

# DIOCESE OF ALEXANDRIA

## DIOCESAN POLICY FOR THE PROTECTION OF MINORS

### Preamble

*Sacred Scripture teaches that every human being is created in the image and likeness of God<sup>1</sup>, from which flows the dignity of the human person.<sup>2</sup> The Church safeguards and protects this God-given dignity and condemns all forms of abuse or neglect of people of all ages. The policy presented here deals specifically with the sexual abuse of a minor by a priest, deacon, lay person, employee or commissioned volunteer as well as the Diocese's obligation to protect children and young people by providing a safe environment in order to prevent sexual abuse.*

*Since April 25, 1995, in order to deal with allegations and issues related to sexual abuse by clerics with minors, the Diocese of Alexandria has maintained and updated policies and procedures consistent with the law of the universal Church. (Indeed, many of these policies and procedures are extended to all individuals who perform the work of the Diocese and to all issues of abuse and neglect of minors.)*

*On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People, with revisions adopted on November 13, 2002 (hereinafter USCCB Charter). The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.*

*In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel, who have responsibility for the care and supervision of children and young people.*

*Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops on June 14, 2002 also decreed Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, revised November 13, 2002 (hereinafter USCCB Essential Norms). Following the changes proposed by the Mixed Commission of four bishops from the Holy See and four bishops from the United States, meeting in Rome in October 2002, these revisions were approved by the*

*USCCB. Having received the recognition of the Apostolic See on December 8, 2002, and having been legitimately promulgated by the United States Conference of Catholic Bishops on December 12, 2002, these norms constitute particular law for all the dioceses/eparchies of the United States effective March 1, 2003. These norms are complementary to the universal law of the Church, which has traditionally considered the abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.*

*Many of the provisions in the USCCB's Charter and the Essential Norms have been contained in the Diocese of Alexandria's Handbook of Faculties and Policies since 1995. To the extent that they are now inconsistent with these new provisions and, ever committed to dealing appropriately and effectively with cases regarding sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers), Bishop William B. Friend, Apostolic Administrator of the Diocese of Alexandria, directed that the policies and procedures of the Diocese of Alexandria be restated so as to incorporate the provisions of the USCCB Charter and Essential Norms.*

*These policies recognize that sexual abuse of minors is a special problem with a profound impact on the lives of those affected. In the case of sexual abuse of a minor by a cleric, a church employee or a commissioned lay volunteer<sup>3</sup> the integrity of the ministry and the Church itself as the servant of the people of God is damaged as well. Clerics and church personnel serve by ministering to the spiritual needs of the people. When servant becomes abuser, the relationship of trust necessary for ministry is diminished for all.*

*Sexual abuse by a cleric or church worker with a minor affects the whole Church. The solution to this problem must involve the whole Church. The following policies and procedures are the next step in the Diocese's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission while protecting the reputation of clerics who may be subject to inaccurate or false allegations.*

## §1 GENERAL PROVISIONS

*Section 1 contains general statements of policy from which specific procedural recommendations follow. Section 1 recognizes the Diocese's responsibility to establish appropriate educational programs for seminarians, deacons, priests and lay employees and commissioned volunteers about the nature and effect of sexual abuse of minors.*

### §1.1. Establishment of the Policy

**1.1. Policy** Sexual abuse<sup>4</sup> by a cleric<sup>5</sup>, lay employee, or commissioned volunteer with a minor<sup>6</sup> violates human dignity, ministerial commitment and the mission of the Church; therefore the Diocese establishes these policies and procedures to review the fitness for ministry of anyone accused of sexual abuse of a minor. The policies and procedures shall involve the people of the Church in a substantive role.

- (1) The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church. The policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community, and the accused. The policies and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual abuse.
- (2) The Diocese shall continue to make its policies and procedures related to sexual abuse available in published form and as the subject of periodic public announcements so that those affected can readily seek and receive the assistance that the policies provide. (Cf. USCCB Charter, Art. 2) The Code of Pastoral Conduct, a separate publication sets forth specific expectations for reasonable conduct and assists persons in knowing the boundaries. The provisions of this Code are a part of this statement of the policy, Diocesan Policy for the Protection of Minors.

### §1.2. Funding, Staff and Facilities

**1.2. Policy** The Diocese shall provide sufficient funding, staff and facilities to assure the effective implementation of the programs established by these provisions.

### §1.3. Education of Seminarians, Clerics and other Church Personnel

**1.3. Policy** The Office of Ongoing Formation for Priests, the Vicar for Clergy, the Office of Catholic Schools, the Office for Catechetics, the Steubenville South Office, Maryhill Renewal Center, the Office of Youth Ministry and other appropriate pastoral agencies shall establish appropriate programs about the nature and effect of sexual abuse of a minor for the education of seminarians and deacon candidates and for the continuing education of clerics and other church personnel.

#### **§1.4. Review and Amendment of Policies and Procedures**

**1.4. Policy** The Permanent Review Board established in Section 4 shall periodically review these policies and procedures and make any recommendations for amendment to the Bishop. The Bishop may amend these policies and procedures at any time upon the recommendation of the Permanent Review Board or at his own initiative. (Cf. USCCB Essential Norms, §4.B)

## §2 ASSISTANCE TO VICTIMS

*Section 2 recognizes the Church's pastoral responsibility to assist all those affected by child sexual abuse by clerics, church employees and commissioned volunteers: the victim and the victim's family, the community, the accused. Section 2 establishes a Victim Assistance Coordinator whose duties will include the identification of pastoral and professional resources which will be made available to assist the victims of abuse. In addition, the Church's outreach to communities affected will be organized to promote understanding and healing.*

*Finally, the roles of Vicar for Clergy as pastor to the priests of the Diocese and as pastor to the Diaconate Community are addressed. The diocesan Director of Personnel will assist lay persons who are accused.*

### §2.1. Assistance to Victims

**2.1. Policy** The Diocese shall make appropriate assistance available to those who may be affected by the alleged sexual abuse by a cleric, church employee or commissioned volunteer of a minor, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse are to be fostered and encouraged by the Diocese and in local parish communities. (USCCB Charter, Art. 1)

### §2.2. Victim Assistance Coordinator

**2.2. Policy** The first obligation of the Church with regard to the victims is for healing and reconciliation. The Diocese shall designate a Victim Assistance Coordinator who shall minister to the alleged victim, victim's family or other persons affected, doing so with a sincere commitment to their spiritual and emotional well-being. This coordinator shall identify professional and other resources and make them available to aid in the pastoral care of a victim or other person. In the case of any disclosure of sexual abuse of a minor, the Victim Assistance Coordinator shall report the fact to the Administrator/Assessor. (Cf. Diocesan Policy 4.4, USCCB Charter, Articles 1 & 2, and USCCB Essential Norms, §3) The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. (Cf. USCCB Charter, Art. 3) Through pastoral outreach to victims and their families, the Bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the Bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred. (Cf. USCCB Charter, Art. 1)

### §2.3. Safe Environment Programs

**2.3. Policy** The Diocese shall develop and maintain “safe environment” programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. The Diocese will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (Cf. USCCB Charter, Art. 12)

#### ***Procedures***

- a) The Diocese requires mandatory participation in in-service programs for clergy, employees and commissioned volunteers on topics related to sexual abuse and healthy human relationships. This includes required participation in the VIRTUS Program, entitled “Protecting God's Children.”
- b) Appropriate methods of evaluation shall be conducted for all clergy, church personnel, employed and volunteer, who have regular contact with minors.
- c) The Code of Pastoral Conduct will be furnished to those serving in ministry in the Diocese of Alexandria and will be available to members of the community upon request.

