

## **§100 CLERICAL SEXUAL ABUSE OF MINORS: POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE, AND DETERMINATION OF FITNESS FOR MINISTRY**

### **§101 Scope**

**101.1. 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.

### **§102 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 Clerics. 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 Clerics 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 Clerics 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 cleric 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 neither the **Essential Norms** for the Church in the United States nor this policy adopts 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*).*

*(Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (**Code of Canon Law**, c. 1395 par. §2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent (**Code of Canon Law**, c. 1321 par. §2; see cc. 1322-1327). If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted, and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the Diocesan Bishop, with the advice of the Diocesan Review Board, to determine the gravity of the alleged act.<sup>1</sup>*

- b.** **“Clerics.”** includes:
- 1) *all priests and deacons incardinated in the Diocese of Springfield in Illinois and in “good standing.”*
  - 2) *other priests and deacons who have the faculties of the Diocese of Springfield in Illinois.*
- c.** **“Diocesan Facilitator for Child Abuse Reporting and Investigation, (Facilitator).”** *The facilitator is designated by the Diocesan Bishop to respond to allegations of sexual abuse of a minor, refer individuals reporting to the assistance minister; conduct an initial inquiry of the allegation and report the allegation and initial inquiry to the Diocesan Review Board.*
- d.** **“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 Clerics and to perform the other roles outlined in this policy.*
- e.** **“Minor.”** *A minor is a person who is under 18 years of age or a*

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<sup>1</sup>See: USCCB, *Charter for the Protection of Children and Young People*, November 19, 2002.

*person who habitually lacks the use of reason and is considered to be equivalent to a minor.*

## **§104 Educational Programs to Prevent Sexual Abuse of Minors**

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

## **§105 Distribution of This Policy**

**105.1. Policy** The policy will be made available to all Clerics, who will be asked to certify that they have reviewed the policy 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](http://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.

## **§106 “Certification” Document & Criminal History Background Search**

**106.1. Policy** All Clerics 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 Clerics 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 employee/volunteer status of the individual and duties to be performed.

**106.2. Policy** Individuals who have not completed and the Criminal History Background Search and the certification statement will not be permitted to serve as Clerics 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).

## §107 Review Process for Clerics

*Section 107 establishes the process by which the fitness for ministry of a cleric accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations be made to the Diocesan Bishop. Allegations of sexual abuse by a cleric with a minor will initially be considered by the Diocesan Facilitator (defined in 107.5), for Child Abuse Reporting & Investigation, (Facilitator), who will make a recommendation to the Bishop. The Review Board shall review the initial recommendation of the Facilitator, as well as all subsequent issues regarding the fitness for ministry of the accused cleric. The Facilitator and Review Board are established as advisors of the Diocesan Bishop. 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 cleric who may be subject to inaccurate or false accusations. The responsibility of the Facilitator to cooperate with civil officials is confirmed, as is the Church's pastoral responsibility to respond with respect to religious, pastoral and administrative matters that are beyond the authority of government.*

### §107.1. Establishment of Process

**107.1. Policy** Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of an allegation of sexual abuse of a minor shall be made to the Diocesan Bishop according to the consultative and advisory process established in Section 107. When even a single act of sexual abuse of a minor by a cleric is admitted or is established after an appropriate process in accordance with Canon Law, the offending cleric shall be removed permanently from ecclesiastical ministry (USCCB *Essential Norms* #8, CIC c. 1395 §2, CCEO c. 1453 §1).

### §107.2. Reporting Requirements, Compliance, and Cooperation for Priests, Deacons and Religious

**107.2. Policy** In every instance the Diocese shall advise and support everyone's right to make a report to public authorities. (Cf. USCCB *Essential Norms*, #11 and §§107.5.3(2) and 107.8.1 of these policies). All Clerics 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 cleric's sexual abuse of a minor, or an allegation made against any other Clerics, to the Facilitator at telephone number (217-321-1155) unless prohibited by applicable Church law (Canon 983, §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 and USCCB *Essential Norms*, #6).

