



## **DIOCESE OF ALLENTOWN**

### **POLICIES AND PROCEDURES REGARDING ALLEGED SEXUAL ABUSE OF MINORS**

**(Revised 20 April 2004)  
(Revised 19 July 2006)  
(Revised 10 October 2008)  
(Revised 29 November 2012)  
(Revised 23 April 2013)  
(Revised 15 May 2014)  
(Revised 6 December 2016)**

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DIOCESE OF ALLENTOWN

May 15, 2014

Dear Brothers and Sisters in Christ:

Since the implementation in 2002 of the “Charter for the Protection of Children and Young People” by the Bishops of the United States, the Church has made significant progress in developing policies and procedures that help to provide safe environments for children and youth.

The Diocese of Allentown is committed to the implementation of the Charter and the accompanying Essential Norms. We have educated thousands of Catholics through various programs for adults, teens and children. The Diocese continues ongoing training programs about providing safe environments for children and young people in all of our parishes, schools and institutions.

The Diocese of Allentown has a long history of working to provide safe environments for children and young people. While the Diocese has had a policy in place since 1993, this current Policy is a revision and enhancement of a Diocesan policy that originated in 1998 and was revised and updated in 2004, 2006, 2008 and 2012.

I am grateful to the members of the laity and clergy who have assisted in developing and implementing our policies over the past years. In order to emphasize the importance of this policy, I declare that:

**The “Policies and Procedures Regarding Alleged Sexual Abuse of Minors” has the force of Diocesan particular law and is binding on the entire Diocese of Allentown.**

Sincerely yours in Christ,

Most Rev. John O. Barres, D.D., S.T.D., J.C.L.  
Bishop of the Diocese of Allentown



## SECTION I

### INTRODUCTION

A. Establishment of Policy. Sexual abuse of minors is a crime, and it violates human dignity and the mission of the Roman Catholic Diocese of Allentown, and the Roman Catholic Church. Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all jurisdictions in the United States. This policy is established to address the subject of sexual abuse of minors.

B. Purpose. This policy of the Diocese of Allentown focuses specifically on sexual abuse of minors (persons under 18 years of age) and/or those who habitually lack the use of reason by diocesan clergy, lay employees of the Diocese, lay employees of Parishes, lay volunteers of the Diocese and lay volunteers of Parishes. The Diocese considers any allegation of sexual abuse or exploitation of a minor and/or those who habitually lack the use of reason by a cleric or a layperson an extremely serious matter. The purpose of this policy is to respond to such allegations in a way that is effective in its application and fully compliant with applicable civil law.

C. Applicability.

1. This policy applies to all priests and deacons incardinated in the Diocese of Allentown, to all religious clerics and extern clerics entrusted with a canonical assignment by the Diocese of Allentown, to all lay employees of the Diocese, to all lay employees of Parishes (who are not diocesan employees), to all lay volunteers of the Diocese and to all lay volunteers of Parishes.

2. Religious clerics, extern clerics and lay people employed by or volunteering at institutions other than Diocesan institutions, are subject to the direction, authority, supervision, policies and procedures of the superiors of their respective religious order, or Bishop of their respective diocese and not the Diocese of Allentown. The Diocese will cooperate with those religious superiors and bishops and the appropriate governmental authorities to address particular situations.

D. Definitions.

1. “Sexual Abuse or Exploitation”. The term “sexual abuse or exploitation” is defined in Pennsylvania law as follows: “The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.” (See Pennsylvania Child Protective Services Act at 23 Pa.C.S.A. §6303) and is also defined to include the possession or use of any child pornography and/or violation of any federal and/or state laws pertaining to child pornography.

2. “Minor”. The term “minor” as used herein, means any person under the age of eighteen (18) years.

3. “Clergy” or “Cleric”. The terms “clergy” and/or “cleric” as used herein, mean any bishop, priest or deacon of the Diocese or in a canonical assignment by or in behalf of the Diocese of Allentown under the Canons of the Church.

4. “Person who Habitually Lacks the Use of Reason”. This phrase, as used herein, means an individual who is intellectually disabled and/or diagnosed with some form of psychosis.

E. Interchangeability of Language. Words used in the masculine form as regards victims or employees or volunteers, are to be read to include the feminine, as particular circumstances indicate.

## SECTION II

### DIOCESAN CLERICS

#### A. INITIAL RESPONSE TO ALLEGATIONS

1. Presentation of Allegation. When an allegation is made to the Diocese of Allentown regarding sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason, the victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. Information concerning this policy, or a copy of this policy, should be made available to the person reporting the allegation. The policy is to be available on the internet web site of the Diocese. The person reporting the complaint is to be provided with information concerning the Victim Assistance Program of the Diocese and informed of his/her right to contact law enforcement. The diocesan procedures set forth herein will be initiated. The appropriate diocesan representative, as determined below, will make any report required by law to the appropriate governmental authorities.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused as a minor by priests or deacons of the Diocese. The Victim Assistance Coordinator will offer to the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor, to assist in the healing process. Temporary victim assistance may be offered pending completion of the Investigation Phase and Action Phase of this Policy, after which a determination could be made concerning further victim assistance. The nature, extent and scope of victim assistance to be offered will be made based on the unique facts of each case, with individual determinations to be made on a case by case basis. Information concerning the Victim Assistance Program is to be available on the internet web site of the Diocese.