### §2.4. Assistance to Clergy Accused

**2.4. Policy** In the case of any disclosure of sexual abuse by a cleric with a minor, the Vicar for Clergy shall report the fact to the Administrator/Assessor. This Vicar is the representative of the Bishop who ministers to the clergy of the Diocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals. An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (Cf. USCCB Charter, Art. 5)

### §2.5. Assistance to Lay Church Workers or Commissioned Volunteers of the Diocese of Alexandria Who Are Accused

**2.5. Policy** In the case of any disclosure of sexual abuse by a lay church worker or commissioned volunteer with a minor, the Diocesan Director of Personnel shall report the fact to the Administrator/Assessor. The Personnel Director is the representative of the Bishop who ministers to church workers of the Diocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals. An offending lay employee or commissioned volunteer will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (Cf. USCCB Charter, Art. 5, Diocesan Policy §4).

### §3 Screening Formation, Education & Assignment To Ministry

*Section 3 contains provisions confirming the Diocese's responsibility to screen candidates for the priesthood, diaconate and for lay church employees or commissioned volunteers and to enhance educational programs regarding sexuality and sexual abuse. The Diocese's cooperative relationship with religious communities and clerics of other dioceses is clarified and the authority to review the fitness of clerics or religious seeking assignment is confirmed.*

#### §3.1. Background Checks of Seminarians, Clerics and Lay Employees and Commissioned Volunteers

**3.1. Policy** The Diocese shall evaluate the background of all Diocesan personnel who have regular contact with minors. Specifically, the Diocese will utilize the resources of law enforcement and other agencies. In addition, the Diocese shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513). The Diocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics, lay employees and commissioned volunteers in matters related to sexuality and sexual abuse. (Cf. USCCB Charter, Art. 13; Diocesan Policy Concerning Criminal Background Investigations)

#### ***Procedures***

- a) **Psychological Profile.** Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephebophilia. The psychological profile shall be maintained as part of the seminarian's or candidate's permanent personnel file. The profile may be updated as necessary or appropriate.
  
- b) **Developmental Programs.** The Diocese shall offer, as part of seminarians and permanent deaconate candidates formation programs, appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and priestly commitment. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people. (USCCB Charter, Art. 6; cf. Code of Pastoral Conduct, Diocese of Alexandria)

- c) **Certification.** Every cleric, lay church employee or commissioned volunteer who holds or requests faculties or commissions within the Diocese shall certify in writing that he has read and is familiar with the Diocesan policies and procedures regarding sexual abuse of minors. The cleric, employee or commissioned volunteer's certification will be maintained in the cleric or lay employee's personnel file.
  
- d) Programs of formation of seminarians will focus on the question of human formation for celibate chastity based on the criteria found in Pastores Dabo Vobis (1992). The Diocese will develop systematic ongoing formation programs in keeping with the recent Conference document Basic Plan for the Ongoing Formation of Priests (2001) so as to assist priests in their living out of their vocation. (USCCB Charter, Art. 17)

### **§3.2. Assignment and Transfer of Clergy and Lay Employees and Commissioned Volunteers Outside their Jurisdiction**

#### **§3.2.1. Priests, Deacons, Lay Employees or Commissioned Volunteers of the Diocese of Alexandria**

**3.2.1. Policy** No Diocesan priest, deacon, lay employee or commissioned volunteer, who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a diocesan priest, deacon, employee or commissioned volunteer can be transferred for residence to another diocese/eparchy or religious province, the Bishop or his delegate shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he/she has been or may be a danger to children or young people. This shall apply even if the priest, deacon, employee or commissioned volunteer will reside in the local community of an institute of consecrated life or society of apostolic life. In proposing a priest, deacon, employee or commissioned volunteer for residence outside the Diocese, the Bishop or Superior or his delegate shall provide the receiving bishop/eparch or religious ordinary with the necessary information regarding any past act of sexual abuse of a minor by the person in question. (Cf. USCCB Charter, Art. 14, and USCCB Essential Norms, §12)

### **§3.2.2. Religious Communities and Clergy of Other Dioceses**

**3.2.2. Policy** No religious, priest, deacon, lay employee or commissioned volunteer who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to the Diocese of Alexandria. Before a priest or deacon can be transferred for residence in the Diocese of Alexandria, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the Bishop or his delegate 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 or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of a religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary proposing a priest or deacon for residence in the Diocese of Alexandria must provide the Bishop or his delegate with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. USCCB Charter, Art. 14, and USCCB Essential Norms, §12)

### **§3.2.3. Transfer of an Accused Lay Worker**

**3.2.3. Policy** No lay church employee or commissioned volunteer who has committed an act of sexual abuse of a minor may be transferred or recommended for a ministerial assignment to another diocese, child care center, education institution, or parish.

### **§3.3. Religious Personnel**

**3.3. Policy** Religious communities whose members maintain or seek faculties or commissions to minister in the Diocese shall abide by the Diocesan policies and procedures relating to sexual abuse of minors.

#### ***Procedures***

- a) The religious community must provide a copy of its own policies and procedures to the Bishop's delegate.
- b) The presenting community shall provide a written statement about the status, background, character and reputation of each religious presented for faculties or commission in the Diocese, as provided in the model promulgated by the Conference of Major Superiors. In the case of any incident of sexual abuse of a minor, the presenting community shall submit to the Bishop's delegate a comprehensive report of the allegation and its disposition.
- c) If a religious exercising public ministry or an apostolate in the Diocese of Alexandria is accused of sexual abuse of a minor, the Bishop's delegate and the

competent religious superior shall confer with each other. Concerning withdrawal from ministerial functions, the Diocese will determine whether or not the religious may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Diocese determines that a religious may no longer exercise such ministry in the Diocese, his or her faculties or commission will be revoked, and his/her proper Ordinary or Major Superior will be requested to recall the religious immediately. The religious community retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the accused.