***Procedure – Clerics***

- 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. (cf. USCCB *Essential Norms*, endnote 7)
- c) Ordinarily, the information received by the Facilitator shall include the name of the cleric 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 cleric 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 cleric, or from law enforcement authorities that they are investigating whether a minor was sexually abused by a cleric, shall be considered an allegation.
- f) Since retired Clerics often continue to exercise ministry and perform sacraments, an allegation against a cleric who has retired from an official assignment 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 retired cleric engaged in sexual abuse of a minor and whether minors are currently at risk.
- g) An allegation against a cleric who has resigned from active ministry or who has been laicized 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. If the whereabouts of a resigned or laicized cleric against whom an accusation is made are known or can reasonably be determined, the Facilitator shall present the allegation to the accused cleric and request his response. Allegations involving resigned or laicized clerics will be presented to the Review Board for review.
- h) An allegation against a deceased cleric 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. Allegations involving deceased clerics will be presented to the Review Board for review.
- 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 Vicar General/Vicar for Priests and other appropriate Diocesan agencies to forward for review by the Facilitator all relevant files, and other pertinent information so that the allegation can be investigated to the degree possible.

- 2) If the cleric can be identified, determine whether or not to inform him and offer him the opportunity to respond.
- 3) Report all such allegations to the Review Board at its next regularly scheduled meeting so that the Review Board may review such allegation, the Facilitator's action, and recommend further action as it deems appropriate.
- j) Allegations made against a cleric not incardinated in the Diocese of Springfield in Illinois will be referred to the proper (Arch)/Bishop of the diocese of incardination.
- k) Allegations made against a religious will be referred to the Provincial/Superior of the religious order and a report of the allegation made to the Diocesan Bishop. The Provincial/Superior will, in cooperation with the Diocesan Bishop, proceed to address the allegation and the disposition of the accused religious in accord with the sexual abuse policies of the religious order.

### **§108. Protection of Rights and Unfounded Allegations**

*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 Clerics, 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.*

**108.1. 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. (*USCCB Essential Norms #13*)

### **§109. Diocesan Review Board**

**109.1. Policy** The recommendations described in Section 107.1 shall be made to the Diocesan Bishop by a Diocesan Review board which shall function as a confidential consultative body to the Diocesan Bishop in discharging his responsibilities (cf. *USCCB Charter, art 2, and USCCB Essential Norms, #4*):

#### **§109.2. Membership**

**109.2. Policy** The Review Board shall be appointed by the Diocesan Bishop and consist of seven or nine members of outstanding integrity and good judgment in full communion with the Church. Six members shall be lay Catholics who are not employees of the Diocese, and one member shall be a priest who is an experienced and respected pastor of the Diocese. Emphasis shall be placed on selecting members with backgrounds/experience as one or more of the following: psychiatrist, a psychologist, licensed counselor or licensed social worker, attorney, or law enforcement investigator. At least one of the members should have particular expertise in the treatment of the sexual abuse of minors. (*Cf. USCCB Charter, art. 2, and USCCB Essential Norms, #5*)

**Procedures**

- a) **Full Communion:** “Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structures by the bonds of profession of faith, the sacraments, and ecclesial governance.” (*Code of Canon Law*, c. 205; cf. Vatican II, Dogmatic Constitution on the Church *Lumen Gentium*, 14)
- b) **Review Board Member Orientation:** In order to familiarize the Review Board members with their duties as well as with the pertinent policies and procedures, there should be a Review Board Member Orientation conducted periodically with input from appropriate Diocesan officials and outside consultants.
- c) **Compensation:** None of the members of the Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

**§ 109.3. Term**

**109.3.1. Policy** Appointments to the Review Board shall be for one five-year term and may with the approval or request of the Bishop, be extended to another five-year term. Appointments over and above 10 years may be extended by the Bishop on a year-to-year basis. Any Review Board member who desires to resign from the Review Board shall, if possible, give the Review Board advance notice of the effective termination date. (Cf. *USCCB Essential Norms*, §5, Canon 186)

**§109.4. Officers**

**109.4.1. Policy** The Diocesan Bishop shall designate one Review Board member as chairperson, one person as vice chairperson, and one Review Board member as secretary for fixed terms, not to extend beyond the term as a member of the Review Board.