3. Communication and Outreach. The Victim Assistance Coordinator will establish contact with the victim (and/or family) concerning the Victim Assistance Program of the Diocese.

4. Secretary for Clergy. The Secretary for Clergy will:
  - (a) Inform the Vicar General and the Diocesan Bishop of the allegation.
  - (b) Cooperate with governmental authorities make sure that the allegation is reported as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Diocese will support a victim's right to make a report to governmental authorities.
  - (c) Make himself available to those closest to the accused's official assignment, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

## **B. INVESTIGATION PHASE**

1. Essential Norms. This procedure will be in full accord with the *Essential Norms* implementing the *Charter for the Protection of Children and Young People* promulgated December 12, 2002 and most recently revised on 16 June 2011, and as amended and updated from time to time.

2. Initial Review. The Secretary for Clergy is to review the allegation and recommend action to be taken. A recommendation as to the need for further investigation is also to be made. These recommendations shall be made expeditiously.

3. Investigation. If an allegation is made against a cleric of the Diocese of Allentown, when appropriate, a professional investigator will be requested to investigate the allegations. The investigation shall include interviews of the accused and the accuser, and shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. Others who may have some knowledge of the particular situation may be interviewed. The accuser and the accused are to be advised of their right to civil (and in the case of the cleric, canonical) legal counsel. If the accuser declines to be interviewed,

the accuser should be requested to present the allegation in writing, signed by the accuser. The Secretary for Clergy will recommend immediate, necessary action to be taken including, where the allegation is deemed credible, immediate removal of the cleric from public ministry.

4. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his reputation and also to protect the reputation of the accuser. Care must be taken lest anyone's good name be endangered by this investigation. The accused cleric's canonical and legal rights must be respected, including the preservation of the cleric's reputation. The accuser's legal rights and reputation must also be respected and preserved.

5. Completion of Investigation. The investigation should be completed expeditiously. The Secretary for Clergy is to report the findings of the investigation and provide a recommendation to the Bishop. The Secretary for Clergy may consult as needed with appropriate professionals for guidance and insight.

6. Findings and Recommendations. The findings and recommendations received and/or made by the Secretary for Clergy as reported to the Diocesan Bishop and Vicar General, are to be submitted to the Diocesan Review Board, an advisory body to the Bishop.

7. Diocesan Review Board. The Diocesan Review Board advises the Bishop as to:

- (a) whether the findings which are gathered are sufficient to support the probable nature of the allegation, and
- (b) the cleric's suitability for ministry.

8. Close of Investigation. After the Review Board has presented its advice to the Diocesan Bishop, this brings the Investigation Phase to a close.

9. Other Cases – Not Involving Minors and/or Persons who Habitually Lack the Use of Reason. The Diocesan Bishop reserves the

right, but shall not have the obligation, to refer other cases to the Review Board involving clerics, regardless of the age of the alleged victim of abuse.

### C. ACTION PHASE

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Diocesan Bishop is to determine whether the allegation that has been investigated is probable. If so, he is then obligated by Article 13 of *Sacramentorum sanctitatis tutela* to transmit this matter to the Congregation for the Doctrine of the Faith which will advise the Diocesan Bishop how to proceed.

2. If Allegation Determined Probable. If the information gathered is sufficient in the opinion of the Diocesan Bishop to make the allegation probable, the following actions are to be undertaken:

- (a) The accused cleric is to be “promptly notified of the results of the investigation.” (*Essential Norms* no. 6);
- (b) The Diocesan Bishop will then apply the precautionary measures in Canon 1722 of the *Code of Canon Law*. Canon 1722 calls for the withdrawal of the accused from exercising sacred ministry or from ecclesiastical office or function, imposition or prohibition of residence in a given place or territory, including prohibition from public (con)celebration of the Most Holy Eucharist pending the outcome of the process;
- (c) The Diocesan Bishop will then transmit the acts of the Preliminary Investigation with his *votum* to the Congregation for the Doctrine of the Faith.

3. If Allegation Determined Not Probable. If the information gathered is insufficient in the opinion of the Diocesan Bishop to make the allegation probable, the Bishop may terminate the process. The acts of the Investigation Phase and the *votum* of the Diocesan Bishop explaining the insufficiency or doubtful nature of the proofs are transmitted to the Congregation for the Doctrine of the Faith (*Essential Norms* no. 8A) If

deemed necessary, appropriate administrative action can be taken. (*Essential Norms* no. 9).

4. If Allegation Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to determine that the accused has engaged in the conduct alleged, the Diocesan Bishop will act to restore the reputation of the accused, where such action is deemed appropriate.

5. If Allegation Determined Not Probable, But Conduct Was Imprudent. If after the investigation, the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop may specify that the activities of the accused be restricted and that he be supervised, monitored and/or counseled. (cfr. *Essential Norms* no. 9) The Bishop makes all final decisions regarding the accused.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

- (a) The accused will be removed from his assignment and will not receive an assignment in the Diocese of Allentown. Dismissal from the clerical state is not excluded if the case so warrants.
- (b) The case will be forwarded to the appropriate Vatican Congregation.
- (c) The accused is subject to all aspects of civil, criminal and canon law that apply. The cleric will be provided with appropriate spiritual guidance, as well as psychological evaluation and treatment.

7. Ongoing Full Cooperation With Governmental Authorities. If the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law and the Diocesan investigation may be deferred to avoid interference with any governmental investigation.