- d) If sexual abuse of a minor is alleged to have occurred involving a religious—cleric or non-cleric--ministering in a parish, school or other apostolate under the auspices of the Diocese of Alexandria, the Diocese retains the right to initiate the process of investigation and follow-up with the Administrator/Assessor and the Permanent Review Board and take whatever action it deems appropriate. Since religious are also subject to their own proper superiors and to the discipline of their institute (c. 678, §2), the religious community may also choose to review the allegation in keeping with its own policies and procedures. If the religious superior removes the religious from the office entrusted to him/her after having informed the Bishop (c. 682, §2), the religious' Diocesan faculties will be revoked. However, any determination about return to ministry in the Diocese and restoration of Diocesan faculties will be made according to Diocesan policies and procedures in this regard.
- e) If a religious exercising a ministry strictly internal to the religious community without Diocesan faculties or commission is accused of sexual abuse of a minor, the religious community may choose to review the allegation in keeping with its own policies and procedures. Any subsequent presentation for Diocesan faculties or commission is subject to Diocesan policies and procedures. In any case, the Diocese retains the right for a most grave cause to prohibit a member of a religious institute from residing in the Diocese or at any particular location in the Diocese. If the religious' major superior has not made provision after having been informed; such matters are to be referred to the Holy See (c. 679).

### §3.4. Ministry of Extern Clerics

**3.4. Policy** The Diocese shall maintain and periodically review its policies affecting extern clerics who seek or maintain faculties in the Diocese. The cleric's proper Bishop shall certify whether he is aware of anything in the cleric's background which would render him unsuitable to work with minors. In the case of any allegation or incident of sexual abuse of a minor, the cleric's proper Bishop shall submit to the receiving Bishop a comprehensive report of the allegation and its disposition.

#### *Procedures*

- a) If an extern diocesan cleric, exercising public ministry or an apostolate in the Diocese of Alexandria, is accused of sexual abuse of a minor, the Diocese must confer with the competent Ordinary. The Diocese of Alexandria will determine whether or not the cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Diocese determines that an extern cleric may no longer exercise any ministry in the Diocese, his faculties will be revoked, and his proper Ordinary will be requested to recall the cleric immediately.
  
- b) If sexual abuse of a minor is alleged to have occurred, the Diocese of Alexandria retains the right to initiate the process of investigation and follow-up with the Administrator/Assessor and the Permanent Review Board and take whatever action it deems appropriate. Any determination about return to ministry and restoration of faculties will be made according to diocesan policies and procedures.

### §3.5. Permanent Deacons

#### §3.5.1 Permanent Deacons and Vicar for Clergy

**3.5.1. Policy** The Administrator/Assessor shall work together with the Vicar for Clergy when a permanent deacon is involved in any incident or allegation of sexual abuse of a minor.

#### §3.5.2. Diocesan Permanent Deacons Accused

**3.5.2. Policy** The Diocese shall maintain and periodically review its policies affecting Permanent Deacons who seek or maintain faculties in the Diocese. In the case of any allegation or incident of sexual abuse of a minor, the Bishop's delegate shall refer the matter to the Administrator/Assessor, who shall follow the policies and procedures established in this Diocesan Policy in so far as they apply to deacons and the case under review.

### **§3.5.3. Extern Permanent Deacons Accused**

**3.5.3. Policy** When a Permanent Deacon relocates into the Diocese and requests faculties to minister, the proper Ordinary shall certify whether he is aware of anything in the Permanent Deacon's background which would render him unsuitable for ministry. In the case of any allegation or incident of sexual abuse of a minor, the proper Ordinary shall be notified, and the policies and procedures in this Diocesan Policy shall be followed in so far as they apply to deacons and the case under review.

### **§3.6. Assignment Review of Clerics**

**3.6. Policy** The Bishop and Vicar General shall review assignments of clerics accused of sexual abuse of minors in light of these policies. They shall consult with the Administrator/Assessor when appropriate. The Bishop and Vicar General shall not consider for assignment any cleric who is the subject of a proceeding before the Permanent Review Board or in the civil arena.

## §4 REVIEW PROCESS FOR CONTINUATION OF MINISTRY

*Section 4 establishes the process by which the fitness for ministry of a cleric, church employee or commissioned volunteer accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations made to the Bishop. Allegations of sexual abuse of a minor will initially be considered by the Administrator/Assessor who will make a recommendation to the Bishop. The Permanent Review Board will review the initial recommendation of the Administrator/Assessor as well as all subsequent issues regarding the fitness for ministry of the accused. The Administrator/Assessor and Permanent Review Board are established as advisors of the 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 accused who may be subject to inaccurate or false accusations. The responsibility of the Assessor to cooperate with civil officials is confirmed as is the Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of government.*

### §4.1. Continuation of Ministry Process

**4.1. Policy** Determinations and recommendations regarding the continuation of ministry of any cleric or church worker who is the subject of an allegation of sexual abuse of a minor shall be made to the Bishop according to the consultative and advisory process established in Section 4.

### §4.2. Reporting Requirements, Compliance and Cooperation

**4.2. Policy** All persons associated with the Diocese 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 will cooperate in their investigation. In every instance, the Diocese will advise and support a person's right to make a report to public authorities. (Cf. USCCB Essential Norms, §11 and §§4.4.3(2) and 4.7 of these Diocesan policies) In addition, all Diocesan clergy and all religious, employees, and commissioned volunteers working in the Diocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of the sexual abuse of a minor to the Administrator/Assessor unless prohibited by applicable Church law. Clerics, religious, employees and commissioned volunteers working in the Diocese are expected to cooperate with the process consistent with their particular status within the Diocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Diocese will take 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).

### *Procedures*

- a) 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 delict of sexual abuse of minors. (Cf. USCCB Essential Norms, endnote 7)
- b) **Reporting to Public Officials.**<sup>7</sup> In accordance with these policies each person serving the Diocese of Alexandria must report to the local law enforcement agency and the immediate supervisor any sexual misconduct of a cleric, employee or commissioned volunteer with a minor. The report shall contain the following information if known:
- 1) The name, address, age, sex, and race of the child.
  - 2) The nature, extent, and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to this child or the child's siblings.
  - 3) The name and address of the child's parent(s) or other caretaker.
  - 4) The names and ages of all other members of the child's household.
  - 5) The name and address of the reporter.
  - 6) An account of how this child came to the reporter's attention.
  - 7) Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person.
  - 8) Any other information which the reporter believes might be important or relevant.
- c) **Reporting to the Diocese.** Allegations that a cleric, employee, or commissioned volunteer of the Diocese of Alexandria engaged in sexual abuse of a minor must be reported to the Diocese either in writing or by meeting in person with the Administrator/Assessor or Chancellor, who notifies the bishop.
- 1) To the extent possible, the person making the report should meet in person with the Administrator/Assessor and provide him with the name of the accused 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.
  - 2) If the Administrator/Assessor learns of an allegation through the media or in some other fashion, he shall make appropriate

inquiries and proceed substantially in the same manner as with any other allegation.

