

Diocese
of Toledo
IN AMERICA

Policy for the Protection of Minors and Young People

With accompanying
Standards of Behavior and Boundaries
and Guidelines for the Prevention
of Abuse of Vulnerable Adults

(Revised August 15, 2019)

Office of Child and Youth Protection and Victim Assistance
1933 Spielbusch Avenue; Toledo, Ohio 43604

TABLE OF CONTENTS

Table of Contents	1
Decree Promulgating Policy	3
Definitions.....	5
Policy for the Protection of Minors and Young People	12
General Provisions	13
Office of Child and Youth Protection and Victim Assistance	14
Safe Environment Compliance Coordinator	14
Victim Assistance Coordinator	14
Diocesan Investigator.....	15
Diocesan Review Board.....	15
Safe Environment Program.....	19
Screening, Formation, Education, and the Ministerial Assignment of Clerics.....	20
Screening and Education of Clerics and Seminarians	20
Assignment and Transfer of Clergy Outside their Ecclesiastical Jurisdiction.....	21
Priests and Deacons of the Diocese of Toledo.....	21
Clergy of Religious Institutes and Other Dioceses (Extern Clergy).....	21
Relationship with Religious Institutes and Dioceses of Extern Clerics.....	22
Victim Assistance Program.....	23
Funding of the Office of Child and Youth Protection and Victim Assistance and its Programs	23
Allegations of Sexual Abuse of a Minor by a Cleric	24
Protection of Rights	25
Reporting.....	25
Intake.....	26
Confidentiality and Disclosure of Information	26
Investigation Procedure	
Initial Review	27
Initial Investigation Steps	28
Investigation.....	30
Review for Cause by Diocesan Review Board	31
Required Recommendations Based on Review for Cause.....	32

Supplementary Review	32
Determination of Fitness for Ministry	
Withdrawal/Removal from Ministry.....	33
Canonical Resolution and Conclusion	33
Dispensation from the Clerical State	34
Life of Prayer and Penance	34
Clergy Personnel Records.....	37
Status of Files, Information, and Records.....	37
Review, Amendment, and Publication of Policies and Procedures	38
Forms & Appendices	
Reporting Form Regarding Abuse or Neglect of a Minor	40
Appendix A: Standards of Behavior and Boundaries	43
Appendix B: Guidelines for the Prevention of Abuse of Vulnerable Adults	55
Appendix C: Safe Environment Requirements.....	58
Clergy and Employees (Except School Employees)	59
School Employees.....	61
Volunteers (Contact with Minors)	63
Volunteers (No Contact with Minors)	64
Catholic School and Religious Education Curriculum Requirements	65
Appendix D:	
USCCB <i>Charter for the Protection of Children and Young People</i>	66
USCCB <i>Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons</i>	76



Most Reverend Daniel Edward Thomas
Bishop of Toledo

DECREE

In Nomine Domini.

To provide for the pastoral care of the people entrusted to me as Bishop of Toledo in America, and in particular for the protection of children and young people, I hereby promulgate the document entitled *Child and Youth Protection Policy of the Diocese of Toledo* as particular law for the Diocese of Toledo.

This document replaces earlier diocesan policies issued in 1988, 1995, 2004, 2008, and 2012. It has been revised to reflect revisions made to the U.S. Bishops' *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* and to reflect the enhanced level of commitment this particular church has for the protection of children and adolescents who are entrusted to our care.

I promulgate the revised policy keeping with the solemn pledge my brother bishops in the United States made in June 2002, namely, that we will do all in our power to protect children and youth; that we will devote to this goal the resources and personnel necessary and accomplish it; that we will do our best to ordain to the priesthood and diaconate and put into positions of trust only those who share this commitment to protecting children and youth; and that we will work toward healing and reconciliation for those sexually abused by clerics.

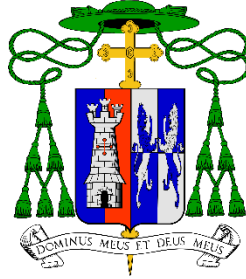
The revised diocesan policy is an essential element for meeting these goals. I therefore enjoin its full implementation and faithful observance to all the clergy, religious and laity of the Diocese of Toledo, and I pledge my own adherence to its provisions.

This policy takes effect on the first day of May, two-thousand eighteen.

Given at the Chancery of the Diocese of Toledo in America on the twenty-second day of January in the year of Our Lord, two-thousand eighteen.

Most Reverend Daniel E. Thomas

Reverend Monte J. Hoyles, JCL
Chancellor



Most Reverend Daniel Edward Thomas
Bishop of Toledo

DECREE

In Nomine Domini.

To provide for the pastoral care of the people entrusted to me as Bishop of Toledo in America, and in particular for the protection of children and young people, I promulgated the document entitled *Child and Youth Protection Policy of the Diocese of Toledo* as particular law for the Diocese of Toledo effective the first day of May, two-thousand eighteen.

WHEREAS having subsequently determined that certain amendments to the *Policy* would enhance the process which the Diocese utilizes to investigate and evaluate allegations of sexual abuse of a minor by a cleric, so that such process is fair and equitable to both the accuser and the accused,
and

WHEREAS in accord with Section 114 of the *Policy* the Diocesan Review Board reviewed the proposed amendments and recommended that I as Bishop adopt such amendments.

Therefore, I, as the Bishop of Toledo, hereby decree that Section 88 of the current *Policy* be deleted in its entirety, and promulgate the attached amendments designated as Sections 88, 88.1, and 88.2 as particular law for the Diocese of Toledo which shall be incorporated into the *Policy for the Protection of Minors and Young People*.

The diocesan policy as amended is an essential element for meeting the goal to do all in our power to protect children and youth. I therefore enjoin its full implementation and faithful observance to all the clergy and people of the Diocese of Toledo, and I pledge my own adherence to its provisions.

These amendments are to take effect on the date set forth below.

Given at the Chancery of the Diocese of Toledo in America on the 15th day of August in the year of our Lord, two-thousand nineteen.

Most Reverend Daniel E. Thomas

Mrs. Paula Butler
Ecclesiastical Notary

DEFINITIONS

Accused: The individual who is alleged to have sexually abused a minor.

Administrative leave: A term used for the temporary removal of a cleric from his assignment during an investigative process, prior to any determination of guilt or innocence.

Adult: An individual who is eighteen years of age or older and is no longer a student in a secondary school.

Allegation: An accusation, including an accusation of sexual abuse of a minor, brought against a person by a complainant, which is reported to the diocese or religious institute, or society of apostolic life.

Bishop's Delegate: The priest delegated by the diocesan bishop to represent him in the implementation of this policy and coordinate a canonical process with the Holy See (Congregation for the Doctrine of the Faith).

Canon Law (CIC): The term used to describe the laws of the Roman Catholic Church. The primary sources are the *Code of Canon Law* promulgated in 1983 and the *Code of Canons of the Eastern Churches* promulgated in 1990. Supplemental law dealing with the sexual abuse of minors and other *graviora delicta* (more serious ecclesiastical crimes) is contained in the *motu proprio Sacramentorum sanctitatis tutela* originally promulgated in 2001 and updated in 2010.

Canonical counsel: The person who represents the interests of the accused in an ecclesial penal action.

Child: See Minor/Child/Youth.

Child Abuse: Any of the following:

- a. Engaging in sexual activity, as defined by law under Chapter 2907 of the *Ohio Revised Code (ORC)*, with a child where such activity would constitute an offense under that Chapter;
- b. Endangering a child as defined by law under Section 2919.22 of the *Ohio Revised Code*;
- c. Denying a child, as a means of punishment, proper or necessary subsistence, education, medical care or other care necessary to a child for the child's health;
- d. Using restraint that causes a child pain or injury;
- e. Administering prescription drugs or psychotropic medication to a child without the written approval and ongoing supervision of a licensed physician;
- f. Providing alcoholic beverages or controlled substances to anyone under the legal age limit. For the purposes of this policy, this does not include the offering of the Precious Blood to someone under the age of 21 within the context of an official Church ritual;

- g. Committing of any act, other than by ordinary negligence or by actions taken in self-defense or under similar justifiable circumstances, that threatens to cause or results in any physical or emotional injury or death of a child; or committing any act through ordinary negligence that threatens to cause or results in any physical or emotional injury or death to a child and that is at variance with the history given of the injury or death.
- h. See also “Child Sexual Abuse” for canonical definition.

Child Abuse Reporting: Anyone who knows or has reasonable cause to suspect child abuse has a legal and moral duty to report the suspected abuse by calling the local Child Protective Services Department of the county in which the abuse is alleged to have taken place and to the Diocese of Toledo Office of Child and Youth Protection and Victim Assistance. In addition, all child abuse *pro forma* reports must be followed up in writing within forty-eight (48) hours of the report using the designated reporting form provided by the Diocese of Toledo.

Child Pornography: The visual or auditory representation of a child engaged in sexual activity or the visual or auditory representation of children engaging in lewd or erotic behavior that is designed to arouse a viewer’s sexual interest. See also “Child Sexual Abuse.”

Child Sexual Abuse (Canonical Definition): “[T]he offense of sexual abuse of a minor [child sexual abuse] will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1) the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor; 2) the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition. In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, 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.” (USCCB *Charter*, rev. 2011). While this definition specifically mentions clerics, it will also be applied to those who are not clerics, but are considered church personnel.

Church personnel: Any priest, deacon, member of a religious community or society of apostolic life, administrator, seminarian or permanent deacon candidate, employee or volunteer working on behalf of the Diocese of Toledo or its ecclesiastical organizations.

Civil law: Federal and state law, e.g., United States Code and related federal regulations, the *Ohio Revised Code* or the *Ohio Administrative Code*.

Clergy or Cleric: One who is constituted in sacred ministry in the Church; clerics are divided into deacons, priests, and bishops.

Client: A person who has filed a complaint with the Diocese of Toledo regarding sexual abuse as a minor which was substantiated according to the policy and procedures and is now receiving or has received some form of pastoral response.

Complainant: A person, adult or minor, who alleges that another person, adult or minor, has perpetrated an act of sexual abuse against him or her.

Diocesan faculties: Church authorization, given by the law itself or by a church superior, to perform certain official church acts such as preaching or hearing confessions, or celebrating the Sacrifice of the Mass.

Diocese: “A portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium (the priests), so that, adhering to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative.”¹ For purposes of the Policy for the Protection of Minors and Young People and the *Standards of Behavior and Boundaries* (see Appendix A and B), the Diocese refers to the Roman Catholic Diocese of Toledo in America and its ecclesiastical organizations.

Diocesan Review Board: A panel of people that functions as a consultative body to the bishop/eparch. The Board offers advice to the bishop/eparch to help him assess allegations of sexual abuse of minors, and to determine a cleric’s suitability for ministry.

Dismissal from the clerical state: A penalty imposed on a cleric for having committed certain grave delicts (more serious ecclesiastical crimes). The penalty can be imposed through a judicial proceeding, or, in an especially grievous case of the sexual abuse of minors, *ex officio*, in an administrative proceeding. While Sacred Ordination never becomes invalid, the penalty of dismissal means that the one ordained loses the juridic condition of a cleric. He is barred from performing functions connected with Sacred Ordination or presenting himself as a cleric.

Dispensation from the clerical state: Sacred Orders, once validly received, never become invalid. A priest or deacon, however, who recognizes his inability to continue to function as a cleric, can request from the Holy Father a dispensation from the juridic obligations connected with priesthood, including that of celibacy. The grace of such a dispensation is granted only for the gravest reasons. Once it has been granted, the cleric is barred from performing functions connected with Sacred Ordination or presenting himself as a cleric.

Disqualifying Offense: A conviction for a violation of criminal or civil law that would disqualify an individual from serving as an employee or volunteer in the Diocese of Toledo. The Diocese of Toledo follows the Ohio Department of Education’s current *Standards for Licensure and Employment of Individuals with Criminal Convictions (Ohio Administrative Code Rule 3301-20-01)*.

Ecclesiastical Organization(s): Various non-profit organizations and entities that are located within the territory of or related to the Diocese of Toledo and are subject to the canonical oversight

¹ *Code of Canon Law (CIC)* c. 369.

of the Bishop of Toledo. For purposes of the *Standards of Behavior*, the integral entities include, but are not limited to, The Roman Catholic Diocese of Toledo in America, Catholic Charities Diocese of Toledo, Catholic Club, The Catholic Foundation, The Diocese of Toledo Management Corporation, and The Diocese of Toledo Cemeteries Corporation. In addition to these, parishes (including parochial schools) and diocesan Catholic schools are also considered as ecclesiastical organizations. Private Catholic schools functioning in the Diocese of Toledo are—in part—under the canonical oversight of the diocesan bishop, who grants permission for the exercise of their educational apostolate in the Diocese. In this way, these schools must conform to the requirements of this policy. However, each private Catholic school is immediately subject to the governance of the religious institute that sponsors the school and which alone is responsible for the actions of its faculty, staff, employees and volunteers.

Emotional/Psychological Abuse: The infliction of anguish, pain or distress through verbal or nonverbal acts. Emotional/Psychological abuse includes: verbal assaults, insults, threats, intimidation, humiliation and harassment. For a vulnerable adult this includes forced social isolation from family, friends or regular activities.

Extern Cleric: Any cleric who is not incardinated in the Diocese of Toledo. This would include, but is not limited to, members of religious institutes, societies of apostolic life, and clerics who are incardinated in another diocese.