8. Record Keeping. The file of the investigation will be kept in the Archives of the Diocesan Curia according to the norms of Canon Law.

9. Notice of Offer of Meeting With Bishop. Upon the conclusion of the Action Phase, the victim is to be offered a meeting with the Bishop or his designee.



## SECTION III

### LAY DIOCESAN EMPLOYEES

#### A. INITIAL RESPONSE TO ALLEGATIONS

##### 1. Presentation of Allegation.

(a) When an allegation is made to the Diocese of Allentown regarding sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason, the victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. Information concerning this policy, or a copy of this policy, should be made available to the person reporting the allegation. The policy is to be available on the internet web site of the Diocese. The person reporting the complaint is to be provided with information concerning the Victim Assistance Program of the Diocese and informed of his/her right to contact law enforcement. The diocesan procedures set forth herein will be initiated. The appropriate diocesan representative, as determined below, will make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Secretary of the Diocesan Secretariat where the accused serves as an employee.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused as a minor by a lay employee of the Diocese. Through Catholic Charities of the Diocese of Allentown, the Victim Assistance Coordinator will offer to the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor, to assist in the healing process. Temporary victim assistance may be offered pending completion of the Investigation Phase and Action Phase of this Policy, after which a determination could be made concerning further victim assistance. The nature, extent and scope of victim assistance to be offered will be made based on the unique facts of each case, with individual determinations to be

made on a case by case basis. Information concerning the Victim Assistance Program is to be available on the internet web site of the Diocese.

3. Communication and Outreach. The Victim Assistance Coordinator will establish contact with the victim (and/or family) concerning the Victim Assistance Program of the Diocese.

4. Secretary of Diocesan Secretariat. The Secretary of the Diocesan Secretariat to whom the accused reports (“Secretary”) will:

- (a) Inform the Vicar General of the allegation, who will then immediately inform the Diocesan Bishop of the allegation.
- (b) Cooperate with governmental authorities to report the allegation as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Diocese will support a victim’s right to make a report to governmental authorities.
- (c) Make himself available to those closest to the accused’s official assignment, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

## **B. INVESTIGATION PHASE**

1. Initial Review. The Secretary of the Diocesan Secretariat to whom the accused person reports, with the assistance of the Diocesan Director of Human Resources, is to review the allegation and exercise discretion in recommending necessary action to be taken including, where the allegation is deemed probable, immediate administrative leave. A recommendation as to the need for further investigation is also to be made. These recommendations shall be made expeditiously.

2. Investigation. If it is determined that further investigation is appropriate, when appropriate, a professional investigator will be requested to investigate the allegations. The investigation shall include interviews of the accused and the accuser, and shall proceed in a manner that does not

interfere with and does not prevent a full and complete investigation by governmental authorities. Others who may have some knowledge of the particular situation may be interviewed. The accuser and the accused are to be advised of their right to civil legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser.

3. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his reputation and also to protect the reputation of the accuser. Care must be taken lest anyone's good name be endangered by this investigation. The accuser's and accused's legal rights must be respected, including the preservation of reputation.

4. Completion of Investigation. The investigation should be completed expeditiously. The Secretary is to report the findings of the investigation and provide a recommendation to the Bishop. The Secretary may consult as needed with appropriate professionals for guidance and insight; however, the Secretary must respect legitimate rights to confidentiality.

5. Findings and Recommendations. Subject to Section VII-A ("Review Board"), the findings and recommendations of the Secretary as reported to the Diocesan Bishop and Vicar General, may be submitted to the Diocesan Review Board, an advisory body to the Bishop.

6. Diocesan Review Board. The Diocesan Review Board may advise the Bishop as to:

- (a) whether the findings which are gathered are sufficient to support the probable nature of the allegation, and
- (b) the accused's suitability for continued employment.

7. Close of Investigation. If the matter has been submitted to the Diocesan Review Board, then after the Review Board has presented its advice to the Diocesan Bishop, this brings the Investigation Phase to a close.

## C. ACTION PHASE

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Diocesan Bishop is to determine whether the allegation that has been investigated is probable.

2. If Allegation Determined Probable. If the information gathered is sufficient in the opinion of the Diocesan Bishop to make the allegation probable, the following actions are to be undertaken:

- (a) The accused is to be promptly notified of the results of the investigation;
- (b) The Diocesan Bishop will then apply precautionary measures including administrative leave from Diocesan employment;
- (c) The employment of the accused may be terminated.

3. If Allegation Determined Not Probable. If the information gathered is insufficient in the opinion of the Diocesan Bishop to make the allegation probable, the Bishop may terminate the process.

4. If Allegation Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to determine that the accused has engaged in the conduct alleged, the Diocesan Bishop will act to restore the reputation of the accused, where in the judgment of the Diocese, such action is deemed appropriate.

5. If Allegation Determined Not Probable, But Conduct Was Imprudent. If after the investigation, the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop may specify that the activities of the accused be restricted and that he be supervised, monitored, counseled or terminated. The Bishop makes all final decisions regarding the accused.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

- (a) The accused will be removed and terminated from his employment in the Diocese of Allentown.
- (b) The accused is subject to all aspects of civil and criminal law that apply.

7. Ongoing Full Cooperation With Governmental Authorities. If the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law and the Diocesan investigation may be deferred to avoid interference with any governmental investigation.