- 3) **Anonymous Allegations.** The Administrator/Assessor ordinarily will not process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry. The Administrator/Assessor shall report all such allegations to the Permanent Review Board at its next regularly scheduled meeting and the Permanent Review Board shall review the Administrator/Assessor's action.
- 4) **Resigned Clerics or Lay Church Employees.** An allegation against a cleric or church employee who has resigned from active ministry 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 accused had engaged in sexual abuse of a minor during the time he or she was serving as a cleric or employee of the Diocese and to facilitate the outreach to those affected as contemplated by these policies. The Initial Review, however, will focus on whether the resigned cleric or church employee is still ministering or employed in an ecclesial setting where minors may be at risk. If the whereabouts of a resigned cleric or church employee against whom an accusation is made are known or can reasonably be determined, the Administrator/Assessor shall contact the accused and request his response.
- 5) **Retired Clerics.** Since retired clerics and church employees often continue to exercise ministry and perform sacraments or service, an allegation against someone 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 minors are currently at risk and whether there is reasonable cause to suspect that the retired person engaged in sexual abuse of a minor.
- 6) **Deceased Clerics and Church Employees.** An allegation against a cleric or church employee who is deceased shall be received by the Administrator/Assessor, who shall make a written

summary of the allegation, share it with the Permanent Review Board and refer the alleged victim to the Victim Assistance Coordinator for appropriate pastoral care. The Victim Assistance Coordinator will consult with other qualified persons in identifying the nature and extent of pastoral care that would be appropriate under the circumstances.

### §4.3. Permanent Review Board – Role

**4.3. Policy** The recommendations described in Section 4.1 shall be made to the Bishop by a Permanent Review Board, which will function as a confidential consultative body to the Bishop in discharging his responsibilities (hereinafter “Board”; Cf. USCCB Charter, Art. 2, and USCCB Essential Norms, §4):

#### §4.3.1. Membership of Permanent Review Board

**4.3.1. Policy** The Permanent Review Board shall be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church appointed by the Bishop. A majority of the Permanent Review Board members will be lay persons who are not in the employ of the Diocese; but at least one member should be a priest who is an experienced and respected pastor of the Diocese, and at least one member 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) **Nominating Committee.** The Bishop may appoint a Nominating Committee to propose the names of candidates for the Permanent Review Board. The Nominating Committee should be composed of respected persons with sound judgment. For the nomination of the clerical members of the Permanent Review Board, the Nominating Committee should consult with the Vicar for Clergy and the Executive Committee of the Presbyteral Council. For the other Permanent Review Board positions, the Nominating Committee may at its discretion consult with appropriate professional societies, advocacy groups and other consultative bodies.
- c) **Permanent Review Board Member Orientation.** In order to familiarize Permanent Review Board members with their duties as well as with the pertinent policies and procedures, there should be a Permanent Review Board Member Orientation conducted periodically with input from appropriate Diocesan officials and outside consultants.
- d) **Compensation.** None of the members of the Permanent Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

#### **§4.3.2. Terms of Permanent Review Board Members**

**4.3.2. Policy** Appointments shall be for staggered terms of five years, which can be renewed, and shall continue until a successor is appointed. (Cf. USCCB Essential Norms, §5)

##### ***Procedure***

Appointments shall be arranged so that the terms of one cleric, one professional, and one member of the Church at large are scheduled to expire at the same time.

#### **§4.3.3. Officers of the Permanent Review Board**

**4.3.3. Policy** The Bishop shall designate one Permanent Review Board member as Chairperson and one Permanent Review Board member as vice chairperson, for one-year terms.

##### ***Procedure***

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

#### **§4.3.4. Permanent Review Board's Relationship with the Bishop**

**4.3.4. Policy** The Permanent Review Board shall serve as the principal advisor of the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The Permanent 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 Essential Norms, §4)

#### **§4.3.5. Quorum and Permanent Review Board Conduct of Business**

**4.3.5. Policy** Four members of the Permanent Review Board shall constitute a quorum and the concurrence of not less than three members of the Permanent Review Board shall be necessary to a determination or recommendation.

#### §4.3.6. Permanent Review Board Meetings

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

##### *Procedures*

- a) **Meetings.** The Permanent Review Board ordinarily will meet in person but may meet by telephone conference call for the Initial Review. The members of the Permanent Review Board shall not discuss the business of the Permanent Review Board or information presented to the Permanent Review Board outside Permanent Review Board or Committee meetings, except that the Administrator/Assessor may communicate with Permanent Review Board members as required by this process or as otherwise appears appropriate.
  
- b) **Attendance.** The Bishop, the Bishop's delegate, other persons designated by the Bishop, and the Administrator/Assessor may attend those portions of meetings during which information is presented to the Permanent Review Board and the Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Permanent Review Board. Other than the person making the accusation or the accused cleric or church worker, all other persons may attend meetings only upon the invitation or with the consent of the Permanent Review Board and subject to such limitations as the Permanent Review Board might require. It is desirable that the Promoter of Justice participate in the meetings of the Permanent Review Board. (Cf. USCCB Essential Norms, §5) Since the Promoter for Justice is responsible for the prosecution of any penal trial before a canonical tribunal, he may attend the Permanent Review Board meetings with voice in the discussions, but with no vote in the Permanent Review Board's determinations and recommendations. After the Permanent Review Board process is completed in the case of a cleric and, if warranted by the outcome, after the Congregation for the Doctrine of the Faith is notified, the Promoter for Justice will proceed as instructed by the 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) **Committees.** The Chairperson with the consent of the Permanent Review Board may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose, except that the power to make a definitive

recommendation following a Review meeting may not be delegated to any such committee.

#### **§4.3.6.1. Rights of Parties to Meet with the Permanent Review Board**

**4.3.6.1. Policy** The person making an accusation and the accused person each have a right to meet with the Permanent Review Board before the Review for Cause is concluded, subject to such reasonable limitations as to the time the Permanent Review Board may establish. For good cause they may request to meet with the Permanent Review Board during a Supplemental Review or other meeting and the Permanent Review Board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

##### ***Procedure***

When a person making an accusation, or the accused, meets with the Permanent Review Board, the Board shall schedule their appearances in such a way that they not meet each other, even inadvertently, unless such contact is expressly approved by the Board.

