the ecclesial action to be taken by the Diocese of Springfield in Illinois when an allegation of sexual abuse of minors by lay or religious employees or volunteers is received;*
- b. to assure a proper response to alleged victims, to the alleged victims’ families, and to the alleged offenders when such an allegation is received;*
- c. to establish procedures and requirements to screen out prospective lay and religious employees or volunteers with a history of prior sexual abuse of minors.*
- d. to inform and to educate all persons associated with the Diocese in any capacity about this policy.*

Definitions

When used in these policies and procedures, the following terms mean:

- a. “Sexual Abuse of a Minor.” Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification, and the acquisition, possession, or distribution by a*

*lay or religious employee or volunteer of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology. Sexual abuse has been defined by different civil authorities in various ways, and this policy does not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (**Code of Canon Law**, c. 1395 par #2). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, Canonical Delicts).*

b. “Lay and Religious Employees and Volunteers” includes:

- 1) *all members of institutes of consecrated life and societies of apostolic life (hereinafter, “religious”), and lay persons 18 years of age and older, who are employed, full-time or part-time, in the parishes, schools, agencies, and other institutions of the Diocese of Springfield in Illinois.*
- 2) *all religious and lay persons 18 years of age and older serving in any volunteer capacity in the parishes, schools, agencies and other institutions of the Diocese of Springfield in Illinois to include volunteers in ministries of the liturgy (i.e., Eucharistic/Extraordinary Ministers of Holy Communion, Readers, Ushers, Greeters/Hospitality ministers, adult servers, Choir members, musicians and equipment technicians), volunteering in the parishes, schools, agencies, and other institutions of the Diocese of Springfield in Illinois.*

c. “Assistance Minister.” *The Assistance Minister is designated by the Diocesan Bishop to aid in the immediate care of persons who claim to have been sexually abused when they were minors by Church personnel and to perform the other roles outlined in this policy.*

d. “Minor.” *A minor is a person who is under 18 years of age or a person who habitually lacks the use of reason and is considered to be equivalent to a minor.*

§1204 Educational Programs to Prevent Sexual Abuse of Minors

1204.1. Policy On a regular basis, educational programs on the methods of recognizing and preventing sexual abuse of minors will be offered to Church personnel. Individuals who have not completed the educational programs will not be permitted to serve as Church personnel in the Diocese of Springfield in Illinois.

§1205 Distribution of This Policy

1205.1. Policy This policy and related policies §100 Clerical Sexual Abuse of Minors: Policies for Education, Prevention, Assistance, and Determination of Fitness for Ministry, and §1100 Candidates in Formation for Clerical Ministry: Policies for the Education, Prevention, Assistance, and Procedures of Determination of Fitness for Clerical Ministry Formation, will be made available to all *lay and religious employees or volunteers* who will be asked to certify that they have reviewed the policies in print or electronic format. It will also be available to the faithful of the Diocese by posting on the diocesan web site (www.dio.org) and periodic announcements of the existence of the policy in *Catholic Times*, the official diocesan news publication. Both official diocesan sources will identify the contact number for child abuse reporting and investigation.

§1206 “Certification” Document & Criminal History Background Search

1206.1. Policy All lay and religious employees or volunteers must complete an appropriate Criminal History Background Search and the Certification Document before beginning or continuing service, including volunteer service, in the parishes, schools, agencies, and institutions within the Diocese of Springfield in Illinois. Such lay and religious employees or volunteers will be asked periodically to repeat the completion of the Certification Document and to update the Criminal History Background Search.

Procedure

Information provided for the criminal history background search shall be checked to the extent appropriate under the circumstances, which will vary, based upon the lay or religious employee/volunteer status of the individual and duties to be performed.

1206.2. Policy Individuals who have not completed and the Criminal History Background Search and the certification statement will not be permitted to serve as Church personnel in the Diocese of Springfield in Illinois.

Procedure

The results of the Criminal History Background Search will be maintained by the Department for Personnel Services, Office for Safe Environment of the Diocese of Springfield in Illinois (located at the Catholic Pastoral Center, 1615 W. Washington Street, Springfield, IL 62702).

§1207 Review Process for Lay or Religious Employees or Volunteers

Section 1207 establishes the process by which the fitness for employment or volunteer service of a lay or religious employee or volunteer accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations be made to the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service. Allegations of sexual abuse by a lay or religious employee or volunteer with a minor will initially be considered by the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service in consultation with the Director of HR. They shall review all subsequent issues regarding the fitness for employment or volunteer service of the accused lay or religious employee or volunteer. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing. In this context, the safety and well-being of the community is of primary concern. Another concern is protecting the reputation of the lay or religious employee or volunteer accused who may be subject to inaccurate or false accusations. It is the responsibility of the HR Director to cooperate with civil officials. It is the Church's pastoral responsibility to respond with respect to religious, pastoral and administrative matters that are beyond the authority of government.