8. Record Keeping. The file of the investigation will be kept in the Diocesan Office of Human Resources.

9. Notice of Offer of Meeting With Bishop. Upon the conclusion of the Action Phase, the victim is to be offered a meeting with the Bishop or his designee.

## SECTION IV

### LAY PARISH EMPLOYEES

#### A. INITIAL RESPONSE TO ALLEGATIONS

##### 1. Presentation of Allegation.

(a) When an allegation is made to a parish regarding sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason, the victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. Information concerning this policy, or a copy of this policy, should be made available to the person reporting the allegation. The policy is to be available on the internet web site of the Diocese. The person reporting the complaint is to be provided with information concerning the Victim Assistance Program of the Diocese and informed of his/her right to contact law enforcement. The diocesan procedures set forth herein will be initiated. The appropriate diocesan representative, as determined below, will make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Chancellor by the Pastor of the Parish. Should the report be made to the Parochial Vicar or a lay parish employee, he/she must immediately inform the Pastor, who will contact the Chancellor. In the event of the absence or unavailability of the Pastor, contact is to be made directly with the Chancellor.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused as a minor by a lay employee of a parish. Through Catholic Charities of the Diocese of Allentown, the Victim Assistance Coordinator will offer to the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor, to assist in the healing process. Temporary victim assistance may be offered pending completion of the Investigation Phase and Action Phase of this Policy, after which a

determination could be made concerning further victim assistance. The nature, extent and scope of victim assistance to be offered will be made based on the unique facts of each case, with individual determinations to be made on a case by case basis. Information concerning the Victim Assistance Program is to be available on the internet web site of the Diocese.

3. Communication and Outreach. The Victim Assistance Coordinator will establish contact with the victim (and/or family) concerning the Victim Assistance Program of the Diocese.

4. Chancellor. The Chancellor will:

- (a) Inform the Vicar General of the allegation, who will then immediately inform the Diocesan Bishop of the allegation.
- (b) Cooperate with governmental authorities to make sure that the allegation is reported as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Diocese will support a victim's right to make a report to governmental authorities.
- (c) The Pastor or Administrator shall make himself available to those closest to the accused's official assignment, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

## **B. INVESTIGATION PHASE**

1. Initial Review. The Chancellor, with the assistance of the Diocesan Director of Human Resources (or in the case of a school, the Secretary for Catholic Education), and in cooperation with the Pastor of the Parish, is to review the allegation and exercise discretion in recommending necessary action to be taken including, where the allegation is deemed probable, immediate administrative leave. A recommendation as to the need for further investigation is also to be made. These recommendations shall be made expeditiously.

2. Investigation. If it is determined that further investigation is appropriate, an investigator will be requested to investigate the allegations. The investigation shall include interviews of the accused and the accuser, and shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. Others who may have some knowledge of the particular situation may be interviewed. The accuser and the accused are to be advised of their right to civil legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser.

3. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his reputation and also to protect the reputation of the accuser. Care must be taken lest anyone's good name be endangered by this investigation. The accuser's and accused's legal rights must be respected, including the preservation of reputation.

4. Completion of Investigation. The investigation should be completed expeditiously. The Chancellor is to report the findings of the investigation and provide a recommendation to the Bishop. The Chancellor may consult as needed with appropriate professionals for guidance and insight; however, the Chancellor must respect legitimate rights to confidentiality.

5. Findings and Recommendations. Subject to Article VII-A ("Review Board") the findings and recommendations of the Chancellor as reported to the Diocesan Bishop, may be submitted to the Diocesan Review Board, an advisory body to the Bishop.



6. Diocesan Review Board. The Diocesan Review Board may advise the Bishop as to:

- (a) whether the findings which are gathered are sufficient to support the probable nature of the allegation, and
- (b) the accused's suitability for continued employment, which is to be communicated to the Pastor, who has authority over management of Parish employees.

7. Close of Investigation. If the matter has been submitted to the Diocesan Review Board, then after the Review Board has presented its advice to the Diocesan Bishop, this brings the Investigation Phase to a close.

### **C. ACTION PHASE**

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Diocesan Bishop is to determine whether the allegation that has been investigated is probable.

2. If Allegation Determined Probable. If the information gathered is sufficient in the opinion of the Diocesan Bishop to make the allegation probable, the following actions are to be undertaken:

- (a) The accused is to be promptly notified of the results of the investigation;
- (b) The Pastor will then apply precautionary measures including administrative leave from parish employment (if any);
- (c) The Parish employment of the accused may be terminated.

3. If Allegation Determined Not Probable. If the information gathered is insufficient in the opinion of the Diocesan Bishop to make the allegation probable, the Bishop may terminate the process.

4. If Allegation Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an

insufficient basis to determine that the accused has engaged in the conduct alleged, the Diocesan Bishop and the Pastor will act to restore the reputation of the accused, where in the judgment of the Diocese, such action is deemed appropriate.

5. If Allegation Determined Not Probable, But Conduct Was Imprudent. If after the investigation, the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop may recommend to the Pastor that the activities of the accused be restricted and that he be supervised, monitored, counseled or terminated. Subject to the advice of Diocesan legal counsel, the Pastor makes all final decisions regarding the accused.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

- (a) The accused will be removed and terminated from his Parish employment.
- (b) The accused is subject to all aspects of civil and criminal law that apply.