#### **§4.3.6.2. Individual Rights to Legal/Canonical Counsel**

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

##### ***Procedure***

**Counsel.** For the sake of due process, the accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When necessary, the Diocese will supply canonical counsel to the priest or deacon. (USCCB Charter, Art. 5, and USCCB Essential Norms §§6 and 8.A) Any person appearing before the Permanent Review Board may do so with counsel or, in the Board's discretion which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the Board's consent. The Permanent 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.

#### **§4.3.7. Duties of the Permanent Review Board**

**4.3.7. Policy** The Permanent Review Board shall have the duty to:

- (1) recommend to the Bishop a candidate or candidates for the position of Administrator/Assessor;
- (2) supervise the Administrator/Assessor in cooperation with the bishop;
- (3) advise the 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.)
- (4) offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. USCCB Essential Norms, §4.C.)
- (5) make such other recommendations which the Permanent Review Board in its sole discretion determines to be appropriate to reduce the risk to children.
- (6) recommend guidelines for the inquiries of the Administrator/Assessor, the proceedings of the Permanent Review Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;
- (7) submit, with the assistance of the Administrator/Assessor, an annual budget as a proposal to the Bishop at a time to be specified. The budget proposal shall be submitted as all other departmental budgets and is considered as part of the overall diocesan budget process in consultation with the Permanent Review Board.
- (8) review these policies and procedures for dealing with sexual abuse of minors; (Cf. USCCB Essential Norms, §4.B)
- (9) cooperate with the Administrator/Assessor, the Vicar General, and Director of Personnel in developing and implementing educational programs for themselves and those participating in this process; and
- (10) seek the advice of such experts and consultants as the Permanent Review Board deems necessary and appropriate.

#### **§4.4. Administrator/Assessor's Role**

**4.4. Policy** The Administrator/Assessor serves as investigator in cases covered by this policy. The Administrator/Assessor is to undergo prior orientation and training in the areas of child abuse, crisis intervention, appropriate criminal and canon law, and completely understand and support this policy, and be committed to complete availability on a moment's notice to undertake an investigation. The Administrator/Assessor is not to be any local ordinary or Diocesan administrative official. The Administrator/Assessor assists the Permanent Review Board in the performance of its duties.

##### **§4.4.1. Qualifications of the Administrator/Assessor**

**4.4.1. Policy** The Administrator/Assessor shall be a Catholic professional who maintains appropriate qualifications and substantial experience in investigation and analyzing allegations of sexual abuse of children.

#### **§4.4.2. Appointment of the Administrator/Assessor**

**4.4.2. Policy** The Bishop shall appoint an Administrator/Assessor for a term of three years with the advice of the Permanent Review Board. The Bishop may remove the Administrator/Assessor with the advice of the Permanent Review Board.

#### **§4.4.3. Duties of the Administrator/Assessor**

**4.4.3. Policy** Under the supervision of the Permanent Review Board the Administrator/Assessor shall have the duty to:

- (1) receive information and allegations of sexual abuse of a minor by a cleric, employee, or a commissioned volunteer;
- (2) report to the public authorities any allegation (unless the allegation is made in the context of the Sacrament of Reconciliation) of sexual abuse 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 Administrator/Assessor will advise victims of their right to make a report to public authorities and will support this right. (Cf. USCCB Charter, Art. 4, and §§4.2 and 4.7.1 of these Diocesan policies). Specifically, the Administrator/Assessor shall have the duty to report all allegations of sexual abuse of a minor to local law enforcement and to the appropriate prosecuting authority in all cases;
- (3) promptly and objectively interview the accuser and the accused in accord with canonical practice, which includes committing the information to written form and allowing the person interviewed to review and sign what has been committed to writing;
- (4) communicate in an appropriate manner with the victim or person making an allegation, the Victim Assistance Coordinator, the accused, the Vicar for Clergy, the Bishop, the Permanent Review Board and such other persons as the Bishop or Permanent Review Board may designate;
- (5) assist the Permanent Review Board by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
- (6) assist the Bishop and his delegate by preparing and submitting reports summarizing the allegations, the responses of the accused, and the rationale by which the Permanent Review Board arrived at its determinations and recommendations;
- (7) monitor programs which the Bishop has established for treatment, rehabilitation or supervision of clerics or church employees who have been withdrawn from ministry and report to the Permanent Review Board about these programs; and

**(8)** perform such other duties as may be prescribed by the Bishop, his delegate, or Permanent Review Board from time to time.

### ***Procedures***

- a) The Administrator/Assessor shall work cooperatively in the treatment, rehabilitation and monitoring of the offender. The Administrator/Assessor shall be primarily responsible for the development, implementation, and operation of the program for monitoring. The Administrator/Assessor and Vicar for Clergy shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat the accused. In the case involving a cleric the Vicar for Clergy is primarily responsible for pastoral and spiritual life concerns and treatment questions that require a sensitivity to confidences; in the case of accused lay persons the Director of Personnel provides such a service.
- b) Under the Permanent Review Board's supervision, the Administrator/Assessor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation. The Administrator/Assessor shall provide oral and written reports to the Permanent Review Board containing the findings of such investigations to assist the Permanent Review Board in its consideration of the allegations.

## **§4.5. Diocesan "Hot Line" Telephone Number**

**4.5. Policy** To assist the Administrator/Assessor in implementing this process, the Diocese shall establish and publicize a separate telephone number to facilitate receipt of information. [see §4.2.c]

## **§4.6. Confidentiality and Disclosure of Information**

**4.6. Policy** Information generated in connection with the process set forth in Sections 4.4 and 4.5 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

### ***Procedures***

- a) The Administrator/Assessor is the custodian of all information described in Sections 4.4 and 4.5 and shall develop an appropriate record keeping system to ensure accountability for and security of the information.
- b) The Administrator/Assessor shall maintain the information in a confidential fashion and may not disclose such information except as follows:

- 1) the Administrator/Assessor shall provide the accused with information sufficient to enable him or her 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 Administrator/Assessor may provide both the person making the allegation and the accused with such additional information as necessary to process the allegation;
- 2) after the Bishop has made a decision in a matter brought before the Permanent Review Board, the Administrator/Assessor shall provide the person making the allegation and the accused with appropriate and timely information about the Permanent Review Board's determinations and recommendations and the Bishop's actions;
- 3) the Administrator/Assessor shall provide access to information to the Permanent Review Board, the Bishop, the Bishop's delegate and other persons the Bishop may designate;
- 4) the Administrator/Assessor shall provide access to information to the competent superior in connection with allegations about a member of a religious community or another diocese; and
- 5) the Administrator/Assessor shall disclose such information as may be required by law.
- 6) The Diocese will develop a communications policy that reflects a 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 with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (USCCB Charter, Art. 7) (See Page 42 following)

## **§4.7. Reporting Allegations to Civil Authorities**

**4.7. Policy** Upon receipt of the allegation, the Administrator/Assessor promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator/Assessor shall also provide the person making the allegation with a written 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 §§4.2 and 4.4.3(2) of these Diocesan policies)

### ***Procedure***

The Administrator/Assessor shall review the accused's files<sup>8</sup> or background, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Permanent Review Board either orally or in writing at the Initial Review meeting. The Administrator/Assessor shall reduce an oral report to writing as soon as practical after the Initial Review meeting and make copies of this report available to the Permanent Review Board, the Bishop, his delegate, and such other persons that the Bishop may designate.