**Procedure**

The chairperson shall ordinarily convene and preside at meetings of the Review Board in accordance with the will of the Review Board. The vice chairperson shall perform these functions when the chairperson is unable to do so.

**§109.5. Relationship with Diocesan Bishop**

**109.5.1. Policy** The Review Board shall serve as the principal advisor of the Diocesan Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The Review Board is not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business. (Cf. *USCCB Charter*, art 2, and *USCCB Essentials Norms*, #4)

## §109.6. Quorum and Majority for Doing Business

**109.6.1. Policy** A majority (two-thirds) of the members of the Review Board appointed to serve at that time shall constitute a quorum of the Review Board, and the concurrence of not less than a majority of such members of the Review Board shall be necessary to make a determination or recommendation.

## §109.7. Meetings

**109.7.1. Policy** The Review Board shall conduct its business at meetings, which shall be scheduled to occur quarterly or as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process that is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Review Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Review Board may, at its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.

### *Procedures*

- a) Ordinarily, the Review Board shall meet in person but by exception may meet by telephone conference call. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside of Review Board committee meetings, except that the Facilitator may communicate with Review Board members as required by this process or as otherwise appears appropriate.
- b) The Diocesan Bishop, the Facilitator, and other persons designated by the Diocesan Bishop may attend those portions of the meetings during which information is presented to the Review Board and the Review Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Review Board. All other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require. It is desirable that the Promoter for Justice participate in the meetings of the Review Board. (Cf. *USCCB Essential Norms*, §5) Since the Promoter for Justice is responsible to the prosecution of any penal trial before a canonical tribunal, he/she may attend the Review Board meetings with voice in the discussions, but with no vote in the Review Board's determinations and recommendations. After the Review Board process is completed and, if warranted by the outcome, after the Congregation for the Doctrine of the Faith is notified, the Promoter for Justice shall proceed as instructed by the Diocesan Bishop in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances. (Cf. *USCCB Essential Norms*, #8A)
- c) The Chairperson, with the consent of the Review Board, may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill its purpose. However, the power to make a definitive recommendation following a Review Board meeting may not be delegated to any such committee.

### **§109.8. Rights of the Cleric to Meet with the Review Board**

**109.8.1. Policy** Both the person making the accusation and the accused cleric have a right to meet with the Review Board before the Review for Cause is concluded, subject to such reasonable time limitations as the Review Board may establish. The Review 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 cleric meets with the Review Board, the Review Board shall schedule their appearances in such a way that they not meet each other, even inadvertently.

### **§109.9. Rights to Legal or Canonical Counsel**

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

#### ***Procedures***

- a) The accused shall be encouraged to retain the assistance of civil and, canonical counsel; when necessary, the Diocese shall supply canonical counsel to the cleric. (*USCCB Charter, art. 5 and USCCB Essential Norms, #6 and 8.A*)
- b) Any person appearing before the Review Board may do so with counsel or, at the Review Board's discretion which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the Review Board's consent. The Review Board shall not permit the participation of counsel or other adviser unduly to delay this process. Attorneys licensed to practice civil law, but not canon 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 ecclesiastical processes, with the understanding that such proceedings are conducted according to these policies and procedures and the provisions of canon law; they are not hearings subject to the rules of civil law.

### **§109.10. Duties of the Review Board**

**109.10.1. Policy** The Review Board shall have the duty to:  
 Recommend to the Diocesan Bishop a candidate or candidates for the position of Facilitator.

- 1) Advise the Diocesan Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry (Cf. *USCCB Charter, art 2, and USCCB Essential Norms, §4.A.*);
- 2) Offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. *USCCB Essential Norms, §4.C.*);

- 3) Make such other recommendations that the Review Board in its sole discretion determines to be appropriate to reduce the risk to children.
- 4) Recommend guidelines for the inquiries of the Facilitator and the proceedings of the Review Board;
- 5) Conduct a review of these policies and procedures for dealing with sexual abuse of minors; (Cf. *USCCB Essential Norms*, §4.B);
- 6) The Review Board may at their discretion develop and implement educational programs for themselves and those participating in this process; and
- 7) Seek the advice of such experts and consultants as the Review Board deems necessary and appropriate.
- 8) Review the safe environment policies of the diocese once every two years and recommend to the diocesan bishop any modifications to the policies if appropriate.