Faculties: See “Diocesan faculties.”

Financial or Material Exploitation: The improper use of a vulnerable adult’s funds, property or assets. Examples include, but are not limited to, cashing a vulnerable adult’s check without authorization or permission, forging a vulnerable adult’s signature, misusing or stealing money or possessions, coercing or deceiving someone into signing any documents (e.g., contract or Last Will and Testament), or the improper use of conservatorship, guardianship or power of attorney.

Instructor: The cleric designated by the diocesan bishop to instruct the canonical preliminary investigation into violations of canon or Church law.

Investigator: The individual designated by the Diocese to investigate allegations of sexual abuse of a minor by a cleric.

Minor/Child/Youth: A person under eighteen (18) years of age. For allegations of sexual abuse that occurred prior to 25 April 1994, the canonical definition of a minor is an individual who was under sixteen (16) years of age.

Mandated Reporter: Individuals, groups, or organizations who have regular contact with minors or vulnerable people and are required by civil law (*ORC* §2151.421) to ensure a report is made when any kind of abuse, misconduct, or harassment is observed or suspected.

Neglect: The refusal or failure by a caregiver or one with legal responsibility to provide for a minor. Examples include, but are not limited to, complete abandonment or failure to provide and/or pay for any life necessities such as food, water, clothing, shelter, personal hygiene, assistive devices (wheelchair, walker, and communication devices), medicine, comfort, or personal safety.

Offender: An individual who has sexually abused a minor. For the purposes of this policy, one against whom such allegations are substantiated.

Parent or guardian: The person(s) who possesses legal custody of a minor.

Particular law: Laws promulgated by the diocesan bishop, which may apply either to the entire territory of the diocese (particular church) or to specific groups of people within that territory. Particular law must be in harmony with the universal law of the Church (the *Code of Canon Law*) and may apply, in certain circumstances, to those who are not Catholic.

Pastoral Response Team: A designated group of individuals available to respond to those affected by an allegation of sexual abuse of a minor (e.g., victim, family members, parish or school community) by providing pastoral care.

Physical Abuse: The use of physical force that may result in bodily injury, physical pain or impairment. Examples include, but are not limited to, acts of violence such as striking (with or without an object), hitting, beating, pushing, shaking, slapping, kicking, pinching, and/or burning. In addition, inappropriate use of drugs and physical restraints, force-feeding, withholding food and physical punishment of any kind are also examples of physical abuse.

Preliminary investigation: A term referring to the first canonical investigation into an allegation (*cf. CIC cc. 1717-1719*).

Promoter of Justice: The person appointed in each diocese and in the higher tribunals of the Catholic Church whose responsibility it is to provide for the public good. In penal proceedings, he brings the accusation on behalf of the church, and prosecutes it before the ecclesiastical tribunal.

Religious: Ordained clerics and non-ordained men and women who have taken public vows in approved institutes of consecrated life or societies of apostolic life. A “Religious” is distinguished from a “Diocesan priest,” who is incardinated into a diocese.

Religious institute: An institute of consecrated life or a society of apostolic life (*cf. CIC c. 607 §2*).

Safe Environment Compliance Coordinator: The individual who is responsible for ensuring that all personnel in the diocesan curia and certain ecclesiastical organizations meet the requirements stipulated in the Policy for the Protection of Minors and Young People. In addition, the Diocesan Safe Environment Compliance Coordinator assists local compliance officers successfully to accomplish their responsibilities and to coordinate the necessary reporting for diocesan and local compliance audits.

Self-Inflicted Abuse or Neglect: Behavior of an individual that threatens that individual’s own safety. Examples include, but are not limited to, an individual inflicting self-bodily harm, refusing or failing to provide him/herself with adequate food, water, clothing, shelter, personal hygiene, medication and safety precautions.

Sexual Abuse: Any contact or interaction between two (2) or more individuals where one (1) or more of the individuals is being exploited or used as an object for sexual gratification. See also “Child Sexual Abuse.”

Sexual Contact: The touching, either directly or through the clothing, of another person as defined by *ORC* §2907.01 for the purpose of sexually arousing or gratifying either person.

Sexual Harassment: Any unwelcome sexual advances, requests for sexual favors, and other communication (oral or written, including the use of any and all forms of electronic communication) or physical behavior of a sexual nature. Sexual harassment can fall under two (2) categories: 1) *quid pro quo* (“this for that”), which involves expressed or implied demands for sexual favors in exchange for some benefit or to avoid some detriment; and 2) behavior or conduct that creates a hostile environment.

Sexual Misconduct: Any unwelcome behavior of a sexual nature that is committed without consent, by force, intimidation, coercion, or manipulation, or is a violation of the sixth commandment. For purposes of this policy, a minor can never consent to sexual contact or sexual behavior with an adult. Sexual misconduct includes sexual harassment and voyeurism, as well as, for example, making and or sharing photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent. For clerics, seminarians, and those in consecrated life, sexual misconduct would also include, but is not limited to, a violation of celibacy and/or actions of a sexual nature with another person or persons that would be inconsistent or incongruous with a vocation to priesthood, the diaconate, or consecrated religious life.

Standards of Behavior and Boundaries: Norms for behavior and boundaries when church personnel interact with children and young people (minors), as well as those who may be considered “vulnerable adults” (see Appendix A and B). Hereafter, these norms will be referred to as “*Standards of Behavior*” or “*Standards*.”

Substantiated Allegation: An allegation supported by the existence of probable and competent facts or circumstances sufficient to draw a reasonable conclusion.

Victim: a person who has suffered an act of sexual abuse.

Victim Assistance Coordinator: The individual who is responsible for the intake of complaints involving possible abuse of minors by clergy, coordinating the investigation of said complaints, overseeing the Diocesan Review Board, and coordinating the pastoral care of victims. The Victim Assistance Coordinator may also, from time to time, be requested to assist in matters involving the abuse of minors by other church personnel or by minors themselves, as well as coordinating pastoral care of adults who have been abused by church personnel.

Volunteer: An individual not employed or under personal contract who nonetheless serves in some capacity that places them in contact with children. Examples include, but are not limited to, catechists, program coordinators, etc.).

Votum: An authoritative opinion. When forwarding a case to the Congregation for the Doctrine of the Faith a bishop or religious superior offers his (or her) authoritative opinion on the matter addressed in the particular case. The Instructor of a preliminary investigation provides a *votum* to the bishop or religious superior when instructing a particular case.

Vulnerable Adult: An individual who is eighteen (18) years of age or older who by disability or circumstance is at risk of being abused. Vulnerability may be a temporary or permanent condition. For purposes of the Policy for the Protection of Minors and Young People and the *Standards of Behavior*, vulnerable adults will be considered as minors. See Appendix B for Guidelines for the Prevention of Abuse of Vulnerable Adults.

Youth: See Minor/Child/Youth.

POLICY FOR THE PROTECTION OF MINORS AND YOUNG PEOPLE

INTRODUCTION

- 1 The Roman Catholic Diocese of Toledo in America recognizes that sexual abuse of minors is always a grave evil and criminal act that has a tragic impact on those affected. Sexual abuse by anyone who represents or works in or for the Church is a grave sin. This abuse affects the victim first and most intimately; but it also damages the integrity of the priesthood and the whole Church. Addressing such abuse is the responsibility of all the Christian faithful. These policies and procedures are the Diocese of Toledo's continuing commitment and effort to provide for the safety of the children and young people entrusted to her pastoral care. They are designed to ensure fairness, impartiality, and integrity in the investigative processes and the institutional response to allegations.

The authority of the Church is primarily spiritual and moral. The Diocese and its ecclesiastical organizations, of course, are subject and committed to uphold the ecclesiastical and civil laws established for the protection of minors. These policies and procedures intend, therefore, to fulfill the requirements of canon law, but more so the divine law, which demands the respect of every human person created in the image and likeness of God.

In June 2002, the United States Conference of Catholic Bishops (USCCB) approved the *Charter for the Protection of Children and Young People* (revised in 2011) and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (revised in 2006) (hereafter "Charter" and "Norms") (see Appendix D) that address the Church's commitment to respond effectively and forthrightly to allegations of sexual abuse of minors by priests, deacons, and other church personnel. The Charter and Norms as revised serve as particular law for the dioceses, eparchies, religious institutes and societies of apostolic life of the United States with respect to all persons serving in the ecclesiastical ministry of the Church in the United States. These diocesan policies and procedures embodied herein will become effective on 1 June 2018, and supersede any prior policies. They represent the ongoing promise of the Diocese of Toledo 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.

The review and updating of these policies will be undertaken as needed.

GENERAL PROVISIONS

- 2 The “General Provisions” section contains wide-ranging statements of policy from which specific procedural norms follow. This section outlines the Diocese of Toledo's Office of Child and Youth Protection and Victim Assistance’s work to prevent, intervene, and respond to sexual abuse in an effort to maintain a safe environment for minors, as well as to provide for the care of those who have experienced sexual abuse by a cleric. This is done in collaboration with public officials, parents and members of the community through educational programs for minors, parents, clergy, and paid and volunteer staff positions.
- 3 Sexual abuse of a minor² violates human dignity, ministerial commitment and the mission of the Church. Therefore, the Diocese of Toledo establishes these policies and procedures to review the fitness for ministry of any cleric, consecrated religious, member of the society of apostolic life, seminarian, principal, teacher, employee, or volunteer accused of sexual abuse of a minor. The policies and procedures necessarily involve the people of the Church in a substantive proactive role.
 - a. The primary purposes of these policies and procedures are the safety of minors, the well-being of the community, and the integrity of the Church. The policies and procedures shall be thorough, impartial, fair and responsive to the pastoral needs of the complainant, the complainant’s family, the community, and the accused.
 - b. The Diocese shall cooperate and avoid interference with all appropriate public authorities in the conducting of investigations and actions to enforce the law and to protect minors and communities affected by sexual abuse of a minor.
 - c. The Diocese shall make its policies and procedures related to sexual abuse available in published form and accessible from the web page of the Diocese of Toledo so that those affected can readily seek and receive the assistance which the policies provide.³

² “...[T]he offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1) the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2) the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition. In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, 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.” (USCCB *Charter*, rev. 2011). While this definition specifically mentions clerics, it will also be applied to those who are not clerics, but are considered church personnel.

³ See USCCB *Charter*, Art. 2.

Office of Child and Youth Protection and Victim Assistance

- 4 The Diocese has established the Office of Child and Youth Protection and Victim Assistance, which is staffed by the Diocesan Safe Environment Compliance Coordinator, the Victim Assistance Coordinator, and the various Diocesan Investigators. This office also operates the Victim Assistance Program and the Safe Environment Program.

Diocesan Safe Environment Compliance Coordinator

- 5 The Diocesan Safe Environment Compliance Coordinator is charged with overseeing all items related to the Diocesan Safe Environment Program including the training of local (parish, school, etc.) compliance officers, required annual reporting and audits, and dissemination of policies and materials to assist those responsible for ensuring that a safe environment exists for each child and young person in the Diocese of Toledo.

Victim Assistance Coordinator

- 6 The Victim Assistance Coordinator is the individual designated by the diocesan bishop to receive the initial reports of alleged abuse of a minor. Following upon the initial intake, the Victim Assistance Coordinator sees to the necessary care of those who may have suffered abuse by a cleric, employee, or volunteer, as well as assigning a Diocesan Investigator to each case and relaying the Investigator's report(s) to the Diocesan Review Board. The Victim Assistance Coordinator is also responsible for the ongoing care for victims whose abuse by a cleric, employee, or volunteer has been substantiated.
- 7 Under the supervision of the diocesan bishop and/or his delegate, the Victim Assistance Coordinator shall have the duty to:
- a. receive information and allegations of sexual abuse of a minor by church personnel;
 - b. coordinate the reporting of any allegation of sexual abuse of a minor or other crime. The Coordinator must comply with all applicable civil laws with respect to 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 Victim Assistance Coordinator shall advise accusers of their right to make a report to public authorities and will support this right.⁴ Specifically, the Victim Assistance Coordinator shall have the duty to ensure that all allegations of sexual abuse of a minor are reported as required by civil law to the police and any other appropriate governmental agency;
 - c. promptly assign an Investigator to fully investigate the allegation that has been made;
 - d. communicate in an appropriate and timely manner with the accuser or person making an allegation, the accused, the Vicar for Clergy, the Bishop and/or his delegate, the Diocesan Review Board and such other persons as the Bishop may designate;

⁴ See USCCB *Charter*, Art. 4.

- e. assist the Review Board by preparing and submitting reports pertaining to allegations and such other information as may be appropriate;
- f. assist the Bishop and/or his delegate by submitting the reports of the Investigator and the Diocesan Review Board, including the rationale by which the Review Board arrived at its recommendations, and any other documentation; and
- g. perform such other duties as may be prescribed by the Bishop or his delegate.

Diocesan Investigator

- 8 Diocesan Investigators are lay professionals who maintain the appropriate qualifications and have substantial experience in the investigation and analyzing of allegations of sexual abuse of minors. Each investigator is appointed and may be removed by the diocesan bishop.
- 9 Under the supervision of the Victim Assistance Coordinator, as well as that of the diocesan bishop and/or his delegate, the Investigator shall have the duty to interview promptly and objectively the accuser and the accused, as well as any other witnesses, in accord with canonical practice. This includes committing the information to written form.
- 10 The Investigator shall be compensated and evaluated according to such schedules as may be applicable to other diocesan employees or independent contractors of comparable responsibilities and experience.