### **§4.7.1. Administrator/Assessor's Reporting Responsibilities**

**4.7.1. Policy** Ordinarily, the Administrator/Assessor shall also promptly do the following:

- (1) report the allegation to the Victim Assistance Coordinator;
- (2) report the allegation to the Bishop, his delegate and other persons that the Bishop may designate;
- (3) report the allegation to the liability carrier for the diocese;
- (4) inform the accused and request his/her response;
- (5) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Bishop.

### ***Procedure***

- a) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Bishop for the sake of the common good (see canon 223, §2 of the Code of Canon Law and §§4.10 and 4.12 of these Diocesan policies).
- b) In making such assessments and recommendations, the Administrator/Assessor may consult with the Bishop, his delegate, and persons designated by the Bishop.

#### **§4.7.2. Preliminary Investigation of Accusations**

**4.7.2. Policy** When an allegation of sexual abuse of a minor by a priest, deacon, lay church employee or commissioned volunteer is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission 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 Revised Charter, Art. 5, and USCCB Revised Norms, §6)

#### ***Procedures***

- a) The Administrator/Assessor shall prepare one or more written reports of these inquiries for the appropriate canonical process and the Permanent Review Board. These reports should include descriptions of actions taken by the Administrator/Assessor, such additional inquiry as may be required, and identification of information that was not available to the Administrator/Assessor and why that information was not available.
- b) Before initiating a judicial or administrative process to impose or declare penalties, the Bishop should seek the cleric, employee or volunteer's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (Cf. c.1341)
- c) The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility 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)
- d) The Administrator/Assessor must confer with the Permanent Review Board chair to schedule and give effective notice of any meetings of the Permanent Review Board.

#### **§4.8. The Initial Review of Accusation**

**4.8. Policy** Ordinarily, the Permanent Review Board shall meet to conduct an Initial Review within approximately three to five days after the Administrator/Assessor has obtained the pertinent information from the accuser and has given the accused reasonable opportunity to respond to the allegation(s). The Permanent Review Board or the Administrator/Assessor may delay scheduling the Initial Review for a good reason, such as to await the completion of action by public bodies.

#### **§4.8.1. Outcome of Review Reported to the Bishop**

**4.8.1. Policy** At the Initial Review meeting, the Permanent Review Board shall advise the bishop: (1) whether the information received at least seems to be true of an offence (c. 1717 §1); (2) whether the interim actions recommended by the Administrator/Assessor were appropriate to provide for the safety of children; (3) its recommendations based on its expertise regarding the scope and course of the investigation; and (4) what further interim action should be taken with respect to the allegation.

#### ***Procedure***

The Permanent Review Board shall consider the Administrator/Assessor's report, information provided by the Bishop's delegate or other persons identified by the Bishop, and any other information which the Permanent Review Board believes helpful and is able to obtain.

#### **§4.8.2. Permanent Review Board's Specific Recommendations to the Bishop**

**4.8.2. Policy** The Permanent Review Board shall make recommendations to the Bishop about the following:

- (1) if the accused has already been temporarily withdrawn from ministry pending inquiry, whether such withdrawal should continue; if the withdrawal should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
- (2) if the accused has not been temporarily withdrawn from ministry, whether he/she should be withdrawn, whether he/she should continue in his/her assignment and, if so, whether any restrictions should be imposed upon him/her;
- (3) whether the interim actions taken by the Administrator/Assessor were appropriate and whether further action by the Administrator/Assessor is required;
- (4) whether the file may be closed at this stage of the proceedings or held open pending action by public bodies, further inquiry by the Administrator/Assessor, or further action by the Permanent Review Board; and
- (5) if the accused'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.

### **§4.8.3. Preliminary Investigation**

**4.8.3. Policy** When an allegation of sexual abuse of a minor by a priest, deacon or church worker is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the accused's admission 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) Whenever the bishop determines, based on the advice of the Permanent Review Board at the Initial Review, that the information at least seems to be true of an offense, the bishop shall appoint a lay auditor from the Tribunal (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717.
- b) The auditor conducting the preliminary investigation shall prepare one or more written reports of these inquiries for the appropriate canonical process and the Permanent Review Board. These reports should include descriptions of actions taken by the Administrator/Assessor, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.

### **§4.9. Review for Cause by the Permanent Review Board**

**4.9. Policy** A Review for Cause shall ordinarily be initiated and scheduled to occur no earlier than thirty and no later than one hundred eighty days after completion of the Initial Review. The Permanent Review Board may delay scheduling the Review for Cause for a good reason, such as to await the completion of action by public bodies.

#### **§4.9.1. Review for Cause: Determination and Recommendations**

**4.9.1. Policy** At the Review for Cause the Permanent Review Board shall determine: (1) whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor; (2) whether prior determinations as to ministry by the accused should be altered; and (3) what further action, if any, should be taken with respect to the allegation.

#### ***Procedures***

The Permanent Review Board shall consider the Administrator/Assessor's reports, information provided by the Bishop's delegate or other persons identified by the Bishop, and any other information which the Permanent Review Board believes helpful and is able to obtain.

#### **§4.9.2. Who Initiates the Review for Cause**

**4.9.2. Policy** The Review for Cause may be initiated by the accused who was withdrawn from ministry, the Administrator/Assessor, the Bishop, the Bishop's delegate or by the Permanent Review Board in any manner it deems appropriate.

#### **§4.9.3. Permanent Review Board's Determinations and Recommendations**

**4.9.3 Policy** The Permanent Review Board shall determine whether it is reasonable to return the accused to ministry or keep the accused in ministry in view of all the facts and circumstances, giving appropriate consideration to the safety of children and the rights of the accused. The Permanent Review Board shall make appropriate recommendations to the Bishop about the following:

- (1) if the accused has already been withdrawn from ministry pending inquiry, whether such withdrawal should continue; if it should not continue, whether any restrictions should be imposed on an accused returning to ministry;
- (2) if the accused has not been withdrawn from ministry, whether he/she should remain and, if so, whether any restrictions should be imposed on him/her;
- (3) whether the file should be closed at this stage of the proceedings;
- (4) whether the file should be held open for some reason;
- (5) if the accused's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears desirable and suggestions as to possible action; and
- (6) such other matters as the Permanent Review Board deems appropriate.