7. Ongoing Full Cooperation With Governmental Authorities. If the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law and the Diocesan investigation may be deferred to avoid interference with any governmental investigation.

8. Record Keeping. The file of the investigation will be kept in the office of the Parish, with a copy kept in the Diocesan Office of Human Resources.

9. Notice of Offer of Meeting With Bishop. Upon the conclusion of the Action Phase, the victim is to be offered a meeting with the Bishop or his designee.

## SECTION V

### LAY DIOCESAN VOLUNTEERS

#### A. INITIAL RESPONSE TO ALLEGATIONS

##### 1. Presentation of Allegation.

(a) When an allegation is made to the Diocese of Allentown regarding sexual abuse or exploitation of a minor or person who habitually lacks the use of reason, the victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. Information concerning this policy, or a copy of this policy, should be made available to the person reporting the allegation. The policy is to be available on the internet web site of the Diocese. The person reporting the complaint is to be provided with information concerning the Victim Assistance Program of the Diocese and informed of his/her right to contact law enforcement. The diocesan procedures set forth herein will be initiated. The appropriate diocesan representative, as determined below, will make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Secretary of the Diocesan Secretariat where the accused serves as a volunteer.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused as a minor by a lay volunteer of the Diocese. Through Catholic Charities of the Diocese of Allentown, the Victim Assistance Coordinator will offer to the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor, to assist in the healing process. Temporary victim assistance may be offered pending completion of the Investigation Phase and Action Phase of this Policy, after which a determination could be made concerning further victim assistance. The nature, extent and scope of victim assistance to be offered will be made based on the unique facts of each case, with individual determinations to be

made on a case by case basis. Information concerning the Victim Assistance Program is to be available on the internet web site of the Diocese.

3. Communication and Outreach. The Victim Assistance Coordinator will establish contact with the victim (and/or family) concerning the Victim Assistance Program of the Diocese.

4. Secretary of Diocesan Secretariat. The Secretary of the Diocesan Secretariat where the volunteer provides volunteer service (“Secretary”) will:

- (a) Inform the Vicar General of the allegation, who will then immediately inform the Diocesan Bishop of the allegation.
- (b) Cooperate with governmental authorities to report the allegation as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Diocese will support a victim’s right to make a report to governmental authorities.
- (c) Make himself available to those closest to the accused’s volunteer position, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

## **B. INVESTIGATION PHASE**

1. Initial Review. The Secretary of the Diocesan Secretariat where the accused volunteer provides volunteer service, with the assistance of the Diocesan Director of Human Resources, is to review the allegation and exercise discretion in recommending necessary action to be taken including, where the allegation is deemed probable, immediate removal from volunteer service. A recommendation as to the need for further investigation is also to be made. These recommendations shall be made expeditiously.

2. Investigation. If it is determined that further investigation is appropriate, an investigator will be requested to investigate the allegations. The investigation shall include interviews of the accused and the accuser,

and shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. Others who may have some knowledge of the particular situation may be interviewed. The accuser and the accused are to be advised of their right to civil legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser.

3. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his reputation and also to protect the reputation of the accuser. Care must be taken lest anyone's good name be endangered by this investigation. The accuser's and accused's legal rights must be respected, including the preservation of reputation.

4. Completion of Investigation. The investigation should be completed expeditiously. The Secretary is to report the findings of the investigation and provide a recommendation to the Bishop. The Secretary may consult as needed with appropriate professionals for guidance and insight; however, the Secretary must respect legitimate rights to confidentiality.

5. Findings and Recommendations. Subject to Article VII-A ("Review Board"), the findings and recommendations of the Secretary as reported to the Diocesan Bishop and Vicar General, may be submitted to the Diocesan Review Board, an advisory body to the Bishop.

6. Diocesan Review Board. The Diocesan Review Board may advise the Bishop as to:

- (a) whether the findings which are gathered are sufficient to support the probable nature of the allegation, and
- (b) the accused's suitability for continued volunteer service.

7. Close of Investigation. If the matter has been submitted to the Diocesan Review Board, then after the Review Board has presented its advice to the Diocesan Bishop, this brings the Investigation Phase to a close.

## C. ACTION PHASE

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Diocesan Bishop is to determine whether the allegation that has been investigated is probable.

2. If Allegation Determined Probable. If the information gathered is sufficient in the opinion of the Diocesan Bishop to make the allegation probable, the following actions are to be undertaken:

- (a) The accused is to be promptly notified of the results of the investigation;
- (b) The Diocesan Bishop will then apply precautionary measures including suspension from Diocesan volunteer service;
- (c) The volunteer service of the accused may be terminated.

3. If Allegation Determined Not Probable. If the information gathered is insufficient in the opinion of the Diocesan Bishop to make the allegation probable, the Bishop may terminate the process.

4. If Allegation Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to determine that the accused has engaged in the conduct alleged, the Diocesan Bishop and the Secretary of the Diocesan Secretariat where the accused volunteer provides volunteer service will act to restore the reputation of the accused, where in the judgment of the Diocese, such action is deemed appropriate.

5. If Allegation Determined Not Probable, But Conduct Was Imprudent. If after the investigation, the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop may specify that the activities of the accused be restricted and that he be supervised, monitored, counseled or volunteer service terminated. The Bishop makes all final decisions regarding the accused.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

- (a) The accused will be removed and terminated from his volunteer service in the Diocese of Allentown.
- (b) The accused is subject to all aspects of civil and criminal law that apply.