§1207.1. Establishment of Process

1207.1. Policy Determinations and recommendations regarding the continuation of employment or volunteer service of any lay or religious employee or volunteer who is the subject of an allegation of sexual abuse of a minor shall be made to the governing pastor, parochial administrator, agency, institution administrator or HR director according to the consultative and advisory process established in 1209.19. When even a single act of sexual abuse of a minor by a lay or religious employee or volunteer is admitted or is established after an appropriate process, the offending lay, or religious employee or volunteer shall be removed permanently from employment or volunteer service CIC c. 1395 §2, CCEO c. 1453 §1).

§1207.2. Reporting Requirements, Compliance, and Cooperation for Lay and Religious Employees and Volunteers

1207.2.1 Policy In every instance the Diocese shall advise and support everyone's right to make a report to public authorities. (§1209.17 of this policy). All lay and religious employees or volunteers are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in their investigation. In addition to reports required by civil law, these personnel are expected to promptly report allegations of a lay or religious employee or volunteer sexual abuse of a minor, or an allegation made against any other lay or religious employee or volunteer, to the HR Director at telephone number (217-321-1155) unless prohibited by applicable Church law (Canon 983, §1)¹. All people of goodwill who may have to cooperate with the process are asked to do so with understanding and sensitivity for its goals. The Diocese shall make all appropriate steps to protect the good name and reputation of all persons involved in this process (Cf. Canon 220)².

Procedure – Lay or Religious Employees and Volunteers

- a) As defined by the Federal Abused and Neglected Child Reporting Act, all mandated reporters shall make their first report to the Illinois Department of Children and Family Services (DCFS). (cf. 325 Illinois Compiled Statutes (ILCS) 5/4 Persons Required to Report)
- b) The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the offense of sexual abuse of minors.
- c) Ordinarily, the information received by the HR Director shall include the name of the lay or religious employee or volunteer who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged abuse, the relevant dates, times and circumstances in which the abuse allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.
- d) Allegations that a lay or religious employee or volunteer of the Diocese of Springfield in Illinois engaged in sexual abuse of a minor may be received from any number of sources: e.g., a meeting in person with the Facilitator, a telephone call, written communication, email, a personal appointment, the media, public authorities, etc.
- e) Any notification from DCFS that it has initiated a formal investigation that a minor may have been sexually abused by a lay or religious employee or volunteer, or from law enforcement authorities that they are investigating whether a minor was sexually abused by a lay or religious employee or volunteer, shall be considered an allegation.

¹ Canon 983,§1: The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

² Canon 220: No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

- f) An allegation against a lay or religious employee or volunteer who has left employment or volunteer service shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to suspect that the former lay or religious employee or volunteer engaged in sexual abuse of a minor while in the service of the church, and whether minors are currently at risk.
- g) An allegation against a lay or religious employee or volunteer who is no longer employed, or volunteering shall be received by the Facilitator who shall make a written summary of the allegation and refer the accuser to the Assistance Minister for appropriate pastoral care.
- h) An allegation against a deceased lay or religious employee or volunteer shall be received by the HR Director who shall make a written summary of the allegation and refer the accuser to the Assistance Minister for appropriate pastoral care.
- i) Anonymous allegations or allegations that contain insufficient information ordinarily shall be processed by the Facilitator in the following fashion:
 - 1) Based on the limited data available, request the appropriate parishes/schools or Diocesan agencies to forward for review by the HR Director all relevant files, and other pertinent information so that the allegation can be investigated to the degree possible.
 - 2) If the lay or religious employee or volunteer can be identified, determine whether-or-not to inform him/her and offer him/her the opportunity to respond.
 - 3) Report all such allegations to the HR Director so that the HR Director may review such allegation and recommend further action as it deems appropriate.

§1208. Protection of Rights and Unfounded Allegations

Comment

*There is always the possibility of false accusations or unsubstantiated claims of sexual abuse of a minor, sexual harassment, or sexual exploitation. It is important for all the Christian faithful, including lay and religious employees or volunteers, to know that both civil law and canon law (**Code of Canon Law**, cc. 1390-1391) provide penalties for the crime of falsehood in which innocent individuals become victims of false denunciation and calumny.*

1208.1. Policy Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When the accusation has proved to be unfounded, every step possible shall be taken to restore the good name of the person falsely accused.

§1209.8. Rights of the Accusers and Accused to Meet with the HR Director

1209.8.1. Policy Both the person making the accusation and the accused lay or religious employee or volunteer have a right to meet with the HR Director before the Review for Cause is concluded, subject to such reasonable time limitations as the HR Director may establish. The HR Director Board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

Procedure

When the person bringing the accusation, or the accused lay, or religious employee or volunteer meets with the HR Director, the HR Director shall schedule their appearances in such a way that they not meet each other, even inadvertently.

§1209.9. Rights to Legal Counsel

1209.9.1. Policy Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal counsel.

Procedures

- a) The accused shall be encouraged to retain the assistance of legal counsel.
- b) Any person appearing before the HR Director may do so with counsel or, at the HR Director's discretion which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the HR Director's consent. The HR Director shall not permit the participation of counsel or other adviser unduly to delay this process. Attorneys licensed to practice civil law, serving as counsel to the person making the allegation or the person accused, may attend such meetings and advise their clients involved in these processes, with the understanding that such proceedings are not hearings subject to the rules of civil law.