Diocesan Review Board

- 11 The Diocesan Review Board is an independent group of seven (7) to twelve (12) members, appointed by the diocesan bishop, which shall function as a confidential consultative body to the bishop in his assessment of allegations of sexual abuse of minors by clerics and in his determination of suitability for ministry of clerics who have been accused of sexual abuse of a minor. The Review Board is not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business.⁵
- 12 Duties. The Review Board shall have the duty to:
 - a. advise the Bishop in his assessment of allegations of sexual abuse of minors by clerics and in his determination of suitability for ministry or other possible restrictions;⁶
 - b. offer advice on all aspects of these cases, whether retrospectively or prospectively;⁷
 - c. make such other recommendations that the Review Board in its sole discretion determines to be appropriate to reduce the risk to minors;
 - d. recommend guidelines, if any are deemed necessary, for the proceedings of the Review Board;

⁵ See USCCB *Charter*, Art. 2, and USCCB *Essential Norms*, n. 4.

⁶ See USCCB *Charter*, Art. 2; USCCB *Essential Norms*, n. 4A.

⁷ See USCCB *Essential Norms*, n. 4C.

- e. review these policies and procedures for dealing with sexual abuse of minors by clerics⁸ and make recommendations periodically, as often as deemed necessary;
 - f. cooperate with the Victim Assistance Coordinator in developing and implementing educational programs for themselves and those participating in this process; and
 - g. seek the advice of such experts and consultants as the Review Board deems necessary and appropriate.
- 13 If a cleric admits to the truth of an allegation of sexual abuse of a minor, or personally reports such an incident to the Bishop or his representative, while it is not necessary for the Review Board to advise the Bishop regarding the semblance of truth of the incident, the matter shall be reported to the Review Board.
- 14 At least five (5) members shall be lay Catholics in full communion⁹ with the Church who are not employees of the Diocese of Toledo. At least one (1) member shall be a priest who is an experienced and respected pastor of the Diocese. Members shall include, to the extent possible, a licensed psychiatrist, a psychologist or social worker, an attorney, a parent, and a victim or parent of a victim of child sexual abuse. At least one (1) of the members should have particular expertise in the treatment of sexual offenders.¹⁰
- 15 Nominations. The Bishop may appoint a Nominating Committee which shall include at least one (1) member of the Review Board, the Victim Assistance Coordinator, and a delegate of the diocesan bishop to propose the names of candidates for the Review Board whenever a vacancy occurs. For the nomination of the clerical member of the Review Board, the Nominating Committee will consult with the Vicar for Clergy. For the other Review Board positions, the Nominating Committee may at its discretion consult with appropriate professional societies, governmental agencies and other consultative bodies, such as the Diocesan Pastoral Council or the Diocesan Education Council. The Bishop reserves the right to reject any person proposed by the Nominating Committee.
- 16 Compensation. None of the members of the Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.
- 17 Training and Education. Within 30 days after the announcement that a new member of the Review Board has been appointed, the Victim Assistance Coordinator shall provide to each new member:
- a. a copy of the current Diocese of Toledo's Policies for Protection of Children and Young People;
 - b. a copy of the Ohio laws governing the reporting of suspected child abuse;

⁸ See USCCB *Essential Norms*, n. 4B.

⁹ According to the *Code of Canon Law*: “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” (c. 205). See also Second Vatican Council, *Lumen Gentium*, n. 14.

¹⁰ See USCCB *Charter*, Art. 2, and USCCB *Essential Norms*, n. 5.

- c. a copy of any and all recommendations for improvement that have been issued by ecclesiastical or civil authorities concerning policy or program improvements;
- d. a copy of the current *Charter for the Protection of Children and Young People* adopted by the United States Conference of Catholic Bishops;
- e. a copy of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* adopted by the United States Conference of Catholic Bishops; and
- f. a copy of all important, timely publications issued by the Office of Child and Youth Protection of the Diocese of Toledo and of the United States Catholic Conference for Catholic Bishops that will assist each newly appointed Review Board member in discharging his/her responsibilities.

In addition, after each new Review Board member has had a reasonable time to read the above referenced documents, the Victim Assistance Coordinator shall provide at least one comprehensive education and training orientation program for each new member of the Review Board either prior to or no later than sixty (60) days after the effective date of their appointment. This orientation session shall focus on the important facets of each of the above publications as well as those of the Diocesan Safe Environment Program. In addition to the new Review Board member's initial orientation, the Victim Assistance Coordinator and the Safe Environment Compliance Coordinator shall provide annually an updated orientation education and training program for all members of the Review Board focusing on all important developments in the Office for Child and Youth Protection and Victim Assistance.

- 18 Terms. Appointments to the Review Board shall be for staggered terms of five (5) years, renewable once. Any Review Board member who desires to resign from the Review Board shall, if at all possible, give the Review Board six (6) months' advance notice of the effective termination date. If a vacancy occurs, the vacancy does not need to be filled until or unless the total members of the Review Board drop to less than seven (7).¹¹
- 19 Officers. The Review Board shall designate one member as the chairperson and one member as the vice chairperson. Each officer serves a term of three (3) years, and may be re-elected. Terms of office shall not extend beyond the individual's board membership term.
- 20 The chairperson shall ordinarily convene and preside at meetings of the Review Board. The chairperson shall also be charged with communicating any recommendations of the Board to the diocesan bishop. The vice chairperson shall perform these functions when the chairperson is unable to do so.
- 21 Quorum. Fifty percent (50%) of the members of the Review Board appointed to serve at that time shall constitute a quorum of the Review Board, and the concurrence of not less than a majority of such members of the Review Board shall be necessary to make a recommendation.

¹¹ See USCCB *Essential Norms*, n. 5, *CIC* c. 186.

- 22 Meetings. The Review Board shall conduct its business at meetings, which shall be scheduled as often as necessary to fulfill its duties. The meetings shall reflect the pastoral character of this process that is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Review Board receives and considers information, deliberates, and formulates its recommendations.
- 23 The Review Board will meet at least annually, even if there are no new allegations to consider. At this meeting, the Review Board will review the annual compliance audit report, statistics, policies and procedures, and discuss best practices in order to make any recommendations to the diocesan bishop for improvements to the Child and Youth Protection and Victim Assistance Programs.
- 24 Ordinarily the Review Board shall meet in person but by exception may meet by video or telephone conference call. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside Review Board or Committee meetings, except that the Investigator may communicate with Review Board members as required by this process or as otherwise appropriate.
- 25 The Bishop, his designated representative, other persons designated by the Bishop, and the Investigator may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes its recommendations. It is desirable that the Promoter of Justice in the Diocese shall be notified in advance of each meeting of the Review Board and shall receive a copy of each meeting agenda. The Promoter of Justice may attend a Review Board meeting, but shall not vote nor even participate in the deliberations or recommendations of the Review Board. Further, the Bishop, his representative or any other person designated by the Bishop, and the Investigator shall have no vote in the Review Board's determinations and recommendations.
- 26 Committees. The Chairperson, with the consent of the Review Board, may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill its purpose. However, the power to make a definitive recommendation following a Review Board meeting may not be delegated to any such committee.
- 27 Disqualification from Proceedings. A Review Board member shall disqualify or recuse himself or herself in any proceeding in which the Review Board member's impartiality might reasonably be questioned. For illustrative purposes only: if a Review Board member knows the person making the allegation or has personal knowledge of facts that are in dispute, or is related to either the person making the allegation or the cleric.

Safe Environment Program

- 28 The Safe Environment Program of the Diocese of Toledo was established and continues to ensure compliance with Articles 6, 12, and 13 of the USCCB *Charter for the Protection of Children and Young People*. The *Charter* set forth that all dioceses/eparchies were to have clear and well-publicized standards of behavior and boundaries (Article 6), maintain safe environment programs for all minors (Article 12), and evaluate the background of all lay employees, clergy, and all volunteers who would have contact with minors (Article 13). Over the years, the Safe Environment Program has become a resource to parishes and schools who share in the Diocese's commitment to the protection of minors. The current policy and procedures build on and strengthen past programs.
- 29 The Safe Environment Program of the Diocese of Toledo functions to coordinate the training of and background checks for all diocesan clergy, employees, and volunteers who have regular contact with minors. It also disseminates the diocesan *Standards of Behavior and Boundaries* for individuals working with minors (see Appendix A) and vulnerable adults (see Appendix B), provides safe environment training for minors and adults (see Appendix C), and trains local compliance officers to monitor compliance with mandatory reporting laws, as well as diocesan policies and the United States Conference of Catholic Bishops *Charter*. Compliance guidelines have been created outlining what is required of priests, deacons, seminarians, pastoral center employees, school and parish employees, and school and parish volunteers (Appendix C).
- 30 The Diocese shall collaborate with parents, civil authorities, educators, and community organizations in order to provide education and training for minors, parents, ministers, educators, and others about ways to provide and maintain a safe environment for minors and youth. The Diocese shall make clear to clerics and all members of the community the standards of conduct for clerics and other persons in positions of trust with regard to sexual abuse.¹²
- 31 Church personnel who are laity or consecrated religious (non-ordained) are required to undergo background checks according to the requirements found in Appendix C. All clergy incardinated into the Diocese and all clergy with diocesan assignments are required to obtain these checks, regardless of the regularity with which they have contact with minors (Appendix C). Specifically, the Diocese will utilize the resources of law enforcement and other third-party agencies to complete the necessary background checks. The procedures for obtaining criminal background checks are found in Appendix C and must be strictly followed.
- 32 Elements of the Safe Environment Program include:
- a. *Virtus* online training – “Protecting God’s Children,” “Vulnerable Adult Training,” and Mandated Reporter information

¹² See USCCB *Charter*, Art. 12.

- b. Safe Environment training for students enrolled in parish and Catholic school educational programs
- c. Local Compliance Officer training
- d. Background Checks
- e. Monitoring of the Criminal Background Check System
- f. Providing oversight for compliance with the USCCB *Charter* to all elementary schools, high schools, parishes, institutions, shrines, and missions.

Screening, Formation, Education, and the Ministerial Assignment of Clerics

- 33 The following norms, as part of the Safe Environment Program, confirm the Diocese's responsibility to screen candidates for the priesthood and the permanent diaconate, and to enhance educational programs regarding sexuality and sexual abuse. In addition, the Diocese's cooperative relationship with religious communities and clerics of other dioceses in relation to the protection of minors and young people is clarified. This portion of the policy also details the responsibility of the Diocese to review the fitness of clerics seeking an assignment within the Diocese of Toledo.

Screening and Education of Clerics and Seminarians

- 34 Just as the Diocese evaluates the background of all church personnel who have regular contact with minors and shall utilize the resources of law enforcement and other community agencies, so it employs adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.¹³ The Diocese shall review and augment on-going programs for the screening and education of seminarians and permanent deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse.¹⁴
- 35 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.
- 36 Developmental Programs. The diocesan formation programs shall offer age 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 ministerial 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 minors and young people.¹⁵

¹³ USCCB *Program of Priestly Formation, Fifth Edition*; 2006. n. 47.

¹⁴ USCCB *Charter*, Art. 13.

¹⁵ USCCB *Charter*, Art. 6.

- 37 Certification. Every cleric who holds or requests faculties 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's certification shall be maintained in the cleric's personnel file.
- 38 Formation Programs. Seminary programs shall focus on the importance of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* (1992). The Diocese shall develop systematic ongoing formation programs in keeping with the USCCB document, *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation.¹⁶

Assignment and Transfer of Clergy Outside their Ecclesiastical Jurisdiction

Priests and Deacons of the Diocese of Toledo

- 39 No diocesan priest or deacon against whom an allegation of sexual abuse of a minor has been substantiated or is pending investigation may be transferred for ministerial assignment either within the Diocese of Toledo or to another ecclesiastical jurisdiction. Before a diocesan priest or deacon may be transferred for ministry or residence to another diocese/eparchy or religious province, the Bishop or his delegate shall forward relevant information, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence. This information shall include details concerning any substantiated allegation or allegation pending investigation of an act of sexual abuse of a minor and any other evidence indicating that he has been or may be a danger to minors or young people. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life. In proposing a priest or deacon for residence outside the Diocese, the Bishop 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 priest or deacon in question.¹⁷

Clergy of Religious Institutes and Other Dioceses (Extern Clergy)

- 40 No extern priest or deacon who has committed an act of sexual abuse of a minor or has pending an investigation of an allegation of sexual abuse of a minor can be appointed to or transferred for ministerial assignment in the Diocese of Toledo. Before an extern priest or deacon can be transferred for residence in the Diocese of Toledo, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the Bishop or his delegate any and all information about the cleric in question concerning any accusations of sexual abuse of a minor and any other information indicating that he has been or may be a danger to minors or young people. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life (or, in the

¹⁶ USCCB *Charter*, Art. 17.

¹⁷ USCCB *Charter*, Art. 14. USCCB *Essential Norms*, n. 12.