**109.10.2. Policy** If a cleric admits to the truth of an incident of sexual misconduct with a minor, or personally reports such an incident to the Diocesan Bishop or his representative, while it is not necessary for the Review Board to advise the Diocesan Bishop regarding the semblance of truth of the incident, the matter shall be reported to the Review Board.

### **§109.11. Facilitator for Child Abuse Reporting and Investigation**

**109.11.1. Policy** The Facilitator for Child Abuse Reporting and Investigation (The “Facilitator”) shall assist the Review Board in the performance of its duties.

### **§109.12. Qualifications**

**109.12.1. Policy** The Facilitator shall be a lay Catholic professional who maintains appropriate qualifications and substantial experience in investigation and analyzing allegations of sexual abuse of children.

### **§109.13. Appointment and Conditions of Employment**

**109.13.1. Policy** The Diocesan Bishop shall appoint and may remove the Facilitator with the advice of the Review Board.

#### **Procedure**

The Facilitator may be compensated and evaluated according to such schedules as may be applicable to other Diocesan employees of comparable responsibilities and experience.

### **§109.14. Duties of the Facilitator**

**109.14.1. Policy** The Facilitator shall have the duty to:

- 1) Respond in a timely manner to receive the information and allegations of sexual abuse by a cleric, with a minor;
- 2) report to public authorities any sexual abuse allegation (unless canonically privileged) of a

person who is a minor, cooperate with public authorities about reporting in cases when the person is no longer a minor, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question. In every instance, the Facilitator shall advise accusers of their right to make a report to public authorities and will support this right. (Cf. *USCCB Charter*, art. 4, and §§107.2 and 107.7b)1) of these policies). Specifically, the Facilitator shall have the duty to report all allegations of sexual abuse of a minor to DCFS and to the appropriate governmental authority;

- 3) the Facilitator or designate, appointed by the Diocesan Bishop, will objectively and in a timely manner interview the accuser and in accord with canonical practice, interview the accused. Information obtained will be committed to written form and allowing the person interviewed to review, edit, and sign what has been committed to writing;
- 4) communicate in an appropriate manner with the accuser or person making an allegation, the Assistance Minister, the affected cleric, the Diocesan Bishop, Vicar General/Vicar for Priests, the Director of the Office of the Diaconate, the Director of the Office for Insurance and Benefits, the Review Board and such other persons as the Diocesan Bishop or Review Board may designate;
- 5) assist the Review Board by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
- 6) assist the Diocesan Bishop by preparing and submitting reports summarizing the allegations, the responses of accused priests or deacons, and the rationale by which the Review Board arrived at its determinations and recommendations; and
- 7) perform such other duties as may be prescribed by the Diocesan Bishop, or Review Board.

### **Procedures**

- a) The Vicar General/Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions.
- b) The Vicar General/Vicar for Priests shall work cooperatively to ensure the compliance of the cleric with the program of prayer and penance; this program is to include treatment, rehabilitation, and supervision. The Vicar General/Vicar for Priests shall be primarily responsible for the development, implementation, and operation of the program. The Vicar General/Vicar for Priests shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat priests or deacons. The Vicar General/Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions that require sensitivity to confidences.

## **§109.15. Receipt of Information**

**109.15.1. Policy** To assist the Facilitator in implementing this process, the Diocese shall establish and publicize a separate telephone number to facilitate receipt of information. The telephone number available on the home page of the diocesan website. The Facilitator will answer calls during business hours and an appropriate recording system shall be used at other times.