§1209.15. Receipt of Information

1209.15.1. Policy To assist the HR Director in implementing this process, the Diocese shall establish and publicize a separate telephone number to facilitate receipt of information. The HR Director will answer calls during business hours and an appropriate recording system shall be used at other times.

§1209.16. Confidentiality and Disclosure of Information

1209.16.1. Policy Information generated in connection with the process set forth in Sections 1207.2 and 1209.18 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

Procedures

- a) The HR Director is the custodian of all information described in Sections 1207.2 and 1209.18 and shall develop an appropriate record keeping system to ensure accountability for and security of the information in accordance with diocesan record keeping policies and in consultation with the diocesan Office for Archives and Records Management.
- b) The HR Director shall maintain the information in a confidential fashion and may not disclose such information except as follows:
 - 1) the HR Director will provide the accused lay or religious employee or volunteer with information sufficient to enable the accused lay or religious employee or volunteer to respond to the allegation; either party may have access to his or her own statements pertaining to the allegation or response and may offer them to be incorporated into the record; the HR Director may provide both the person making the allegation and the accused lay or religious employee or volunteer with such additional information as necessary to process the allegation;
 - 2) after the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service has decided on a matter brought before them the HR Director will provide the person making the allegation with appropriate and timely information about the HR Director's determinations and recommendations; and the actions of the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service. The HR Director will provide access to information to the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service, and other persons the Diocesan Bishop may designate;
 - 3) the HR Director will disclose such information as may be required by law; and
 - 4) the Diocese will develop a communications policy that reflects its commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal as openly as possible with members of the community. This is especially so regarding assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

§1209.17. Immediate Inquiry and Actions

1209.17.1. Policy Upon receipt of the allegation of sexual abuse of a minor by a lay or religious employee or volunteer, the HR Director shall promptly report such allegation to the public authorities, to include the appropriate state agency for child protective services, and comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, and shall cooperate in their investigation in accord with the law of the jurisdiction in question. The HR Director will make such report even if the authorities advise that the statute of limitations is run. The HR Director will tell the person to whom he or she is reporting that he or she is making the report on behalf of all mandated persons connected with the entity to which the alleged offender is connected. The HR Director shall maintain a record of the time and substance of the report, the identity of the person and agency to which the report was made, the number of any other identifier of the case which the agency may have established. The HR Director shall also provide the person making the allegation with a statement containing information about the right to make a report of such allegations to public authorities and will support this right. (§1207.2 of this policy).

Procedures

- a) The HR Director will promptly report the allegation to the Diocesan Bishop, the Vicar General, the Assistance Minister, and the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service, the Director of the Office for Insurance and Benefits, or other persons the Diocesan Bishop may designate.
- b) The HR Director will immediately review the accused's lay or religious employee or volunteer files, solicit whatever other information about the accused lay or religious employee or volunteer that may be directly available, make appropriate inquiries about the allegation, interview the appropriate parties and prepare a report of all available information for presentation for the Diocesan Bishop, the Vicar General, the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution.

1209.17.2. Policy The HR Director shall promptly assess whether the safety of children requires interim action and promptly communicate a recommendation to the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service.

Procedures:

- a) In making an assessment and recommendation for interim action, the HR Director will consult with those designated by the Diocesan Bishop who are involved in administering issues related to the allegation.

- b) If the ministry of the lay or religious employee or volunteer accused who is the subject of interim action involves contact with children or is located at a site where children are present, such as a school or religious education program, the appropriate parties or individuals shall be notified of the fact of the allegation and its circumstances; they will be consulted on the interim action to be taken.

§1209.18. Review

1209.18.1. Policy The HR Director shall meet to conduct a Review within 90 days after the he/she has received the allegation; however, in cases where there is alleged abuse by a lay or religious employee or volunteer in active ministry and possible danger may exist to children. The Review shall not be postponed because of long and unnecessary delay notwithstanding the policy, if interim action has been deemed necessary, the matter shall be placed on an expedited basis.

Procedure:

Upon receiving the allegation, the HR Director will make a reasonable effort to obtain the pertinent information from the accuser or other responsible source(s) within 30 days. The accused will be given 30 days to respond to the allegation. Ordinarily, all information and responses will be in the form of signed statements.

§1209.19. Recommendations

1209.19.1. Policy The HR Director shall make appropriate recommendations to the governing pastor or parochial administrator of the church/school, or the diocesan agency or institution where the lay or religious employee or volunteer is in service about the following:

- 1) if it has found that there is reason to suspect that the accused has engaged in sexual abuse of a minor, thereby resulting in the removal of the lay or religious employee or volunteer from the employment or volunteer position.;
- 2) if it has found that there is insufficient reason to suspect that the accused has engaged in sexual abuse of a minor:
 - i) whether the file should be closed at this stage of the proceedings;
 - ii) whether the file should be held open for some reason;
 - iii) if the conduct of the accused lay or religious employee or volunteer does not constitute sexual abuse of a minor but is otherwise inappropriate,
 - iv) whether further action appears warranted and suggestions as to possible action; and such other matters as the HR Director deems appropriate.