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 Toledo 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.¹⁸

Relationship with Religious Institutes and Dioceses of Extern Clerics

- 41 Religious institutes whose cleric members maintain or seek faculties to minister in the Diocese or extern clerics who maintain or seek faculties to minister in the Diocese shall abide by the diocesan policies and procedures relating to the protection of minors and young people.
- 42 Extern clerics may apply for faculties in the Diocese by completing a written application form available from the Vicar for Clergy. This is necessary to determine that the priest has proper authorization for ministry in the Diocese under both canon law and federal immigration laws.
- 43 For a short term request, such as the opportunity to celebrate a wedding, funeral or other one time liturgical celebration, the cleric making the request must have a Letter of Suitability from his religious superior or bishop/eparch of his diocese of incardination affirming his good standing, suitability for ministry, and full compliance with the *Charter for the Protection of Children and Young People*.
- 44 For longer term requests, such as educational sabbaticals or temporary or indeterminate assignment periods, extern clerics must provide a letter from his proper Ordinary indicating the cleric's current status, permission for his ministry in the Diocese of Toledo, the length of time for such permission, an indication of his ministerial background and experience, and a description of any other special considerations pertaining to the cleric's stay in the Diocese of Toledo. This letter must also contain a statement about the cleric's current status, background, character, and reputation. Any confirmed record or history of an untreated problem with substance abuse, violations of celibacy, sexual impropriety, physical abuse, or financial impropriety must be reported. In addition to the foregoing, the proper Ordinary must certify that he is unaware of anything in the cleric's background that would render him unsuitable to work with minors. In case of any incident of sexual misconduct with a minor, the cleric's proper Ordinary must submit to the Bishop of Toledo a comprehensive report of the allegation and its disposition.
- 45 Except for short-term requests, all religious and extern clergy must also comply with the Safe Environment Requirements prior to the granting of canonical faculties (Appendix C).
- 46 If required by any pertinent agreement between the USCCB and the episcopal conference of the religious or extern priests, appropriate letters must also be provided by the USCCB's Officer for the Pastoral Care of Migrants and Refugees and the proper episcopal conference of the extern cleric.

¹⁸ USCCB *Charter*, Art. 14. USCCB *Essential Norms*, n. 12.

- 47 As provided by canon 271 of the *Code of Canon Law*, these procedures and the extern cleric's letter of appointment shall constitute the written agreement describing the extern cleric's rights and duties in his ministerial assignment.

Victim Assistance Program

- 48 The Diocese established the Victim Assistance Program in order to provide pastoral care, support, and, upon request, resources to victims of sexual abuse and their loved ones in their efforts to achieve psychological, emotional, and spiritual healing. Through pastoral outreach to victims and their families, the Bishop or his representative shall 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, Pope Emeritus Benedict XVI, in his Address to the Cardinals of the United States and Conference Officers (23 April 2002). This pastoral outreach by the Bishop or his delegate shall also be directed to faith communities in which the sexual abuse occurred¹⁹

Assistance to Victims

- 49 The Diocese recognizes its pastoral responsibility to assist all those affected by sexual abuse of minors by church personnel: the victim and the victim's family, the community, and the accused. The Victim Assistance Coordinator has the responsibility to administer the Victim Assistance Program. This individual will work, in part, to identify which pastoral and professional resources will be made available, upon request, to assist the victims of abuse. In addition, the Diocese's outreach to communities affected will be organized to promote understanding and healing.²⁰

Funding of the Office of Child and Youth Protection and Victim Assistance and its Programs

- 50 The Diocese shall provide sufficient funding, staff and facilities to ensure the effective implementation of the programs established by these provisions.

¹⁹ USCCB *Charter*, Art. 3.

²⁰ USCCB *Charter*, Art. 1.

ALLEGATIONS OF SEXUAL ABUSE OF A MINOR BY A CLERIC: INVESTIGATION PROCEDURE AND DETERMINATION OF FITNESS FOR MINISTRY

- 51 This section establishes the process by which allegations of sexual abuse of a minor by a cleric can be promptly addressed and investigated with appropriate recommendations made to the Bishop, as well as for determining the fitness of the cleric for ministry. Allegations of sexual abuse of a minor by a cleric will initially be investigated by an Investigator of the Office for Child and Youth Protection and Victim Assistance, who will present the investigative results to the Diocesan Review Board. The Review Board shall thoroughly examine and consider all investigative results and make recommendations to the Bishop of Toledo.
- 52 The following process is to be consultative and advisory, not adversarial and adjudicative, and is directed toward arriving at, insofar as possible, the truth in an effort to promote healing and pastoral reconciliation. In this context, the safety and well-being of everyone is of primary concern. Of similar concern is that the investigative and evaluative process be fair, equitable, and balanced for both the accuser and the accused. The responsibility of all individuals involved in the process to cooperate with civil officials is affirmed by this procedure. The Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of civil government is likewise affirmed.

Allegations of Sexual Abuse of a Minor by a Cleric

- 53 In every instance, the Diocese shall advise and support every person's right to make a report of sexual abuse to public authorities.²¹ All church personnel are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in their investigation. Church personnel shall also comply fully with the letter and spirit of this process. In addition to mandatory reporting required by Ohio civil law, all church personnel are expected to promptly report allegations of a cleric's sexual abuse of a minor to the Office for Child and Youth Protection and Victim Assistance. The only exception would be if information concerning abuse is received by a priest within the Sacrament of Reconciliation (commonly referred to as the information learned during a confessional setting).²² Religious and extern clerics 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 required to do so with understanding and sensitivity for its goals.
- 54 Care shall be taken to protect the rights, good name, and reputation 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.²³ If the accusation has been shown to be

²¹ USCCB *Essential Norms*, n. 11.

²² *CIC* c. 983 §1.

²³ *CIC* c. 220. USCCB *Essential Norms*, n. 6.

unfounded, every step possible shall be taken to restore the good name of the person falsely accused.²⁴

- 55 Through the Victim Assistance Coordinator, all alleged victims will be afforded pastoral care according to the Victim Assistance Program during the investigation of an allegation of sexual abuse of a minor by a cleric.
- 56 The Vicar for Clergy is the representative of the Bishop who ministers to the clergy of the Diocese by providing assistance, advice and support; and by facilitating referrals to resource persons and other professionals. An accused cleric shall be offered professional assistance both for the purpose of prevention and also for his own healing and well-being.²⁵

Protection of Rights

- 57 Nothing in these policies and procedures shall be interpreted as to abridge an individual's rights, particularly the right to legal or canonical counsel.
- 58 The accused shall be encouraged, in writing, to retain the assistance of civil and canonical counsel. When necessary, the Diocese shall supply canonical counsel to the priest or deacon.²⁶

Reporting

- 59 In all cases of suspected abuse of minors by a cleric, the Diocese requires priests, deacons, religious working in a diocesan assignment, employees, and volunteers to report the abuse or neglect to the Child Protective Services of the county in which the abuse is alleged to have occurred, as well as to the local police department. The Diocese encourages any other individuals with such knowledge to do the same. In addition, in all cases of suspected abuse of a minor by a cleric, notification must be made to the person in charge of the institution and to the Office for Child and Youth Protection and Victim Assistance at (419) 214-4880, or toll free (outside Toledo, within Ohio) at (800) 926-8277, ext. 4880. When a report of suspected abuse of a minor by a cleric is made to the Office of Child and Youth Protection and Victim Assistance, the report will be forwarded to the individual designated by the Bishop to make the necessary report to the appropriate county prosecutor's office or other law enforcement official.
- 60 It is the commitment of the Diocese immediately to report any conduct which could constitute a crime (such as suspected abuse of a minor) to law enforcement. Victims reporting abuse will be contacted by the Victim Assistance Coordinator who will work with them and explain the services available to them through the Victim Assistance Program.
- 61 All mandated reporters designated by Ohio law are required to report suspected abuse of a

²⁴ USCCB *Essential Norms*, n. 13.

²⁵ USCCB *Charter*, Art 5.

²⁶ USCB *Charter*, Art. 5; *Essential Norms*, nn. 6, 8A.

minor to the appropriate local Child Protective Services Agency. Mandated reporters include, but are not limited to: clergy, parish and school personnel, teachers, catechists, music ministers, youth ministers, child-care/day-care workers, school nurses, athletic coaches, classroom aides, playground monitors, foster-care workers, contract employees, social workers, and nurses. Within 48 hours of the report, those in charge of the institution must also provide a written report to the child protective services agency in the county in which the suspected abuse occurred (see Appendix E). The requirement to report applies to all suspected abuse of a minor, not just abuse that has been perpetrated by church personnel. All reports of suspected abuse of a minor as well as violations of the *Standards of Behavior* received by church personnel must also be reported to the Office for Child and Youth Protection and Victim Assistance.

Intake

- 62 To assist the Office for Child and Youth Protection and Victim Assistance in implementing this process, the Diocese has established and will continue to publicize a separate telephone number to facilitate receipt of information. The office will answer calls during business hours to the extent reasonably possible and an appropriate recording system shall be used at other times. All messages shall be returned no later than one business day after the message is left.
- 63 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any criminal or 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.²⁷
- 64 Allegations that a cleric of the Diocese of Toledo or an extern cleric serving in some capacity within the Diocese of Toledo engaged in sexual abuse of a minor may be received from any number of sources: e.g., a telephone call, written communication, email, a personal meeting, the media, public authorities, etc. Upon receiving such an allegation, the Victim Assistance Coordinator will provide pastoral care and support to the alleged victim as appropriate.
- 65 All reports received by the Office for Child and Youth Protection and Victim Assistance pursuant to the USCCB *Charter for the Protection of Children and Young People*, must be documented on an intake form.

Confidentiality and Disclosure of Information

- 66 The canonical delegate of the Bishop is the custodian of all information connected to the investigation of an allegation of sexual abuse of a minor by a cleric and shall develop an appropriate record keeping system to ensure accountability for and appropriate confidentiality of the information.

²⁷ USCCB *Essential Norms*, endnote 7.

- 67 The delegate shall maintain the information in a confidential fashion and may not disclose such information except as follows:
- a. The delegate shall provide the accused cleric with information sufficient to enable the cleric to respond to the allegation. The alleged victim and the accused cleric may have access to his or her respective statement(s) pertaining to the allegation. The delegate may provide both the person making the allegation and the accused cleric with such additional information as necessary to process the allegation.
 - b. After the Bishop has made a decision in a matter brought before the Review Board, the delegate shall notify the Victim Assistance Coordinator and the Vicar for Clergy who will each respectively provide the person making the allegation and the accused cleric with appropriate and timely information about the Bishop's decision.
 - c. The delegate shall provide the Review Board, the Bishop, and other persons the Bishop may designate access to information.
 - d. The delegate shall provide access to information to the competent Superior in connection with allegations about a member of a religious institute or cleric of another diocese.
 - e. The delegate shall disclose such information as may be required by law.
- 68 Information generated in connection with the process of investigation and determination of fitness for ministry as set forth in this policy shall be maintained in a confidential manner and may only be disclosed in accordance with the norms established herein.
- 69 The Diocese follows a communications policy that reflects its commitment to transparency in the reporting of allegations of the sexual abuse of a minor. 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 the sexual abuse of a minor by a cleric.²⁸

Investigation Procedure

Initial Review

- 70 Upon receipt of an allegation, the Victim Assistance Coordinator will promptly review the allegation, seeking—if necessary—the assistance of the Diocesan Review Board, to determine whether there is reasonable cause to believe the conduct alleged meets the definitions of “child abuse” or “sexual abuse or exploitation” of a minor as set forth in the *Ohio Revised Code*, the *Charter* and *Essential Norms*, or constitutes a violation of the *Standards of Behavior*.

²⁸ USCCB *Charter*, Art. 7.

- 71 The Victim Assistance Coordinator will ensure that the appropriate governmental agency is notified, as required by law.²⁹ The same individual will inform the Bishop of Toledo and/or his delegate, and ensure that the allegation/violation is also promptly reported by the Diocese to the appropriate district attorney or other law enforcement official. A copy of this law enforcement notification will be forwarded to the Bishop, the Vicar for Clergy and any other officials as determined in the sound discretion of the Bishop.
- 72 If, after making a reasonable inquiry, it is determined that there is no reasonable cause to believe that the conduct alleged meets the definition of “child abuse” or “sexual abuse or exploitation” as set forth in the *Ohio Revised Code*, or constitutes a violation of the *Standards of Behavior*, then the internal investigative file shall be closed. Notification of the closure and reasons therefore will be made to those individuals who received the initial notification as given above, as well as to the individual who made the allegation against the cleric.
- 73 The date, manner of notifying governmental agencies and Church entities, and their responses to all notices will be permanently maintained by the delegate of the Bishop.
- 74 The initial review of an allegation may be delayed for valid reason, such as to await the completion of action by public authorities. However, an initial review shall not be postponed because of long and unnecessary delays.³⁰

Initial Investigation Steps

- 75 If the reported facts reasonably appear to meet the definition of “child abuse,” “sexual abuse or exploitation,” or are a violation of the *Standards of Behavior* and are perpetrated by 1) a cleric incardinated in the Diocese of Toledo, or 2) an extern cleric (member of a religious institute, society of apostolic life, or another diocese) who has an official diocesan assignment, the diocesan bishop shall promptly meet with the Vicar for Clergy and the Victim Assistance Coordinator to review the complaint for the purpose of determining whether the imposition of any interim administrative restrictions, including administrative leave, on the cleric is necessary. It is solely within the discretion of the diocesan bishop to impose any restrictions on the cleric’s permission to minister in the Diocese of Toledo. Subsequently, the Vicar for Clergy will notify the appropriate superior or bishop/eparch of the accused cleric who, according to the norm of law, retains the right to remove the cleric from any office entrusted to him.³¹
- 76 Following the initial meeting mentioned in §75, the diocesan bishop will decree the opening of a canonical preliminary investigation into the allegation, assigning the roles of canonical instructor and ecclesiastical notary in accord with the norm of law, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric’s admission of the alleged abuse.³²

²⁹ USCCB *Charter*, Art. 4, n. 11; *ORC* §2151.421.