## §109.16. Confidentiality and Disclosure of Information

**109.16.1. Policy** Information generated in connection with the process set forth in Sections 107.4 and 107.5 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

### *Procedures*

- a) The Facilitator is the custodian of all information described in Sections 107.4. and 107.5 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 Facilitator shall maintain the information in a confidential fashion and may not disclose such information except as follows:
  - 1) the Facilitator will provide the accused cleric with information sufficient to enable the cleric 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 Facilitator may provide both the person making the allegation and the accused cleric with such additional information as necessary to process the allegation;
  - 2) after the Diocesan Bishop has decided on a matter brought before the Review Board, the Facilitator will provide the person making the allegation with appropriate and timely information about the Review Board's determinations and recommendations; and the Diocesan Bishop's actions. The Diocesan Bishop/Vicar General/Vicar for Priests will advise the accused cleric with appropriate and timely information about the Review Board's determinations and recommendations.
  - 3) the Facilitator will provide access to information to the Review Board, the Diocesan Bishop, and other persons the Diocesan Bishop may designate;
  - 4) the Facilitator will provide access to information to the competent superior in connection with allegations about a member of a religious congregation or other Diocese;
  - 5) the Facilitator will disclose such information as may be required by law; and
  - 6) 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. (*USCCB Charter*, art. 7)

## §109.17. Immediate Inquiry and Actions

**109.17.1. Policy** Upon receipt of the allegation of sexual abuse of a minor by a cleric, , the Facilitator 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 Facilitator will make such report even if the authorities advise that the statute of limitations is run. The Facilitator will tell the person to whom he or she is reporting the 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 Facilitator 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 Facilitator 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. (Cf. *USCCB Charter*, art. 4, *USCCB Essential Norms #11*, and §§107.2 and 107.5.3(2) of these policies).

***Procedures***

- a) The Facilitator will promptly report the allegation to the Diocesan Bishop, the Vicar General/Vicar for Priests, the Assistance Minister, and the Review Board, and, as appropriate, to the Director of the Office of the Diaconate, the Chancellor, the Director of the Office for Insurance and Benefits, or other persons the Diocesan Bishop may designate.
- b) The Facilitator will immediately review the cleric's files, solicit whatever other information about the cleric 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 Review Board.

**109.17.2. Policy** The Facilitator shall promptly convene an emergency meeting of the Diocesan Review Board within 48 hours to assess whether the safety of children requires interim action and promptly communicate a recommendation to the Diocesan Bishop.

***Procedures:***

- a) In making an assessment and recommendation for interim action, the Facilitator will consult with the Diocesan Review Board within 48 hours as well as others designated by the Diocesan Bishop who are involved in administering issues related to the allegation.
- b) Interim action may include temporary withdrawal from ministry<sup>2</sup>, restrictions or other actions deemed appropriate by the Diocesan Bishop. If the ministry of the cleric

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<sup>2</sup> In accord with canon 223, §2 and in accord with the *USCCB Essential Norms #9*, temporary withdrawal is an immediate action of the Bishop done for the safety of minors, the protection of the cleric, and the well-being of the Church. The purpose of temporary withdrawal is to provide quickly an opportunity to assess the risk to minors, the situation of the cleric and the urgent needs of the Church. It involves the cleric removing himself at once from a ministerial site, and may also involve other specifications, such as elements of supervision. It is for a determined period of time and is in effect only until the Review Board can meet to evaluate the allegation as an Initial Review (in most cases no longer than 90 days). It is not a judgment of guilt, and it is not equivalent to a canonical suspension or any other penal sanction. It does not affect any ecclesiastical office that the cleric may hold and it does not affect his salary. It will be done in a written form that contains the reasons for the withdrawal (canons 37, 51). At the time of his withdrawal, the cleric will be temporarily dispensed from any obligations that he might be unable to fulfill during his withdrawal (canon 87 §1). At the time of this action by the Bishop, the cleric will be apprised of his canonical and civil legal rights (*USCCB Essential Norms #6*). At the time of the action, some individuals in positions of responsibility in the parish or institution will be

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.