#### **§4.10. Administrative Leave for a Cleric**

**4.10. Policy** When there is sufficient evidence that sexual abuse of a minor by a cleric has occurred, the Congregation for the Doctrine of the Faith shall be notified. The Bishop shall then apply the precautionary measures mentioned in canon 1722, i.e., remove the accused from ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the most Holy Eucharist pending the outcome of the process. (Cf. USCCB Essential Norms, §6)

#### **§4.11. Supplementary Reviews**

**4.11. Policy** The Permanent Review Board may conduct such Supplementary Reviews as may be necessary to discharge its duties.

#### **§4.11.1. Questions for Review**

**4.11.1. Policy** The Permanent Review Board may consider new information about a determination or recommendation made in connection with a prior review, exercise its responsibility as described in Sections 4 and 5, or oversee the work of the Administrator/Assessor, the victim assistance program, the supervision and therapy program for affected clerics or any other matter within its responsibility.

#### ***Procedure***

The Permanent Review Board may consider the application for review, the Administrator/Assessor's reports, information provided by the Bishop, the Bishop's delegate or other persons identified by the Bishop, and any other information which the Permanent Review Board believes helpful and is able to obtain.

#### **§4.11.2. Who Initiates a Supplementary Review**

**4.11.2. Policy** A Supplementary Review may be initiated by the Permanent Review Board, the Administrator/Assessor, the Bishop, or the Bishop's delegate. In addition, the accused, a person who made an allegation, a victim or the family of a victim may apply to the Permanent Review Board in writing for such a review and shall include in the application a statement of the question or point for review, the applicant's position with respect to the matter, and any supporting explanation or information.

#### **§4.11.3. Supplementary Review Determinations**

**4.11.3. Policy** The Permanent Review Board may make the same kinds of determinations and recommendations as in a prior Review and make such other determinations and recommendations as it deems appropriate.

### **§4.12. Monitoring Protocols/Programs for Accused**

**§4.12. Policy** Monitoring protocols and programs for those who have been accused or have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the church. Monitoring is implemented when deemed appropriate at an Initial Review, when the accused has been temporarily withdrawn from ministry pending further inquiry or when a cleric has been permanently removed from ministry but allowed to remain a cleric when sexual abuse by the cleric is admitted or is established after an appropriate investigation in accord with canon law.

***Procedure***

The primary purposes of monitoring those who have engaged in sexual abuse of minors are the safety of children and the integrity of the Church. The programs need to be flexible to recognize individual circumstances and the fact that knowledge and insight continue to develop. They should be evaluated periodically for this reason. These programs should also recognize, in an appropriate way, redemption and forgiveness and seek to provide hope for those dealing with the dysfunction that causes sexual abuse. They must be consistent and fair, and the application in a given case not be arbitrary, but recognize individual circumstances.

**§4.12.1. Cleric Monitoring; Removal of Lay Workers**

**§4.12.1. Policy** A cleric who has been found to have engaged in sexual abuse of a minor will be subject to appropriate monitoring for the remainder of his life as a cleric of the Diocese and his file shall remain open. Even a single act of sexual abuse of a minor by a lay employee or commissioned volunteer admitted or established after an appropriate process in accord with canon law, the offending minister will be removed permanently from ecclesiastical ministry.

***Procedure***

Recovery from the dysfunction which causes sexual abuse of minors is considered, in the light to the experience and research presently available, an ongoing and lifelong process. Further, the Diocese is civilly and morally responsible to exercise due diligence in these matters to ensure that those within its care are not placed at risk. For these reasons, the monitoring of clerics in such cases is a lifelong process.

**§4.12.2. Case by Case Monitoring Programs/Protocols for Clerics**

**§4.12.2. Policy** Monitoring programs and protocols should be applied on a case by case basis but must include certain essential components.

***Procedures***

While the monitoring protocol approved by the Permanent Review Board in a given case might include myriad controls or restrictions that have proven helpful, all cases must include certain essential elements. They are:

- ✓ continuing oversight by the Permanent Review Board with periodic evaluation and reports to the Bishop;
- ✓ a written protocol signed by the cleric which sets forth the particular requirements applicable to him;
- ✓ restrictions from being alone with anyone under the age of 18;
- ✓ periodic physical evaluation and psychological reports as recommended by the Permanent Review Board;
- ✓ regular individual spiritual direction;
- ✓ communication with leaders and others as appropriate in the cleric's residence in order that they are meaningfully apprised and able to assist in the program;
- ✓ a provision requiring clerics who use the Internet to provide the Administrator/Assessor with a monthly printout of Internet sites visited.

## §5 CANONICAL CONSIDERATIONS

*Section 5 recognizes that a cleric who has admitted or been found to have engaged in sexual abuse of a minor may never return to ministry. We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”*

### §5.1. Single Act of Abuse of a Child by a Cleric

**§5.1. Policy** When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, §2).<sup>9</sup> While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God’s infinite graces, the Church also acknowledges the need to do penance for one’s sins, that there are consequences for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness.

**A.** In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (Cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; Graviora Delicta, Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). 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 Bishop how to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process.

**B.** If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will 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 priest. (cf. USCCB Charter, Art. 5, and USCCB Essential Norms §8)

## §5.2. Exercise of an Administrative Act for Removal of a Cleric

**5.2. Policy** 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.<sup>10</sup> Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (c. 1395, §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 Bishop shall exercise this power of governance to ensure that anyone who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (USCCB Essential Norms, §9)

### ***Procedures***

The Bishop may exercise his executive power of governance to take one or more of the following administrative actions (cc.381 and 129ff):

- a) He may request that the accused freely resign from any currently held ecclesiastical office (cc.187-189);
- b) Should the accused decline to resign and should the Bishop judge the accused to be truly not suitable (c.149, §1) at this time for holding an office previously freely conferred (c.157), then he may remove that person from office observing the required canonical procedures (cc.192-195, 1740-1747);
- c) For a cleric who holds no office in the Diocese, any previously delegated faculties may be administratively removed (cc. 391, §1 and 142, §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in the law (c. 764);
- d) The Bishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (c. 906). The Bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
- e) Depending on the gravity of the case, the Bishop may also dispense (cc.85-88) the cleric from the obligation of wearing clerical attire (c.284) and may urge that he not do so, for the good of the Church and for his own good.
- f) These administrative actions shall be taken in writing and by means of decrees (cc.47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (cc.1734ff).

(The above procedures are outlined in USCCB Essential Norms, §9, footnote 6.)