³⁰ Cf. *CIC* cc. 1593, 1622, 3°.

³¹ *CIC* c. 682 §2.

³² *CIC* c. 1717.

- 77 The Victim Assistance Coordinator will assign an Investigator to the case. The Investigator shall remain in contact with any person registering a complaint as often as he/she deems reasonable and necessary and shall work independently from, but together with the Victim Assistance Coordinator. Respect for both the person registering the complaint and the cleric being accused is of paramount importance during the investigation process.
- 78 The Vicar for Clergy shall inform the cleric of the allegation, in writing, advising him that he has the right to canonical and civil legal counsel. The cleric is also to be informed that the assigned Investigator will be contacting him to arrange an interview. The accused cleric may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation mutually acceptable to the Diocese and the accused, unless it appears that such action would likely interfere with an investigation by civil authorities.³³
- 79 If the accused is an extern cleric who does not have an official diocesan assignment, and the abuse is alleged to have taken place within the context of exercising official ministry subject to the Bishop of Toledo, the norms of this policy are to be applied.
- If the abuse by the extern cleric is alleged to have taken place outside the context of ministry subject to the Bishop of Toledo (e.g., in a venue or context that is immediately subject to the superior of a religious institute [private academy or high school, provincial center/residence, etc.]), the cleric is subject to his own proper superior or bishop/eparch, who is responsible for any and all civil and canonical actions related to the allegation. The Office of Child and Youth Protection and Victim Assistance will file any necessary reports to civil authorities in accord with mandated reporting laws and will provide cooperation to the institute/society or diocese to which the cleric is attached. In such cases, any faculties granted to the extern cleric by the Diocese of Toledo are immediately suspended.
- 80 If the accused extern cleric is exercising a ministry strictly internal to a religious institute and does not have diocesan faculties, the religious institute reviews the allegation in keeping with its own policies and procedures. Any subsequent request for faculties in the Diocese of Toledo is subject to diocesan policies and procedures. In any case, the Diocese retains the right to prohibit any extern cleric from residing in the Diocese or at any particular location in the Diocese. The Office of Child and Youth Protection and Victim Assistance will file any necessary reports to civil authorities in accord with mandated reporting laws and will provide cooperation to the institute or diocese to which the cleric is attached. If the cleric's ordinary or superior has not made provision after having been informed of the alleged abuse, the matter will be referred to the Holy See by the Diocese.³⁴
- 81 Since retired clerics (those who do not have an official assignment in active ministry) often continue to exercise ministry and celebrate sacraments, an allegation against such a cleric shall be processed in the same manner as any other allegation according to the norms of §§75-80.

³³ USCCB *Charter*, Art. 5. *Essential Norms*, n. 7.

³⁴ *CIC* c. 679.

- 82 When a cleric who has either been removed or has resigned from active ministry, has been dispensed from the clerical state (laicized), or is deceased is accused, and the complaint appears to meet the definition of “child abuse,” “child sexual abuse or exploitation” or is a violation of the *Standards of Behavior*, the Victim Assistance Coordinator will promptly coordinate the reporting of the complaint to the appropriate county prosecutor by the Diocese and shall provide support to the alleged victim according to the norms of the Victim Assistance Program. The allegation will then be investigated according to the norms of this policy.
- 83 Depending upon the circumstances, the Bishop or his designate will ensure appropriate communication and pastoral response to the people of the parish or community where the accused cleric was assigned and/or where the reported misconduct occurred.
- 84 When the faculties for ministry of the accused are withdrawn by the Bishop as a result of an allegation of sexual abuse of a minor or a violation of the *Standards of Behavior*, the Diocese will make a public announcement to the affected parishes/ communities.
- 85 Anonymous allegations of sexual abuse of a minor by a cleric or such allegations that contain insufficient information ordinarily shall be processed in the following fashion:
- a. The Victim Assistance Coordinator will provide information to the Vicar for Clergy so that he can notify the cleric—if the cleric can be identified—of the allegation.
 - b. The Victim Assistance Coordinator will assign an Investigator who will request the Vicar for Clergy and other appropriate diocesan agencies to forward for review all relevant files and other pertinent information, so that the allegation can be investigated to the degree possible.
 - c. The Investigator shall report all such allegations to the Review Board at its next meeting so that the Review Board may review the allegation, the Investigator's action and findings, and make an informed recommendation to the Bishop of Toledo.

Investigation

- 86 The Investigator will conduct a thorough review of all information, documents, and undertake as possible the necessary interviews with the alleged victim and other individuals who may have knowledge related to the alleged abuse, as well as with the accused cleric. The investigation will always be conducted in a manner that respects the reputation and rights of both the alleged victim and the accused.
- 87 At the conclusion of the investigation, the Investigator will prepare a written report of the investigation, along with supplementary evidence and/or documentation collected during the course of the investigation.

Review for Cause by Diocesan Review Board

- 88 The alleged victim and the accused will be afforded an opportunity to provide a personal account to the Diocesan Review Board in a manner that best respects their privacy and well-being. At no time will the alleged victim and the accused be required to have any contact with one another. The fact that the alleged victim or the accused decide not to provide a personal account shall not be interpreted negatively by the Diocesan Review Board, nor prejudice the alleged victim or the accused in any way. (Rev. 8/15/19)
- 88.1 The alleged victim will be notified of the completion of the investigation and given fourteen (14) calendar days to schedule a review of his/her interview as documented by the Investigator. Once the Investigator's Report has been submitted to the Diocesan Review Board, the alleged victim is then welcome, but not required, to exercise one of the following options: (1) present a written summary of his/her account to the Diocesan Review Board; or (2) present his/her account to the Diocesan Review Board by live or recorded audio or video; or (3) upon mutual agreement of the Diocesan Review Board and the alleged victim, he/she may present his/her account in person before the Diocesan Review Board. (Rev. 8/15/19)
- 88.2 The accused will be notified of the completion of the investigation and given fourteen (14) calendar days to schedule a review of his interview as documented by the Investigator. Once the Investigator's Report has been submitted to the Diocesan Review Board, the accused is then welcome, but not required, to exercise one of the following options: (1) present a written summary of his account to the Diocesan Review Board; or (2) present his account to the Diocesan Review Board by live or recorded audio or video; or (3) upon mutual agreement of the Diocesan Review Board and the accused, the accused may present his account in person before the Diocesan Review Board. (Rev. 8/15/19)
- 89 A Review for Cause, which is conducted by the Diocesan Review Board, shall ordinarily be initiated and scheduled subsequent to the initial review no later than ninety (90) days after the initial review. The Investigator may delay scheduling the Review for Cause for a good reason, such as to await the completion of actions by civil authorities or because individuals critical to the investigation have not been interviewed.
- 90 At the Review for Cause, the Diocesan Review Board shall make a determination, based upon all of the evidence presented and upon each member's personal and professional experience, whether the allegation by the accuser is more likely than not to have occurred (canonically referred to as having a "semblance of truth").
- 91 The Diocesan Review Board retains the right to request further investigation on specific facts or areas where it believes more information or greater clarity is needed. The Investigator will undertake the additional investigation in a timely fashion and submit the results of that work to the Diocesan Review Board, which will consider it at a subsequent Review for Cause, following the procedure noted above.

Required Recommendations Based on Review for Cause

- 92 The Diocesan Review Board shall make appropriate recommendations to the diocesan bishop:
- a. If the Review Board finds that it is more likely than not, that there is sufficient evidence, or that it has been substantiated that the accused has engaged in sexual abuse of a minor, the Review Board is to recommend whether the cleric should be removed from ministry and/or whether supervision and other restrictions should be put in place pending the canonical conclusion of the matter; or
 - b. If the Review Board finds that there it is not likely, that there is insufficient evidence, or that it has not been substantiated that the accused has engaged in sexual abuse of a minor, then the Review Board is to recommend whether the matter should be closed at this stage of the proceedings, or whether the case should be held open due to some other reason; or
 - c. If the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate (violates the *Standards of Behavior*), the Review Board may recommend whether further action appears warranted and offer suggestions as to possible action.
- 93 In its response to the Diocesan Bishop, the Review Board remains free to make other recommendations as it deems appropriate.

Supplementary Review

- 94 The Investigator retains the right to reopen any investigation should new or previously unavailable information be discovered subsequent to the Review for Cause. This request can be made by either the alleged victim or the accused. In determining whether or not a supplementary review is to be conducted, the Investigator shall assess, among other things:
- a. whether the information presented was not previously available to the Review Board;
 - b. whether the information is new and was not available to the individual requesting the supplementary review at the time the matter was considered by the Review Board ;
 - c. whether the new information is material to the allegation; and
 - d. whether the request for the supplementary review was made in a timely manner.
- 95 Requests for supplementary review shall be made in writing to the Investigator and shall include the new information that was not previously considered by the Review Board, as well as a statement of the applicant's position with respect to the matter and any supporting explanation.
- 96 If the Investigator determines that a supplementary review should be conducted, he/she will inform the Victim Assistance Coordinator and the review shall be scheduled no later than sixty (60) days after such determination. The Diocesan Review Board shall review

all information, newly acquired, as well as that considered at the earlier Review for Cause. In conducting the supplementary review, the same practices and protocols as a Review for Cause shall be observed.

Determination of Fitness for Ministry

Withdrawal / Removal from Ministry

- 97 Where it is more likely than not, where there is sufficient evidence, or where it was been substantiated that the accused has engaged in sexual abuse of a minor, all documentation related to the accusation, the subsequent investigation, Review for Cause, and recommendations of the Diocesan Review Board are to be forwarded to the Instructor of the canonical preliminary investigation. The Instructor shall complete the preliminary investigation in a timely manner and submit all collected items, including his *votum* to the diocesan bishop. After thorough review, and being satisfied that the process was conducted in a complete and just manner, the diocesan bishop decrees the closing of the preliminary investigation and, along with his own *votum*, submits the entire preliminary investigation to the Congregation for the Doctrine of the Faith, in accord with the norms of the *Motu proprio Sacramentorum sanctitatis tutela*.
- 98 If it was not already done, the Bishop shall apply the precautionary measures mentioned in canon 1722, i.e., remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public celebration of the Sacraments pending the outcome of the process.³⁵
- 99 When even a single act of sexual abuse of a minor by a cleric is admitted or is established after an appropriate process in accordance with canon law, the offending cleric shall be removed permanently from ecclesiastical ministry.³⁶ The name of any cleric who has been permanently removed or temporarily withdrawn from ministry shall be posted on the website of the Diocese of Toledo.

Canonical Resolution and Conclusion

- 100 When even a single act of sexual abuse of a minor by a cleric is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon shall be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.³⁷ The Policy of the Diocese of Toledo shall be to apply for the penalty of dismissal from the clerical state.
- 101 After considering the advanced age or infirmity of the offender, or for other sound reasons, the Diocesan Review Board may recommend to the diocesan bishop that the offender lead a life of prayer and penance in lieu of seeking his dismissal from the clerical state. While

³⁵ USCCB, *Essential Norms*, n. 6.

³⁶ USCCB, *Essential Norms*, n. 8; *CIC* c. 1395 §2.

³⁷ *CIC* c. 1395 §2.

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 Diocese also acknowledges that: the safety of the vulnerable requires that certain measures be taken; the integrity of the Church and the priesthood must be preserved; the need to do penance for one's sins is part of forgiveness; and that there are consequences for wrongful actions. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as suffering from a disorder that requires treatment.³⁸

102 In every case involving the imposition of canonical penalties on an offender, the process provided in canon law must be observed and the various provisions of canon law must be considered.³⁹ Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it shall direct the diocesan bishop how to proceed.⁴⁰ If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the diocesan bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the offender is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese shall supply canonical counsel to a cleric. The provisions of canon 1722 shall be implemented until all canonical processes have been concluded.

103 Because sexual abuse of a minor by a cleric is a grave delict (*graviora delicta*) in the universal law of the Church⁴¹ and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any cleric who has committed even one act of sexual abuse of a minor as described above shall disqualify the cleric from active ministry.⁴²

Dispensation from the Clerical State

104 After even a single act of sexual abuse by a cleric is admitted or is established by a process completed in accord with canon law, every effort shall be made to encourage the cleric to request a dispensation from the clerical state. Should he choose not do so, the Diocese shall pursue his involuntary dismissal unless for compelling reasons of advanced age or infirmity it would be more appropriate for him to live a life of prayer and penance.

Life of Prayer and Penance

105 If for some reason dismissal from the clerical state has not been applied for by the offender or sought by the Diocese, the cleric who has been found to have engaged in sexual abuse of a minor shall live a life of prayer and penance. He shall be subject to supervision for

³⁸ USCCB, *Essential Norms*, n. 8, footnote 5.

³⁹ 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, 18 May 2001.

⁴⁰ CDF, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 91, 2001, p. 787.

⁴¹ *CIC* c. 1395 §2.