7. Ongoing Full Cooperation With Governmental Authorities. If the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law and the Diocesan investigation may be deferred to avoid interference with any governmental investigation.

8. Record Keeping. The file of the investigation will be kept in the Diocesan Office of Human Resources.

9. Notice of Offer of Meeting With Bishop. Upon the conclusion of the Action Phase, the victim is to be offered a meeting with the Bishop or his designee.

## SECTION VI

### LAY PARISH VOLUNTEERS

#### A. INITIAL RESPONSE TO ALLEGATIONS

##### 1. Presentation of Allegation.

(a) When an allegation is made to a Parish regarding sexual abuse or exploitation of a minor or person who habitually lacks the use of reason, the victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. Information concerning this policy, or a copy of this policy, should be made available to the person reporting the allegation. The policy is to be available on the internet web site of the Diocese. The person reporting the complaint is to be provided with information concerning the Victim Assistance Program of the Diocese and informed of his/her right to contact law enforcement. The diocesan procedures set forth herein will be initiated. The appropriate diocesan representative, as determined below, will make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Chancellor by the Pastor of the Parish. Should the report be made to the Parochial Vicar or a lay parish employee, he/she must immediately inform the Pastor, who will contact the Chancellor.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused as a minor by a lay volunteer of a Parish. Through Catholic Charities of the Diocese of Allentown, the Victim Assistance Coordinator will offer to the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor, to assist in the healing process. Temporary victim assistance may be offered pending completion of the Investigation Phase and Action Phase of this Policy, after which a determination could be made concerning further victim assistance. The nature, extent and scope of victim assistance to be offered will be made



based on the unique facts of each case, with individual determinations to be made on a case by case basis. Information concerning the Victim Assistance Program is to be available on the internet web site of the Diocese.

3. Communication and Outreach. The Victim Assistance Coordinator will establish contact with the victim (and/or family) concerning the Victim Assistance Program of the Diocese.

4. Chancellor. The Chancellor will:

- (a) Inform the Vicar General of the allegation, who will then immediately inform the Diocesan Bishop of the allegation.
- (b) Cooperate with governmental authorities to make sure that the allegation is reported as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Diocese will support a victim's right to make a report to governmental authorities.
- (c) The Pastor or Administrator shall make himself available to those closest to the accused's volunteer position, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

## **B. INVESTIGATION PHASE**

1. Initial Review. The Chancellor, with the assistance of the Diocesan Director of Human Resources (or in the case of a school, the Secretary for Catholic Education), and in cooperation with the Pastor of the Parish, is to review the allegation and exercise discretion in recommending necessary action to be taken including, where the allegation is deemed probable, immediate removal from volunteer service. A recommendation as to the need for further investigation is also to be made. These recommendations shall be made expeditiously.

2. Investigation. If it is determined that further investigation is appropriate, an investigator will be requested to investigate the allegations. The investigation shall include interviews of the accused and the accuser, and shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. Others who may have some knowledge of the particular situation may be interviewed. The accuser and the accused are to be advised of their right to civil legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser.

3. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his reputation and also to protect the reputation of the accuser. Care must be taken lest anyone's good name be endangered by this investigation. The accuser's and accused's legal rights must be respected, including the preservation of reputation.

4. Completion of Investigation. The investigation should be completed expeditiously. The Chancellor is to report the findings of the investigation and provide a recommendation to the Bishop. The Chancellor may consult as needed with appropriate professionals for guidance and insight; however, the Chancellor must respect legitimate rights to confidentiality.

5. Findings and Recommendations. Subject to Article VII-A ("Review Board"), the findings and recommendations of the Chancellor as reported to the Diocesan Bishop, may be submitted to the Diocesan Review Board, an advisory body to the Bishop.

6. Diocesan Review Board. The Diocesan Review Board may advise the Bishop as to:

- (a) whether the findings which are gathered are sufficient to support the probable nature of the allegation, and
- (b) the accused's suitability for continued volunteer service, which is to be communicated to the Pastor, with respect to Parish volunteer service.

7. Close of Investigation. If the matter has been submitted to the Diocesan Review Board, then after the Review Board has presented its advice to the Diocesan Bishop, this brings the Investigation Phase to a close.

### **C. ACTION PHASE**

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Diocesan Bishop is to determine whether the allegation that has been investigated is probable.

2. If Allegation Determined Probable. If the information gathered is sufficient in the opinion of the Diocesan Bishop to make the allegation probable, the following actions are to be undertaken:

- (a) The accused is to be promptly notified of the results of the investigation;
- (b) The Pastor will then apply precautionary measures including suspension from parish volunteer service (if any);
- (c) The volunteer service of the accused may be terminated by the Pastor.

3. If Allegation Determined Not Probable. If the information gathered is insufficient in the opinion of the Diocesan Bishop to make the allegation probable, the Bishop may terminate the process.

4. If Allegation Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to determine that the accused has engaged in the conduct alleged, the Diocesan Bishop and the Pastor will act to restore the reputation of the accused, where in the judgment of the Diocese, such action is deemed appropriate.

5. If Allegation Determined Not Probable, But Conduct Was Imprudent. If after the investigation, the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop may recommend to the Pastor that the activities of the accused be restricted and that he be supervised,

monitored, counseled or volunteer service terminated. Subject to the advice of Diocesan legal counsel, the Pastor makes all final decisions regarding the accused.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

- (a) The accused will be removed and terminated from his Parish volunteer service.
- (b) The accused is subject to all aspects of civil and criminal law that apply.