- c) The Vicar General/Vicar for Priests or the Director of the Office of the Diaconate, will inform the cleric of the allegation, make certain that he is advised to seek civil, and canonical legal counsel and arrange for his interview. The cleric should be advised that anything said may be used against him in civil and canonical proceedings. The accused cleric may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation mutually acceptable to the Diocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms* #7)

### §109.18. Initial Review

**109.18.1. Policy** The Review Board shall meet to conduct an Initial Review within 90 days after the Facilitator has received the allegation; however, in cases where there is alleged abuse by a cleric in active ministry and possible danger may exist to children the Review Board shall convene as soon as possible. With the advice of the Facilitator, the Review Board may delay scheduling the Initial Review for a good reason, such as to await the completion of action by public bodies; however, an Initial Review shall not be postponed because of long and unnecessary delay (e.g., Canons 1593 & 1622, 3<sup>o</sup>). Notwithstanding the policy, if interim action has been deemed necessary, the matter shall be presented to the Review Board for an Initial Review on an expedited basis, (as soon as a quorum of the board members is able to meet.)

#### **Procedure:**

Upon receiving the allegation, the Facilitator 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.

### §109.19. Questions for Review

**109.19.1. Policy** At the Initial Review meeting, the Review Board shall advise the Diocesan Bishop:

(1) whether the information received warrants investigation and a canonical Preliminary Investigation should begin (cf. Canon 1717. §1);

informed of the Bishop's request and stipulations. Should there be any publicity associated with a temporary withdrawal; reasonable effort will be made not to harm illegitimately the good reputation of the cleric not to injure his right to protect his own privacy (Canon 220, *USCCB Essential Norms* #13). Should the cleric not cooperate with the temporary withdrawal at all times, the Bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office to remove or restrict his faculties, and to limit his exercise of priestly ministry (Cf. cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348 and 1740-1747).

- (2) whether any interim actions taken as reported by the Facilitator, are still appropriate to provide for the safety of children;
- (3) of its recommendations regarding the scope and course of the investigation;
- (4) whether the diocesan investigation should be deferred, partially or entirely, for a reasonable period of time so as not to interfere with the investigation conducted by public authorities;
- (5) what further interim action should be taken; and
- (6) whether the allegations warrant no further investigation, and the case should be closed.

### ***Procedure***

- a) The Review Board will consider the Facilitator's report, information provided by other persons identified by the Diocesan Bishop, and any other information that the Review Board believes helpful and is able to obtain. In situations where the accused has access to minors, the absence of signature shall not unnecessarily delay the consideration of an allegation.
- b) If the Review Board determines that the matter bears further investigation after the Initial Review, such action will not be construed as an indication that the allegation against the cleric is meritorious or deemed to reflect adversely, in any manner on the cleric. Such action will only signify the Review Board's duty to fully obtain all available facts and information regarding an allegation prior to reaching a final recommendation in the matter.

## **§109.20. Recommendations**

**109.20.1. Policy** The Review Board shall make recommendations to the Diocesan Bishop about the following:

- (1) if the cleric has already temporarily withdrawn from ministry pending inquiry, whether such withdrawal should continue as a canonical removal under canon 1722;
- (2) if the cleric has not temporarily withdrawn from ministry, whether he should be canonically removed under canon 1722;
- (3) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action is warranted and suggestions as to such action; and
- (4) other recommendations that the Review Board may feel necessary.

## **§109.21. Preliminary Investigation**

*No preliminary action taken with the alleged offender is to be interpreted as a judgment on the merits of the allegations but will be done to facilitate the appropriate investigation of the report until the matter is reasonably resolved.*

**109.21.1. Policy** If the Diocesan Bishop accepts the Review Board's recommendation from the Initial Review that the information received warrants further investigation, a canonical Preliminary Investigation shall be initiated and conducted promptly and objectively, unless such an

inquiry seems entirely superfluous, e.g., due to compelling evidence or the admission by the cleric of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms* #6)