⁴² USCCB, *Essential Norms*, n. 9, especially footnote 7.

the remainder of his life as a cleric of the Diocese of Toledo. If the cleric refuses to accept and fulfill the obligations and restrictions of the life of prayer and penance, the Diocese will seek his dismissal from the clerical state.⁴³

- 106 The program of supervision for those who have engaged in sexual abuse of minors and who have not been dispensed or dismissed from the clerical state shall be conducted under the oversight of the Vicar for Clergy. The protocols, procedures, and practices of the program must reflect the primary goals of protecting minors and the integrity of the Church and must also emphasize accountability. The Diocese shall take every reasonable step to ensure the safety of minors, but cannot guarantee that one who has been removed from ministry will not re-offend.
- 107 The program of supervision needs to recognize individual circumstances and the fact that knowledge and insight continue to develop. For this reason, it should be periodically evaluated. The program should also recognize, in an appropriate way, the possibility of redemption and forgiveness, and seek to provide hope for those dealing with the dysfunction that causes sexual abuse of minors. It must be consistent and fair, and the application in a given case should not be arbitrary.
- 108 The Vicar for Clergy shall work to ensure the compliance of the cleric with the program of prayer and penance. This program is to include treatment, rehabilitation and supervision. The Vicar for Clergy shall be primarily responsible for the supervision of compliance by clerics assigned to the program, as well as for the pastoral and spiritual life concerns and treatment questions. Treatment of those who have engaged in the sexual abuse of minors is considered, in light of research presently available, an ongoing and lifelong process.
- 109 The protocols, procedures and practices of the prayer and penance program shall be applied on a case-by-case basis, but must include certain essential components. Implementation of each component in individual cases shall be documented and retained in the appropriate file by the Vicar for Clergy.
- 110 The essential components of supervision may include, but are not limited to:
 - a. reporting to the diocesan bishop on a regular basis for each cleric under supervision;
 - b. a written protocol signed by the cleric which sets forth the particulars applicable to him and his promise to abide by all such restrictions and conditions;
 - c. restriction from being alone with anyone under the age of 18, or alone with groups of individuals who are under the age of 18;
 - d. withdrawal of all diocesan canonical faculties, as well as a penal precept admonishing him not to celebrate Mass or the Sacraments publicly, not to wear clerical garb, and not to present himself as a priest;
 - e. periodic psychological and physical evaluations;

⁴³ USCCB, *Essential Norms*, n. 8.

- f. regular individual spiritual direction, as well as a commitment to prayer for victims of sexual abuse;
- g. where appropriate, conditions shall be imposed (up to and including a total ban) on the use of the internet, cellular telephones, and computers;
- h. full communication with the Vicar for Clergy and others as appropriate in the cleric's residence in order that they are apprised and able to assist the cleric assigned to the program; and
- i. an annual meeting of the cleric and the Vicar for Clergy to review the protocols of the particular supervision program.

111 Failure to cooperate with a protocol, procedure or practice of the supervision program shall result in appropriate consequences, which may be canonical, financial, or otherwise.

CLERGY PERSONNEL RECORDS

- 112 The Diocese of Toledo will maintain a unified personnel record for each incardinated priest and deacon and for extern priests and deacons serving or residing in the Diocese. This file serves to retain information on assignments and the full ministerial record for each cleric. Under the unified system, the record of a cleric shall commence upon his entry into training/formation and is maintained throughout his career. In the event of an allegation of sexual abuse of a minor, all files, information, and records pertaining to the accused cleric are subject to ecclesiastical review.

Status of Files, Information, and Records

- 113 All files, records, and information generated in connection with an investigation of sexual abuse of a minor by a cleric shall be considered strictly confidential and accessible only to those who have a need to know, including law enforcement officials; disclosure shall be made only in accord with diocesan policies and canon law.⁴⁴ In the event of an allegation of sexual abuse of a minor, all investigative and Review Board files and records shall be retained by the Chancellor in a secure file room. Only the diocesan bishop and his delegate shall have the authority to release said files and records, and then only to those who can demonstrate a need to know. Only the diocesan bishop or his delegate, with the aid and advice of counsel, shall respond to any subpoena that may be issued for the said files and records by the civil authorities. All requests for investigative and Review Board records must be made in writing to the delegate of the Bishop.

⁴⁴ *CIC* c. 489 §1.

REVIEW, AMENDMENT, AND PUBLICATION OF POLICIES AND PROCEDURES

Review and Amendment

- 114 The Diocesan Review Board shall periodically review these policies and procedures and make any recommendations for amendment to the diocesan bishop. The Bishop may amend these policies and procedures at any time upon the recommendation of the Review Board or on his own initiative.⁴⁵

Publication and Copies of the Policy for the Protection of Minors and Young People

- 115 Printed copies of these policies are available by writing to: Office of Child and Youth Protection and Victim Assistance; Diocese of Toledo; 1933 Spielbusch Avenue; Toledo, Ohio 43604. Electronic copies are to be made accessible on the website of the Diocese of Toledo.

⁴⁵ USCCB, *Essential Norms*, n. 4B.

FORMS & APPENDICES

Appendix A

STANDARDS OF BEHAVIOR AND BOUNDARIES FOR ALL PRIESTS, DEACONS, RELIGIOUS, PASTORAL MINISTERS, PRINCIPALS, TEACHERS, EMPLOYEES, AND VOLUNTEERS IN THE ROMAN CATHOLIC DIOCESE OF TOLEDO IN AMERICA

Article I: Introduction

The goal and mission of all activities in the Church is to share the Good News of Jesus Christ and to announce his salvation and mercy for all people. With this as our focus, those who serve in the Diocese of Toledo as priests, deacons, consecrated religious and members of societies of apostolic life, principals, teachers, employees, and volunteers in the apostolate (church personnel) must be aware of the impact that their words and actions can have as they exercise their ministry or apostolate. This applies to all interactions, whether physically present or remotely through the use of technology.

The *Standards of Behavior and Boundaries* (hereafter “*Standards of Behavior*” or “*Standards*”) are applicable to all church personnel. The *Standards* are intended to provide clear norms of behavior and boundaries for all interactions with children and young people (minors), as well as those who may be considered “vulnerable adults.”

Article II: Responsibility

The public and private conduct of church personnel and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Church personnel must, at all times, be aware of the moral responsibilities that accompany their work. They must also know that God's goodness and grace provide the means for them to fulfill their responsibilities.

Responsibility for adherence to these *Standards of Behavior* rests with the individual. Church personnel who fail to observe or disregard these *Standards* will be subject to remedial or disciplinary action by the Diocese. Corrective action may take various forms, including but not limited to a verbal or written reprimand, termination of employment, removal from the ministry/apostolate, or other remedial action, depending on the specific nature and circumstances of the offense and the extent of the harm.

Article III: Standards

1. Sexual Conduct

Church personnel must not, for sexual gain or intimacy, exploit the trust placed in them by those entrusted to their care and the faith community.

The Diocese strictly prohibits sexual misconduct by any church personnel. For the purpose of these *Standards*, sexual misconduct is defined as any unwelcome behavior of a sexual nature that is committed without consent, by force, intimidation, coercion, or manipulation, or is a violation of the sixth commandment. For purposes of this policy, a minor can never consent to sexual contact or sexual behavior with an adult. Sexual misconduct includes sexual harassment and voyeurism, as well as, for example, making and or sharing photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent. For clerics, seminarians, and those in consecrated life, sexual misconduct would also include, but is not limited to, a violation of celibacy and/or actions of a sexual nature with another person or persons that would be inconsistent or incongruous with a vocation to priesthood, the diaconate, or consecrated religious life. For purposes of this policy, a minor cannot consent to sexual contact or sexual behavior with an adult.

Possession of any pornographic images or other sexually oriented material related to or of an adult or minor on church property is strictly prohibited.

The Diocese strictly prohibits anyone from interacting with minors on behalf of the Diocese who has a civil or criminal record that includes a disqualifying offense according to the Ohio Department of Education's current *Standards for Licensure and Employment of Individuals with Criminal Convictions* (Ohio Administrative Code Rule 3301-20-01). However, the Diocese reserves the right to prohibit individuals from interacting with minors on its behalf regardless of their criminal record.

Church personnel in ordained or consecrated life are obliged to be an example of celibate chastity in all relationships at all times. All other church personnel, the lay faithful, are obliged to be examples of virtue and chastity according to their state in life in all relationships at all times.

Church personnel should not exploit another person for any reason, including sexual purposes.

2. Harassment

Church personnel must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other church personnel. The Diocese prohibits all such conduct, whether committed by supervisory or non-supervisory personnel, or by a third party (i.e., non-employee of the Diocese of Toledo).

- a. Church personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

- b. Some examples of behavior or environment that could be considered harassment include:
 - i. any derogatory jokes, comments or slurs;
 - ii. any unwanted touching, assault, deliberate or intimidating action that interferes with free movement;
 - iii. any unwelcome touching and/or demands for sexual favors, and also any unwelcome sexually oriented behavior, comments or visually derogatory or demeaning displays, written words, drawings, novelties or gestures which create a hostile or offensive environment.
- c. Harassment can be a single severe incident or a persistent pattern of behavior that creates a hostile, offensive, or intimidating work environment.
- d. Allegations of harassment are to be taken seriously and reported immediately to the individual's immediate supervisor, or other appropriate Church authorities.

3. Conduct with Minors

Church personnel working with minors shall maintain an appropriate and trustworthy relationship with both minors and adult supervisors.

Church personnel can and should develop a healthy, adult rapport with minors. They must also be vigilant to avoid the type of contact with minors that could raise questions about the appropriateness of the contact, or which may cause a reasonable person to believe or perceive that the contact violates these standards. Church personnel must not only refrain from inappropriate/improper contact with minors, but also refrain from engaging in any action that could give the appearance of inappropriate/improper contact.

- a. The sexual abuse of minors by any church personnel is evil and criminal, and will never be tolerated. It is a breach of trust with the most vulnerable and a breach of trust with the Church whom they are called to represent.
 - i. All allegations of sexual misconduct or suspected sexual abuse of a minor by church personnel will be taken with the utmost seriousness. **Church personnel in the Diocese of Toledo who have reason to suspect child abuse have a civil and moral duty to report the suspected abuse by following the mandated procedure detailed in the *Policy for the Protection of Minors and Young People*, which includes the requirement of notifying the appropriate civil agency and contacting the Office for Child and Youth Protection and Victim Assistance.**
 - ii. Church personnel shall review and know the contents of the child abuse regulations and reporting requirements for the State of Ohio found in *ORC §2151.421* and are to follow those mandates.

- b. Church personnel must always exercise the highest degree of prudence in all of their interactions with minors.
 - i. When church personnel are with minors, their parent(s) or guardian must always be explicitly informed of the minor's location and the purpose of the interaction.
 - ii. Federal, state or local laws may limit or prohibit minors from engaging in certain work activities. Church personnel must always ensure that any activities in which they engage with minors are not prohibited by labor laws. All minors are required to obtain written permission from their parent(s) or guardian as a condition of employment.
 - iii. Diocesan entities may direct any inquiries regarding the employment of minors to the Diocese's Office for Human Resources.
- c. Christian, professional demeanor must always be observed in all interactions with minors.
- d. Church personnel are not to have any unnatural or inappropriate emotional attachment to a minor and are to eschew any unnatural or inappropriate emotional attachment that a minor may have for them. Such attachments need to be recognized, acknowledged and properly addressed. In some instances, it may be necessary to terminate further contact with the minor.
- e. Church personnel must always be aware of the "perceived power" of their role/position and be aware of the phenomenon of transference by which persons attach to a counselor or therapist feelings formerly held toward some significant other person who figured in a past emotional conflict.
- f. Church personnel must be aware of their own and others' vulnerability when working alone with minors. Therefore, whenever possible, another adult should be present or nearby when church personnel are meeting with minors. Insofar as possible, church personnel should avoid being alone with minors. A team approach should be used when managing activities that involve minors.
- g. Discussions of a sexual nature must be avoided and only occur, if necessary, to respond to a specific question posed by a minor. Any such discussion must use appropriate, professional, virtuous language. Slang or street words or phrases are not to be used.
- h. Topics that could not be comfortably discussed with parents or another adult in the presence of a minor should not be discussed with minors. Church personnel should not use foul, offensive, lewd or rough language in talking to minors.
- i. Meetings with minors should occur only on diocesan property if at all possible, and only during normal business hours. Minors should only be allowed in professional or public areas of Church property. Minors should not be invited or taken into living quarters or

private areas on church property or private homes. Church personnel should never have minors in their rooms or spend their days off with minors who are not related to them.

- j. At least two (2) adults who are not secondary school students must be present at games or sporting activities involving minors.
- k. Alcohol, tobacco, controlled substances or sexually explicit materials (i.e., pornography [adult or of minors], sexual paraphernalia, etc.) are never to be offered to, distributed to, or shared with minors by church personnel.
- l. Church personnel are not to engage in physical discipline of minors. Discipline problems should be handled in coordination with the parent(s) or legal guardian of the child.
- m. Church personnel are not to be alone with a minor in a residence, sleeping facility, locker room, restroom, dressing facility or isolated area that is inappropriate or inconsistent with a ministry or professional relationship.
- n. Youth groups are to have at least two (2) adult chaperones for any activity. The adults may not be secondary school students who have reached the age of 18. While on youth group trips, church personnel are to maintain a professional stature and should socialize along with minors only when other adult chaperones are present. During such youth group trips, individual church personnel are not to sleep in the same room alone with a minor, unless a parental/guardian relationship exists.
- o. Minors are not to be given keys to church facilities.
- p. Church personnel are never to take photographs or video of minors while they are unclothed or dressing (e.g., in locker rooms or bathing facilities).
- q. Church personnel are never to use inappropriate, sexually explicit language or engage in any joking that includes sexual innuendo or double entendre.
- r. Physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private. Adults should not initiate physical contact with a minor.