7. Ongoing Full Cooperation With Governmental Authorities. If the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law and the Diocesan investigation may be deferred to avoid interference with any governmental investigation.

8. Record Keeping. The file of the investigation will be kept in the Diocesan Office of Human Resources.

9. Notice of Offer of Meeting With Bishop. Upon the conclusion of the Action Phase, the victim is to be offered a meeting with the Bishop or his designee.

**SECTION VII**  
**REVIEW BOARD**

A. Establishment: The Diocesan Review Board is established to serve the following advisory and consultative functions:

1. To advise the Bishop of the Diocese in his assessment of allegations of sexual abuse of minors or persons who habitually lack the use of reason pertaining to cases involving clerics, and other cases referred by the Bishop to the Review Board; and -
2. To advise the Bishop of the Diocese in determination of suitability of clerics for ministry; and -
3. To regularly review Diocesan policies pertaining to sexual abuse of minors or persons who habitually lack the use of reason, at least every two (2) years, in order to recommend modifications, if any; and -
4. To offer advice on all aspects of these cases, both retrospectively and prospectively.

B. Process. Recommendations regarding the continuation or termination of ministry or employment or volunteer service of personnel who are the subject of an allegation of sexual misconduct with a minor or a person who habitually lacks the use of reason shall be made to the Bishop. Cases involving Diocesan clerics are to be presented to the Review Board of the Diocese of Allentown. Cases involving lay Diocesan employees, lay parish employees, lay Diocesan volunteers and lay parish volunteers may, in the Bishop's discretion, be presented or not presented to the Review Board of the Diocese of Allentown.

C. Compliance and Cooperation. In addressing allegations of sexual misconduct, all personnel who are subject to this Policy are expected to cooperate with civil authorities, comply with legally established reporting requirements and otherwise conduct themselves as good citizens. In addition, all personnel shall comply fully with the letter and spirit of these Policies and Procedures. All personnel are expected to cooperate with the

Diocesan review process consistent with their particular role in the Diocese. All people who may be requested to participate in the Diocesan review process are asked to do so with understanding and sensitivity for its goals.

D. Membership. The Board shall be comprised of at least five, but no more than seven, members of outstanding integrity and good judgment appointed by the Bishop. A majority of the members shall be lay Catholics in full communion with the Roman Catholic Church who are not employees of the Diocese. The membership of the Diocesan Review Board shall at a minimum include, but not be limited to the following:

- (a) At least one member shall be a priest who is an experienced and respected Pastor in the Diocese.
- (b) At least one member shall have expertise in the treatment of sexual abuse of minors.
- (c) At least one member shall have expertise in civil laws concerning sexual abuse of minors.
- (d) At least one member shall have medical, psychological or psychiatric training and experience.
- (e) At least one member shall be a parent.

E. Term. Each appointed member shall serve on the Board for a term of five years or until a successor is appointed. Members may serve for more than one term.

F. Officers. The Board shall elect one Board member as Chairperson and one Board member as Vice Chairperson, for two-year terms. The Chairperson will ordinarily convene and preside at meetings of the Board. The Vice Chairperson will perform these functions when the Chairperson is unable to do so.

G. Relationship with Bishop. The Board shall serve as an advisor to the Bishop in providing the advice contemplated by these Policies and Procedures. The Board is not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business.

H. Compensation. The members of the Board shall receive no compensation for their services, but all members shall be reimbursed for their necessary expenses. Members shall be provided with liability insurance coverage through the Diocesan insurance program.

I. Quorum and Majority for Doing Business. A majority of the members of the Board shall constitute a quorum, and the concurrence of not less than a majority of those members in attendance shall be necessary to make a recommendation.

J. Meetings:

(a) Generally. The Board shall meet a minimum of once annually, and at that meeting shall review the “Policies and Procedures Regarding Alleged Sexual Abuse of Minors”. The Board shall conduct its business at meetings, which shall be scheduled to occur as often as necessary to perform its duties. The Board ordinarily will meet in person but one or more members may attend any meeting by telephone conference call. The members of the Board shall not discuss the business of the Board or information presented to the Board outside Board meetings, except that the Bishop or the Bishop’s designee, may communicate with Board members outside Board meetings as required by this process or as otherwise appears appropriate. As an advisory body, Board members shall not make individual inquiries or conduct independent investigations about any matters before the Board. All such business and matters shall be reserved by members for meetings of the Board.

(b) Attendance. The Bishop, the Bishop’s designee and other persons designated by the Bishop may attend those portions of meetings during which information is presented to the Board and the Board presents its recommendations. All other persons may attend meetings only upon the invitation or with the consent of the Board and subject to such limitations as the Board might require.

- (c) Nature of the Meetings. Board meetings shall reflect the pastoral character of this process, which is to be consultative and advisory, not adversarial and not adjudicative. The meetings are not hearings. They are sessions at which the Board receives and considers information, deliberates and formulates its recommendations. The Board may invite or permit the attendance of any person for the purpose of allowing such person to be heard by the Board.
  