### §5.3. Dispensations and Dismissals from the Clerical State

**5.3. Policy** The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy See the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon. (USCCB Essential Norms, §10)

#### *Procedures*

- a) A cleric described in Section 5.1 and who has not been dismissed from the clerical state may either live in a supervised setting designated by the Diocese in accord with Section 4.12 or resign from active ministry as a cleric and petition for laicization. The Diocese ordinarily will offer such resigned clerics an opportunity for continuing therapy as part of an appropriate severance program. If the cleric does not express a desire to live in such a supervised setting or petition for laicization, the Diocese may pursue appropriate courses of action permitted under the Code of Canon Law.
- b) A cleric who is assigned to live in a supervised setting as described above must sign a written agreement with the Diocese. The agreement must include such provisions as to his restrictions, residence, therapy, supervision and other matters as may be recommended by his therapists or the Permanent Review Board, or required by the Bishop. The cleric's compliance with the terms of the agreement and overall performance will be monitored from time to time by the Administrator/Assessor. The Administrator/Assessor will present written reports of the monitoring to the Permanent Review Board at least annually. Either the Permanent Review Board, the Bishop or cleric may initiate a Supplementary Review of the situation in accordance with the procedures in Section 4.

### §5.4. Protection of Rights and Unfounded Allegations

**5.4. Policy** Care will always 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 will be taken to restore the good name of the person falsely accused. (USCCB Essential Norms, §13)

### §5.5. Cleric's Failure to Comply

**5.5 Policy** A cleric's failure to comply with the agreement he has signed or any of the relevant conditions or restrictions imposed shall be the basis for the initiation of a Supplementary Review which may result in such other appropriate recommendations by the Permanent Review Board for action by the bishop.

## §6 CLERGY PERSONNEL RECORDS

*Section 6 requires the establishment of unified priest personnel record keeping system to enable those responsible for ministerial assignments to consider the full record of a priest. Under the unified system, the record of a priest will commence upon his entry into seminary training and continue to be maintained throughout his life.*

### §6.1. Maintaining a Unified Clergy Personnel Record

**6.1. Policy** The Diocese shall establish and maintain a unified clergy personnel record keeping system to enable the Bishop and other responsible persons to consider the full record of a priest in the making of ministerial assignments. The record of each priest shall commence upon entering seminary training and continue to be maintained throughout the career of the priest.

#### ***Procedure***

Diocesan policies and procedures shall provide for the administration of the unified clergy personnel record keeping system consistent with law and sound personnel records management. For the purposes enunciated in these policies and procedures, the record shall include records of formational assessment, psychological evaluation, the record and disposition of any proceedings of the Permanent Review Board and any other information suggesting a propensity for sexual abuse of minors.

### §6.2. Seminary Files on Clerics in Diocesan Files

**6.2. Policy** The Chancellor shall request from the rectors of seminaries for incorporation into the priest personnel record keeping system such records in their respective possession as may be allowed by law.

### §6.3. Confidentiality of Records

**6.3. Policy** All records maintained pursuant to this Section shall be confidential. Information contained in a clergy's personnel record may be disclosed by the Chancellor to the Bishop and in the following instances:

- (1) upon request of the Vicar General for consideration by the Permanent Review Board in making assignments;
- (2) upon request of the Administrator/Assessor as contemplated in Sections 4 and 5 of these policies and procedures;
- (3) upon request of an accused priest, deacon or church worker subject to conditions and limitations set forth in applicable policies and procedures;

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| <p>(4) upon request by the Holy See or in light of other setting provided in canon law; and<br/>(5) all such disclosures shall be made in a manner consistent with applicable law and sound personnel records management.</p> |
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***Procedure***

Secure provision for the records shall be provided by the Chancellor and an appropriate file system established.

**CONCLUSION**

This Policy for the Protection of Minors hereby replaces Policies #1230 through #1233 of the Handbook of Faculties and Policies (1995) and becomes effective December 1, 2003. Each person within the Diocese of Alexandria shall comply with this policy and with all laws of the State of Louisiana, as well as applicable local and federal laws regarding incidents or allegations of abuse of a minor. Policies published prior to this date in variance with the aforementioned policies are hereby abrogated or amended so that all things to the contrary are not withstanding. A copy of this policy and any subsequent revisions or modifications will be placed on file with the United States Conference of Catholic Bishops, Office for the Protection of Children and Youth. A copy of this policy is available from the office of the Chancellor, Diocese of Alexandria, 4400 Coliseum Boulevard, Alexandria, Louisiana, 71303.

The Code of Pastoral Conduct, a separate publication, serves as a part of this statement of diocesan policies and outlines the description of reasonable boundaries in the behavior of clerics, church employees and commissioned volunteers. This Code is available from the Chancellor, Diocese of Alexandria.

The Communications Policy concerning the sexual abuse of a minor follows and is a part of the Diocesan Policy for the Protection of Children.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ecclesiastical Notary

\_\_\_\_\_  
Apostolic Administrator

# ENDNOTES

<sup>1</sup> (Gn 1:26) “Then God said: ‘Let us make man in our image, after our likeness...’ ”

<sup>2</sup> Cf. Catechism of the Catholic Church, 225, 356, 1700 ff, 1934.

<sup>3</sup> Clerics in the context of this policy are men who are ordained to the order of priest or deacon. Church employees are paid salaries or wages by the Church. Lay volunteers are commissioned either by the bishop or pastor of a parish. They receive no monetary compensation, but work under supervision of the bishop or pastor, or their delegate, and their names are contained on the roster of commissioned volunteers..

<sup>4</sup> Per note, USCCB Charter and Preamble, USCCB Essential Norms: “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. Sexual abuse has been defined by different civil authorities in various ways, and these norms do 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, §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, §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 discernable harmful outcome. Moreover, ‘imputability [moral responsibility] for a canonical offense is presumed upon an external violation ... unless it is otherwise apparent’ (Code of Canon Law, c. 1321, §3). Cf. Code of Canon Law, 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/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.”

<sup>5</sup> In the context of these policies a “cleric” is a deacon or priest.

<sup>6</sup> The Child Abuse and Neglect Reporting Law, L.R.S. 14:403, as amended 1997 and 1998, of the State of Louisiana defines “child” as any person under the age of 18. For purposes of canon law and these policies and procedures, “minor” has the same meaning.

<sup>7</sup> Source: La. R.S. 14:403 and La. Ch. C. Art. 610.

<sup>8</sup> Note that there are different files kept by various Diocesan offices, e.g., the Office of the Chancellor, the Director of Personnel, Vicar for Clergy, the Bishop’s Delegate, etc. These files are managed under the coordination of the Chancellor. Lay Personnel files are maintained at the employer unit site.

<sup>9</sup> Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or suffering from a related sexual disorder that requires professional treatment. (Cf. USCCB Norms, §8, footnote 4)

<sup>10</sup> Cf. cc.35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348 and 1740-1747.