4. Electronic Communications

General Standards for Electronic Communications with Minors

Communication with minors by church personnel must respect the psychological, physical and behavioral boundaries of the young person and be appropriate to the ministerial and professional relationship.

Permission of the parent or guardian must ordinarily be obtained, in writing, in order for church personnel to communicate with minors via any electronic means.

In order to protect the privacy of youth, permission must also be obtained, in writing, from the parent or guardian before sharing/posting pictures or videos of minors with identifying information, as well as before sharing email, telephone numbers, or other contact information with other minors or adults who are part of the class, group, or organization.

Church personnel should never consider electronic communication (i.e., emails, social networking sites, text messages, etc.) to be private or of a confidential nature.

If a minor sends any church personnel an inappropriate message, the adult should not reply to it. The adult should print it and notify his or her immediate supervisor. If a minor sends a message that causes the adult to have concerns for the health and safety of that young person, church personnel should, if required by law, report the concern to the appropriate civil authority and to his or her immediate superior.

Church personnel must set appropriate boundaries around the time when phone calls will be made or electronic communications will be sent.

Church personnel should take time to review internet safety practices with minors in their classes, groups, organizations, etc., especially if they are utilizing web-based technology to enhance outreach to the minors with whom they work.

Email, Instant Messaging, Text Messaging (SMS – Short Message Service), and “Chat Rooms”

This section refers to specific uses of technology tools. All church personnel are bound to follow the standards set forth in this section. In addition, those working in parish, regional and secondary schools of the Diocese should also refer to the established Department of Catholic Education’s Appropriate Use Policy for Technology.

Church personnel, including parish staff, those involved in youth ministry and religious education programs, as well as teachers and administrative staff in Catholic schools, should only communicate with minors through the use of parish or school-based email accounts and/or parish or school-sponsored websites, and never through personal accounts or non-parish/school related websites. If it is not possible for an adult leader or volunteer to obtain a parish or school-based email account, the adult leader or volunteer must establish an email account that is separate from his or her personal email.

Church personnel should never consider electronic mail, instant messaging, or “chat rooms” as private or of a confidential nature. Adults should seriously consider copying another responsible adult (parent, supervisor, athletic director or alternate youth ministry leader) when sending an electronic message to a minor. This action demonstrates transparency and appropriateness when communicating with minors. All electronic messages should be relevant to the ministerial/professional relationship the adult has with the minor with due consideration for the age of the minor. Understanding that there are times when it is impractical to copy another adult

by email (e.g., students emailing teachers questions and submitting assignments, the inquiry of a minor who may be discerning a vocation to the priesthood or consecrated life, etc.), church personnel should use a diocesan, parish or school-based email account to reply in order to ensure that the email is retained on a server.

In order to maintain the privacy of the email addresses of minors, Church personnel should use the blind carbon copy (BCC) feature when sending an email to more than one minor.

If a group of youth need to be in contact with each other via email, permission must be obtained from the parent or guardian before sharing a minor's email address with other members of the group. (A youth leadership team would be one example of a situation where adult leaders may seek permission to share email addresses among group members.)

Church personnel should be brief in electronic conversations with minors. Messages should be kept short and to the point, and related to the professional/ministerial relationship between the adult and minor.

Pornographic or lewd pictures of adults or minors, as well as suggestive, crude, or luring language (vocal or text) sent via electronic means (including "sexting") are strictly prohibited between adults, between adults and minors, and between minors themselves.

Video Conferencing (i.e., Skype, FaceTime, etc.)

Church personnel may communicate with minors using video conferencing, as there are educational benefits to utilizing this technology appropriately. Distance or disability may create some instances when this type of communication is necessary or advisable. Another adult should supervise the interaction by either being present with the minor or the adult during the video conference.

Social Networking (i.e., Facebook, Instagram, etc.)

A social networking service utilizes software to build online social networks for communities of people who share interests and activities. Most services are primarily web-based and provide various ways for users to interact, such as chat, messaging, video, file sharing, blogging and discussion groups.

The pastor, administrator or immediate supervisor must give permission for an employee or volunteer to establish a social networking account related to the parish, school or ecclesiastical organization.

A supervisor or another adult leader must have access to the account so that there is more than one adult monitoring all activity posted to the site. The account must be monitored regularly by both adults for appropriate use. Inappropriate or hurtful postings must be removed and, if possible, addressed in an appropriate way with the individual who made the post.

Church personnel who use social networking sites to communicate with minors about their ministry should create a separate account and/or group for this specific use whenever possible. Minors should not be given access to the private or personal postings of an adult. All interactions should reflect the ministerial/professional role of the adult.

Precautions should be taken to guard the privacy of anyone who has access to the page. The highest privacy settings must be used. In addition, adults should encourage minors who join the online community to set their privacy settings at the highest levels.

Church personnel are not to interact with minors on social media sites where the content of the exchange cannot be monitored or recorded.

Blogs and Microblogs (i.e., Twitter)

Those who wish to publish and utilize a blog for an educational or ministerial purpose must obtain the permission of their pastor, principal or supervisor and make content easily accessible.

Blogs used for educational or ministerial purposes should be conducted in a professional manner and the content should reflect the purpose.

It is recommended that, if possible, the blog be set up so that comments are not posted until they are reviewed and approved by the owner/administrator of the blog. This practice prevents inappropriate and hurtful comments from being posted.

Personal blogs should not be shared with minors.

Websites

Websites used to represent a parish, school, or other affiliated organization must be owned and managed by the church entity. Church personnel must obtain permission from the pastor, principal, or supervisor to set up a website that represents the parish, school, or other diocesan entity.

Websites may be linked to other sites. It is recommended that all persons add this statement to any website created:

Links to other sites are provided on this site. These sites are provided for informational purposes only and are not necessarily sponsored by the parish or church organization.

Videos, Photographs, Other Images

Videos, photographs, and other images, electronic or otherwise, should always reflect the ministerial/professional nature of the Church and should never contain offensive material (i.e., pornography [of adults or minors], etc.). Care should always be taken when sharing or posting videos to websites and/or social media sites.

Church personnel must seek written permission from a parent or guardian to share a photograph or video that contains identifying information about the child/children (i.e., full name, addresses, birth date, etc.).

Online Gaming

This recreational activity is used by peers to play games and socialize on the internet. Church personnel involved in ministry and service to youth are not their peers. For this reason, adults are not to be involved in online gaming with the youth whom they serve. Employees are not permitted to engage in online gaming, with adults or minors, during working hours.

Illegal or Immoral Materials

Church personnel should never access, distribute, or create materials that are illegal or immoral. These include but are not limited to pornographic (adult or minor), stolen, sexist or discriminatory materials. The accessing, distributing, or creating of illegal material must be reported immediately to the proper civil authorities and to the appropriate supervisor.

5. Conduct for Pastoral Counselors and Spiritual Directors

Pastoral Counselors and Spiritual Directors refers to any church personnel who provide formal or informal pastoral or spiritual counseling services to individuals, families, or other groups.

Pastoral Counselors and Spiritual Directors, by nature, respect the rights and promote the welfare of each person.

Pastoral Counselors and Spiritual Directors:

- a. shall not go beyond their competence in pastoral or spiritual counseling and shall refer persons they counsel to other professionals when issues are beyond pastoral matters. In such cases, as a general rule, no more than four (4) pastoral counseling sessions shall occur before advising the individual to be seen by a licensed therapist/counselor of his or her choice.
- b. are to consider carefully the possible consequences of pastoral counseling before entering into any pastoral counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
- c. are not to undertake or allow the audiotaping or videotaping of sessions.
- d. are not to engage in any form of sexual conduct with the persons they counsel.
- e. must avoid developing intimate relationships with persons they counsel; they must behave in a professional manner at all times. Likewise, they are not to engage in sexual conduct with or foster an intimate relationship with any individual who is close to the persons they

counsel (e.g., relative, friend, etc.). Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in any such relationship.

- f. are responsible for establishing and maintaining clear, appropriate boundaries in all pastoral/spiritual counseling and related relationships.
- g. are to avoid physical contact of any kind (i.e., inappropriate touching, hugging, and holding hands) between themselves and the persons they counsel. Pastoral Counselors, Spiritual Directors, and all church personnel should be mindful that not all members of the faithful are comfortable with physical touching.
- h. are to conduct pastoral or spiritual sessions only in the professional area of the parish office or other church facility; sessions are never to be conducted in the private living quarters of the Pastoral Counselor or Spiritual Director. In those locations where sessions are held, there is to be a window enabling both the counselor/director and the other individual to be seen.

Pastoral or spiritual counseling sessions are not to be held at times that would tend to cause confusion about the nature of the relationship for the person being counseled. Sessions should be scheduled during normal work hours—ordinarily between 7:00 a.m. and 9:00 p.m.

- i. are to maintain a written log solely of the times and places of each counseling session with each person being counseled.

Counseling minors presents additional considerations for Pastoral Counselors and Spiritual Directors.

- a. Unless the subject matter precludes it, the minor's parent(s) or legal guardian should be present or aware of the session.
- b. Counseling of a minor must always take place in the public/professional areas of Church property. Counseling sessions are never to take place in private living areas or other non-public places.
- c. The room or the door where the counseling session takes place should have a window, otherwise the door should be left open.
- d. If possible, another adult should be in close proximity during the counseling session.
- e. The relationship must always remain professional within the context of counseling sessions, as well as outside of formal counseling sessions.
- f. If counseling entails more than (2) sessions, the minor's parent(s) or guardian should be consulted.

- g. The Pastoral Counseling and Spiritual Director need to assess regularly the relationship to determine whether the minor is developing a personal/physical attraction to him or her. Such attractions need to be recognized and the minor immediately referred to another Pastoral Counselor or Spiritual Director.
- h. Pastoral Counsels and Spiritual Directors shall abide by all of the other requirements of the *Standards of Behavior*.

Confidentiality Related to Pastoral Counseling and Spiritual Direction

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible. The obligation of Pastoral Counselors and Spiritual Directors to report misconduct of the persons they counsel is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need or mandate to report misconduct that threatens the safety, health, or well-being of any of the persons involved.

These obligations are independent of the confidentiality of the Sacramental Seal of Confession. Under no circumstances whatsoever can there be any disclosure-even indirect disclosure-of information received through the Sacrament of Reconciliation.

- a. At the initial meeting, Pastoral Counselors and Spiritual Directors are to discuss the nature of confidentiality and its limitations with each person in counseling.
- b. Information obtained in the course of the pastoral counseling sessions with an adult or a minor is to be confidential, except for compelling professional reasons or as required by law.
 - i. If there is clear and imminent danger to the counselee or others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - ii. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences. Consultation with the Office of Child and Youth Protection and Victim Assistance is encouraged.
- c. Pastoral Counselors should keep minimal records of the content of sessions.
- d. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

Article IV: Reporting Misconduct

Church personnel have a duty to report both their own ethical or professional misconduct and the ethical or professional misconduct of others. In addition to this, church personnel are to hold each other accountable for maintaining the highest ethical and professional standards. As a general rule, any conduct of concern should be brought by church personnel to the attention of his or her supervisor or other appropriate Church authorities.

Article V: Conclusion

The *Standards of Behavior and Boundaries* set forth above manifest the constant commitment of the Diocese of Toledo to always and everywhere provide an environment where the words and actions of its clergy, employees, educators and volunteers reflect the values and norms set forth by Jesus Christ and modeled by him in the Gospel. Those who exercise a ministry or apostolate within the Diocese of Toledo are to be committed to a life of unwavering integrity and fidelity to Christ and his Church. By their observance of these norms, church personnel—and all people of good will—give evidence of their personal commitment to a life of virtue and holiness, and will assist their neighbor to draw ever more perfectly in union with Jesus Christ and his Church.

Appendix B

GUIDELINES FOR THE PREVENTION OF ABUSE OF VULNERABLE ADULTS

In conjunction with the *Standards of Behavior and Boundaries*, the following information provides additional guidance to those who minister to vulnerable adults.

“Recognizing that individuals with disabilities have a claim to our respect because they are persons, because they share in the one redemption of Christ, and because they contribute to our society by their activity within it, the Church must become an advocate for and with them.”⁴⁶ As advocates we must be aware of the unique circumstances of people with disabilities and all vulnerable adults, who live with higher risk to neglect and abuse.

This information is intended to educate church personnel about abuse and provide guidelines to follow for prevention, recognition and reporting of abuse when they encounter vulnerable adults in their ministry and apostolates. These guidelines will also serve to educate vulnerable adults in ways to protect themselves from neglect and abuse.

Although the following guidelines are modeled after the policies for the protection of youth and young people of the Diocese of Toledo and the Standards of Behavior, it is crucial to remember there are differences when ministering to vulnerable adults. Unlike minors, mentally competent adults have the right to make and live by the consequences of their own decisions, no matter how unwise a decision may appear to be. In addition, while protecting vulnerable adults from harm, one must ensure that isolation, segregation and discrimination do not result. Active participation of people with varying gifts and abilities is essential for the completeness of the Church community. Those who provide services, support, or pastoral care, however, should realize that such work always involves some degree of risk.