- (d) Right to Counsel. Nothing in these Policies and Procedures shall be interpreted so as to abridge an individual's right to civil legal or canonical counsel. If the Board invites or permits someone to attend a meeting or a portion of a meeting, that person may appear with supportive persons in an advisory role, in the Board's discretion, for whom the person must in advance of the meeting request the Board's consent. The Board shall not permit the participation of counsel or other advisers to unduly delay the review process.
  
- (e) Procedures. When the Diocesan Review Board convenes for a meeting, the following procedures will be followed:
  - (i) A record of attendance will be made.
  
  - (ii) Particular cases presented by the Secretary for Clergy or his designee to the Diocesan Review Board for review, shall be discussed without reference to the victim's name and without reference to the accused's name, to assure confidentiality as well as complete impartiality in the review of the case by the Diocesan Review Board. The non-disclosure of names may be waived by victims.
  
  - (iii) The briefing presented by the Secretary for Clergy or his designee shall be thorough and comprehensive in nature.



- (iv) A record of the meeting shall be kept by preparation of meeting minutes by the Secretary of Clergy or his designee. The minutes shall contain a record of:
  - (A) All attendees; and -
  - (B) A listing of the agenda items reviewed; and -
  - (C) A brief summary of any advisory assessments made: and -<sup>\*</sup>
  - (D) A brief summary of any other advisory assessment or consultation made on any other matter.
  
- (f) Victim Attendance. The victim may request an opportunity to meet with and speak to the Diocesan Review Board concerning his/her case. Every reasonable effort should be made by the Diocesan Review Board to approve such a request. The Board however is not required to meet with a victim.
  
- (g) Accused Attendance. The accused may request an opportunity to meet with and speak to the Diocesan Review Board. Every reasonable effort should be made by the Diocesan Review Board to approve such a request; subject however, to the proviso that a meeting with the victim should not occur at the same time as a meeting with the accused, and that every reasonable effort should be made to meet with these individuals separately. The Board however is not required to meet with the accused.

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\* A companion document, for internal office use only, to be prepared by the Secretary for Clergy identifying the names of the victim and accused, is to be kept with the Diocesan copy of the minutes.

- K. Powers: The Board shall have the power to:
- (a) Review matters brought to its attention by the Diocese and make recommendations to the Bishop, after such review, regarding the continuation of ministry or employment or volunteer service of any personnel subject to allegations of sexual misconduct with a minor or a person who habitually lacks the use of reason.
  - (b) Recommend guidelines and programs for treatment, rehabilitation and supervision of clergy consistent with these Policies and Procedures.
  - (c) Recommend to the Bishop such amendments to these Policies and Procedures as the Board believes circumstances require.
- L. Protection of Privacy of Victim. For the purpose of protecting the identity of the victim, the Diocesan Review Board will function as a confidential body.
- M. Resource Persons. The Diocesan Secretary for Clergy shall serve as a resource person to the Board and shall attend each meeting of the Board. The Diocesan Victim Assistance Coordinator will also be available to the Diocesan Review Board as a resource person, on an as needed basis.
- N. Presentations to the Board. The Diocesan Secretary for Clergy or his designee shall be responsible to present briefings to the Diocesan Review Board concerning allegations made in cases of alleged sexual abuse of minors or persons who habitually lack the use of reason. When requested by the Diocesan Review Board, the Secretary for Clergy shall obtain, where feasible, additional information concerning particular cases and provide such information to the Diocesan Review Board.

## SECTION VIII

### EDUCATION, SCREENING AND ASSIGNMENT TO MINISTRY

A. Education and Screening. The Diocese shall periodically review and augment ongoing programs for the continuing education of personnel in matters related to sexual misconduct with minors or persons who habitually lack the use of reason. Criminal history checks and background checks will be done.

B. Certification. Diocesan clerics, and other individuals by policy of the Diocese, shall be required to certify in writing that they have either attended a presentation on, or have read, the Diocesan “Policies and Procedures Regarding Alleged Sexual Abuse of Minors”. The certification will be maintained in the personnel files of such personnel.

C. Relationship with Religious Communities. The Diocese shall establish a protocol applicable to religious communities whose members maintain or seek faculties to work in the Diocese. The protocol shall state:

1. The community will abide by the Diocesan “Policies and Procedures Regarding Alleged Sexual Abuse of Minors”.
2. The community must provide a copy of its own policies and procedures to the Bishop, and safe environment training.
3. As to each candidate presented for service in the Diocese, the presenting community shall provide a written statement about such candidate’s status, background, character and reputation. In the case of any incident of sexual misconduct with a minor or a person who habitually lacks the use of reason, the presenting community shall include in the written statement a comprehensive report of the allegation and its disposition.

D. Extern Clergy. The Diocese shall periodically review and, if necessary, revise its policies affecting extern clerics who seek or maintain faculties in the Diocese. Such policies shall require the extern cleric’s proper ordinary to certify that he is unaware of anything in the extern cleric’s background which would render him unsuitable to work with minors. In the case of any history of such potential extern cleric involving

sexual misconduct with a minor or a person who habitually lacks the use of reason, the extern cleric's proper ordinary shall submit to the Secretary for Clergy of this Diocese a comprehensive report of the allegation and its disposition.

E. Review by Diocese. If any incident of sexual misconduct with a minor or person who habitually lacks the use of reason is disclosed in connection with the presentation of a cleric or application of a cleric from a religious community or another diocese, the Bishop, or in his absence, the Secretary for Clergy, will carefully review such incident.