### ***Procedures***

- a) The Facilitator will promptly notify the Diocesan Bishop of the Review Board's recommendation. Upon receipt of the Diocesan Bishop's acceptance or rejection of the Review Board's recommendation, the Diocesan Bishop or his designate will as soon as possible notify the accuser and the accused of the Review Board's recommendation and the Diocesan Bishop's acceptance thereof, and if the matter warrants further investigation, request each party submit within 30 days any additional information available to such party that will aid the Review Board in reaching its final recommendation in the matter.
- b) The Diocesan Bishop will appoint a lay auditor (cf. canon 1428) to conduct the Preliminary Investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Diocesan Bishop may appoint the Facilitator to serve as the auditor. Because a canonical Preliminary Investigation has been decreed, the continuation, or initiation, of the removal of the cleric from a ministerial site will be done according to the norm of canon 1722.
- c) The further investigation recommended by the Review Board and the instruction of the Preliminary Investigation as required by canon 1717 shall be done concurrently.
- d) Under the supervision of the Diocesan Bishop or his delegate and in cooperation with the Review Board, the auditor, with prior approval from Diocesan Bishop, may retain whatever professional assistance is necessary and appropriate to conduct a thorough investigation of an allegation.
- e) The auditor conducting the Preliminary Investigation will prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Review Board to complete their responsibilities. These reports should include descriptions of actions taken by the Facilitator, such additional inquiry as may be required, and identification of information that was not available to the Facilitator and why that information was not available.

## **§109.22. Review for Cause**

**109.22.1. Policy** A Review for Cause shall ordinarily be initiated and scheduled, subsequent to the Initial Review, no later than 60 days after the Initial Review. The Review Board may delay scheduling the Review for Cause for a good reason, such as to await the completion of action by Civil Authorities.

### **§109.23. Questions for Review**

**109.23.1. *Policy*** At the Review for Cause the Review Board shall determine whether the allegation by the accuser and other information are sufficient to reasonably suspect that the accused has engaged in sexual abuse of a minor.

### **§109.24. Recommendations**

**109.24.1. *Policy*** The Review Board shall make appropriate recommendations to the Diocesan Bishop 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 removing the cleric from ministry, whether supervision and other restrictions should be put in place pending the canonical conclusion of the matter;
- (2) if it has been 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 cleric does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears warranted and suggestions as to possible action; and
  - iv) such other matters as the Review Board deems appropriate.

### **§109.25. Withdrawal from Ministry**

**109.25.1. *Policy*** When there is sufficient reason to suspect that the cleric has engaged in sexual abuse of a minor, the Congregation for the Doctrine of the Faith shall be notified. If it has not already been done, the Diocesan Bishop shall apply the precautionary measures mentioned in canon 1722, i.e., remove the cleric from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public celebration of the most Holy Eucharist pending the outcome of the process (Cf. *USCCB Essential Norms* #6).

#### ***Procedure***

Before initiating a judicial or administrative process to impose or declare penalties, the Diocesan Bishop should seek the voluntary cooperation of the cleric to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude (see c. 1341).

## §109.26. Supplementary Review

**109.26.1. Policy** The Review Board, solely at its discretion, may conduct such Supplementary Reviews as it deems necessary to discharge its duties. A request for a Supplementary Review may be made to the Review Board by the Diocesan Bishop, the Facilitator or, a person making the allegation or the accused cleric.

## §109.27. Requesting the Supplementary Review

**109.27.1. Policy** Requests for Supplementary Review shall be made in writing to the Facilitator, and shall include the new information that was not previously considered by the Review Board, as well as a statement of the applicant's position with respect to the matter and any supporting explanation.

### *Procedures*

In determining whether the Supplementary Review is to be conducted, the Review Board will assess among other things:

- 1) whether the information presented was not previously available to the Review Board;
- 2) whether the information is new and was not available to the individual requesting the Supplementary Review at the time the matter was considered by the Review Board;
- 3) whether the new information is material to the allegation; and
- 4) whether the request for the Supplementary Review was made in a timely manner.

**109.27.2. Policy** If the Review Board determines that a Supplementary Review is necessary, it shall review all information, newly acquired as well as that considered at the earlier Review for Cause. The Supplementary Review shall be scheduled no later than sixty (60) days after such determination. In conducting the Supplementary Review, the same practices and protocols as a Review for Cause shall be observed. The applicant may request to meet with the Review Board during a Supplemental Review which the Review Board may grant at its discretion.

### *Procedure*

In determining that it will conduct a Supplementary Review, the Review Board may request further information and investigation.

**109.27.3. Policy** In conducting a Supplementary Review, the Review Board may make the same kinds of determinations and recommendations as in the prior Review for Cause, and make any such other determinations and recommendations as it deems appropriate.

## §110. Care for the Person Making the Allegation

**110.1. Policy** The Assistance Minister shall facilitate an immediate pastoral response as soon as reasonably possible with the person making the allegation, or the person's family (parents or guardians), as appropriate, listening, providing solace, and offering compassion and support with no comment as to the truth of any allegation. Medical, psychological, spiritual assistance or other appropriate and relevant assistance desired will be offered in a spirit of Christian justice and charity in cases where the Review Board's recommendation is that there is reason to suspect that the accused has engaged in the sexual abuse of a minor.

### *Procedure*

The Assistance Minister may also recommend a pastoral approach to assist the community (parish, school, agency, or institution) affected by the allegation.

## §111. Removal of an Accused from Church Service Upon Determination of Guilt and Posting of the Accused Name

### §111.1. All Offenders

**111.1.2. Policy** If any Clerics admits to or is found guilty through the appropriate public and/or canonical process of sexual abuse of a minor, he/she shall be permanently removed from Church service in this Diocese. In any case the Diocesan Bishop may take such steps necessary for the protection of children.

**111.1.3. Policy** The name of the Clerics and any pertinent information about any priest, deacon, seminarian, candidate for the permanent diaconate, employee or volunteer of this Diocese or its parishes or schools convicted of criminal sexual assault of a minor or sexual abuse of a minor or who is withdrawn or removed from ministry or employment due to any substantiated allegation of sexual misconduct with a minor, following the promulgation of this policy,<sup>3</sup> will be posted on the diocesan website. This information will remain in a designated section of the diocesan website until the death of the perpetrator

## §112. Diocesan Cleric Offenders

*When even a single act of sexual abuse by a cleric is admitted or is established after an appropriate process in accord with canon law, the offending cleric will be permanently removed from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (Code of Canon Law, c 1395, par. §2).*

*In every case involving canonical penalties, the processes provided for in canon law must be*

<sup>3</sup> Initial approval date of policy 109.1.2., December 12, 2011.

*observed, and the various provisions of canon law must be considered. Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Diocesan Bishop to proceed.*

**112.1. Policy** If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Diocesan Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons.

**112.2. Policy** If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender shall lead a life of prayer and penance. He shall not be permitted to celebrate mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a cleric.

### ***Procedure***

The Diocesan Bishop or Vicar General/Vicar for Priests will issue additional norms as necessary.

*At all times the Diocesan Bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly or diaconal ministry.*

**112.3. Policy** Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (*Code of Canon Law*, c. 1395, par. §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Diocesan Bishop shall exercise this power of governance to insist that any cleric who has committed even one act of sexual abuse of a minor shall not continue in active ministry.

**112.4. Policy** The cleric may, at any time, request a dispensation from the obligations of the clerical state. In exceptional cases, the Diocesan Bishop may request of the Roman Pontiff the dismissal of a cleric from the clerical state, even without the consent of the cleric.

**112.5. Policy** In all cases, the Diocesan Bishop shall insist that the alleged offender refrain from contacting the alleged victim or any potential witnesses (including the alleged victim's family).

## **§113. Assignment and Transfer of Clerics Outside Their Jurisdiction**

**113.1. Policy** A cleric who has a substantiated allegation of sexual abuse of a minor shall not be transferred into or out of the Diocese for ministerial assignment (Cf. *USCCB Charter*, Art. 14, and *USCCB Essential Norms*, #12)

**113.2. Policy** Before a cleric with a substantiated allegation of sexual abuse of a minor may transfer residences into or out of the Diocese, including a local community of an institute of

consecrated life or society of apostolic life, his bishop/eparch or religious ordinary shall forward, in a confidential manner, any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children and young people to the bishop/eparch or religious ordinary of the proposed place of residency(Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12).

#### **§114. Known Residence of those Dismissed from the Clerical State**

**114.1. Policy** In the event the Diocese becomes aware of a man who has been dismissed from the clerical state residing in another diocese, the Diocese shall notify the proper diocese or archdiocese.

#### **§115. Media Contact**

**115.1. Policy** All diocesan contact with the media, and all inquiries by the public regarding the incident or allegation, shall be handled by the diocesan Office for Communications or by another designated person.