It is also important to note that disability does not equal vulnerability. Disability is a functional loss as a result of a physical, mental, or psychological impairment which significantly limits activities of daily living. Vulnerability cannot be assumed strictly on the basis of an apparent disability. A disabled person can be both the minister and the recipient of pastoral care, a victim of abuse and an abuser.

These guidelines seek to enhance the Church’s ministry to and with vulnerable adults and therefore further the integration of all people in the Church.

⁴⁶ United States Catholic Conference, *Pastoral Statement of U.S. Catholic Bishops on Persons with Disabilities*, 1978, p. 3.

Individuals for whom these guidelines are of primary importance include, but are not limited to:

- Extraordinary Ministers of Holy Communion to homebound parishioners
- Facilitators for bereavement and other support groups
- Social outreach ministers
- Parish nurses
- Retreat leaders
- Jail and prison ministers
- Adult faith formation leaders
- Hospitality ministers

Pastoral Guidelines

1. Act in a way that reflects the teachings and values of the Catholic Church.
2. Speak and act with respect and loving regard for each person acknowledging his/her value and giftedness.
3. Recognize and respect every individual's cultural values, as well as their right to privacy and full participation in the life of the Church.
4. Recognize the importance one's role in the Church's ministry to vulnerable adults.
5. Use appropriate language, physical contact and displays of emotion. Do not engage in or encourage the use of offensive language, humor or media.
6. Be attentive to unusual or suspicious activity that suggests possible neglect or abuse.
7. If anything which appears to present a serious risk of immediate harm to any person is observed, treat it as an emergency and contact appropriate authorities.
8. Know to whom to communicate situations that cause concern, and report immediately to an appropriate parish or diocesan staff person, legal guardian or community agency.
9. Recognize the importance of both verbal and non-verbal communication, especially with individuals with speech and language disabilities.
10. Always dress in an appropriate manner.
11. Obtain guardian's permission before transporting a vulnerable adult in one's vehicle or visiting in their home or yours. If transportation is provided on a regular basis written guardian consent should be obtained.
12. Abide by the Standards of Behavior as promulgated by the Diocese.

13. Never engage in any type of abusive or inappropriate behavior.
14. Never offer to, distribute to, or share with vulnerable adults alcohol, tobacco, controlled substances or sexually explicit materials (i.e., pornography [adults or of minors], sexual paraphernalia, etc.).
15. Do not attempt to provide counseling unless you are a licensed professional counselor.
16. Avoid situations in which you are isolated with the person in your care for an extended period of time.
17. Do not take photos of a vulnerable adult without their consent, as well as the consent of their guardian.

Appendix C

SAFE ENVIRONMENT PROGRAM REQUIREMENTS

Introduction

Church personnel in the Diocese of Toledo who have or will have regular contact with minors or vulnerable adults in the course of their work or service for the Diocese are required to undergo background checks and must complete specific safe environment training requirements. Minors who are either employed by an affiliated entity of the Diocese of Toledo or who volunteer for the Diocese are exempt from background screening and training procedures, however, they and their parent/guardian must read and sign the acknowledgement form that they will abide by the *Standards of Behavior and Boundaries*. Employees of the Diocese or its affiliate organizations, regardless of their contact with minors, are required to undergo background screening on a regular basis in addition to the periodic training requirements.

No diocesan employee or volunteer should begin work with children without having first successfully completed the necessary background checks, Safe Environment Training program, and having signed an acknowledgement that they have received, read, understand, and will abide by the *Standards for Behavior and Boundaries* policy. Individuals who do not comply will not be permitted to work or volunteer with children until all requirements have been met.

Those individuals whose background check indicates that they have been convicted of a disqualifying offense as defined in the *Diocese of Toledo Policy for the Protection of Youth and Young People* are not eligible for employment or to volunteer for the Diocese of Toledo or its affiliated organizations.

The following pages provide specific information on compliance requirements for clergy, employees, and volunteers in the Diocese of Toledo. These requirements are subject to change without notification and will be updated on a periodic basis.

CLERGY AND EMPLOYEES (Except School Employees) COMPLIANCE REQUIREMENTS

- FBI Background Check
- Selection.com/Fastrax Background Check⁴⁷
- Agreement for *Standards Behavior and Boundaries*⁴⁷
- Protecting Youth and Vulnerable Adult Training⁴⁷

FBI Background Check

The FBI Background Check must be completed via electronic fingerprinting. This process takes minutes and the results are usually returned to the Pastoral Center in 1-7 days. The Diocese of Toledo provides electronic fingerprinting at the Pastoral Center on a regular basis. Please call (419) 244-6711 for available times.

There is a charge for the background check; please call ahead for current rate. The Pastoral Center accepts cash, personal checks, and money orders payable to the *Diocese of Toledo*. To find another agency in your local area where you can complete the background check: <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>. If you are fingerprinted at a location other than the Pastoral Center, please inform the printing agency to use code **3319** and have the results mailed to:

Safe Environment Compliance Coordinator
Diocese of Toledo
1933 Spielbusch Avenue
Toledo, OH 43604

Selection.com/Fastrax Background Check/Expectation Form/Protecting Youth Course

The Selection.com/Fastrax Background Check is a background check based on a social security number search and is completed through the VIRTUS platform. The results are returned to the Pastoral Center within 24-72 hours. There is a fee for the background check that can be paid by credit card. Please note that there may be additional fees if you have lived outside of Ohio within the last 5 years.

If you have previously completed a Protecting Youth course or a background check, you may already have an account in VIRTUS. Please contact the Safe Environment Compliance Coordinator prior to setting up an account (419) 244-6711.

To establish a new VIRTUS account, Click on the appropriate link below

English: https://www.virtusonline.org/virtus/reg_2.cfm?theme=0&org=37396

Spanish: https://www.virtusonline.org/virtus/sp_reg_1.cfm?theme=0%20

⁴⁷ Can be completed through the VIRTUS safe environment training platform.. Renewal is required every five (5) years.

The website process will lead you through the steps to acknowledge your agreement to abide by the *Standards of Behavior and Boundaries*, to complete the necessary background check, and to complete the training modules, *Protecting God's Children and Vulnerable Adults*.

Questions should be directed to: Safe Environment Compliance Coordinator
(419) 244-6711

SCHOOL EMPLOYEES COMPLIANCE REQUIREMENTS

First Time Licensure; Renewal with Expired Licensure; Renewal of Licensure if You have Lived Outside of Ohio anytime during the last five (5) years. (Renewal is every 5 years)

- FBI Background Check – 3919
- BCI Background Check – 3919
- Agreement for *Standards of Behavior and Boundaries*
- Protecting Youth and Vulnerable Adult Training⁴⁸

Current License; Renewal of Current Licensure (At Hire; Renewal is every 5 years)

- FBI Background Check – 3919
- Selection.com/Fastrax Background Check⁴⁸
- Agreement for *Standards of Behavior and Boundaries*⁴⁸
- Protecting Youth Training and Vulnerable Adult Training⁴⁸

Non-Licensed School Employee (At Hire; Renewal is every 5 years)

- FBI Background Check – 3919
- BCI Background Check – 3919
- Agreement for *Standards of Behavior and Boundaries*⁴⁸
- Protecting Youth Training and Vulnerable Adult Training⁴⁸

FBI and BCI Background Checks

The FBI Background Check must be completed via electronic fingerprinting. This process takes minutes and the results are usually returned to the Pastoral Center in 1-7 days. The Diocese of Toledo provides electronic fingerprinting at the Pastoral Center on a regular basis. Please call (419) 244-6711 for available times.

There is a charge for the background check; please call ahead for current rate. The Pastoral Center accepts cash, personal checks, and money orders payable to the *Diocese of Toledo*. To find another agency in your local area where you can complete the background check: <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>. If you are fingerprinted at a location other than the Pastoral Center, please inform the printing agency to use code **3319** and have the results mailed to:

⁴⁸ Can be completed through the VIRTUS safe environment training platform.. Renewal is required every five (5) years.

Safe Environment Compliance Coordinator
Diocese of Toledo
1933 Spielbusch Avenue
Toledo, OH 43604

Selection.com/Fastrax Background Check/Expectation Form/Protecting Youth and Vulnerable Adult Course

The Selection.com/Fastrax Background Check is a background check based on a social security number search and is completed through the VIRTUS platform. The results are returned to the Pastoral Center within 24-72 hours. There is a fee for the background check that can be paid by credit card. Please note that there may be additional fees if you have lived outside of Ohio within the last 5 years.

If you have previously completed a Protecting Youth course or a background check, you may already have an account in VIRTUS. Please contact the Safe Environment Compliance Coordinator prior to setting up an account (419) 244-6711.

To establish a new VIRTUS account, Click on the appropriate link below

English: https://www.virtusonline.org/virtus/reg_2.cfm?theme=0&org=37396

Spanish: https://www.virtusonline.org/virtus/sp_reg_1.cfm?theme=0%20

The website process will lead you through the steps to acknowledge your agreement to abide by the *Standards of Behavior and Boundaries*, to complete the necessary background check, and to complete the training module, *Protecting God's Children*.

Questions should be directed to: Safe Environment Compliance Coordinator
(419) 244-6711

VOLUNTEERS (Contact with Minors) COMPLIANCE REQUIREMENTS

- Selection.com/Fastrax Background Check⁴⁹
- Agreement for *Standards of Behavior and Boundaries* ⁴⁹
- Protecting Youth and Vulnerable Adult Training⁴⁹

Selection.com/Fastrax Background Check/Expectation Form/Protecting Youth and Vulnerable Adult Course

The Selection.com/Fastrax Background Check is a background check based on a social security number search and is completed through the VIRTUS platform. The results are returned to the Pastoral Center within 24-72 hours. There is a fee for the background check that can be paid by credit card. Please note that there may be additional fees if you have lived outside of Ohio within the last 5 years.

If you have previously completed a Protecting Youth course or a background check, you may already have an account in VIRTUS. Please contact the Safe Environment Compliance Coordinator prior to setting up an account (419) 244-6711.

To establish a new VIRTUS account, Click on the appropriate link below

English: https://www.virtusonline.org/virtus/reg_2.cfm?theme=0&org=37396

Spanish: https://www.virtusonline.org/virtus/sp_reg_1.cfm?theme=0%20

The website process will lead you through the steps to acknowledge your agreement to abide by the *Standards of Behavior and Boundaries*, to complete the necessary background check, and to complete the training modules, *Protecting God's Children and Vulnerable Adults*.

Questions should be directed to: Safe Environment Compliance Coordinator
(419) 244-6711

⁴⁹ Can be completed through the VIRTUS safe environment training platform.. Renewal is required every five (5) years.

**VOLUNTEERS (No Contact with Minors)
COMPLIANCE REQUIREMENTS**

- Agreement for *Standards of Behavior and Boundaries*

Those church personnel who typically have no contact with minors (e.g., Extraordinary Ministers of Holy Communion, Finance and Pastoral Council Members, etc.) need to be provided a copy of the *Standards of Behavior and Boundaries*, which they must read and sign the agreement form. This form is to be retained by the ecclesiastical entity (parish, school, outreach center, etc.) where the volunteer serves.

Questions should be directed to: Safe Environment Compliance Coordinator
(419) 244-6711

CATHOLIC SCHOOL AND RELIGIOUS EDUCATION CURRICULUM COMPLIANCE REQUIREMENTS

The diocesan Catholic school curriculum, as well as the curriculum for parish-based religious education programs, includes instruction in touching safety for pupils in kindergarten through twelfth grade. This necessary educational component, required by the United States Conference of Catholic Bishops *Charter for the Protection of Youth and Young People*, is provided through the Diocesan Safe Environment Program's VIRTUS website.

The student training curriculum consists of age appropriate training videos and lesson plans that are taught twice during each academic year.

Parents and guardians have the option to absent their children from this section of the Catholic education curriculum by informing the appropriate principal, teacher, or catechist using the appropriate form.

Appendix D

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE⁵⁰

The revised *Charter for the Protection of Children and Young People* was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its June 2005 General Meeting, and this second revision was approved at the June 2011 General Meeting. The revised *Essential Norms for diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* was developed by the Ad Hoc Committee on Sexual Abuse of the USCCB and by the Vatican-U.S. Bishops' Mixed Commission on Sex Abuse Norms. They were approved by the full body of bishops at its June 2005 General Meeting, received the subsequent *recognitio* of the Holy See on January 1, 2006, and were promulgated May 5, 2006. The revised *Statement of Episcopal Commitment* was developed by the Ad Hoc Committee on Bishops' Life and Ministry of the USCCB. It was approved by the full body of U.S. Catholic bishops at its November 2005 General Meeting and then again in 2011. This revised edition, containing all three documents, is authorized for publication by the undersigned.

—Msgr. David J. Malloy, STD
General Secretary, USCCB

Preamble

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

Again, with this 2011 revision of the *Charter for the Protection of Children and Young People*, we re-affirm our deep commitment to creating a safe environment within the Church for children and youth. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We have determined as best we can the extent of the problem of this abuse of minors by clergy in our country, as well as commissioned a study of the causes and context of this problem.

⁵⁰ See << <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf>>>.

We continue to have a special care for and a commitment to reaching out to the victims of sexual abuse and their families. The damage caused by sexual abuse of minors is devastating and long-lasting. We apologize to them for the grave harm that has been inflicted on them, and we offer our help for the future. The loss of trust that is often the consequence of such abuse becomes even more tragic when it leads to a loss of the faith that we have a sacred duty to foster. We make our own the words of His Holiness, Pope John Paul II: that the sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God” (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

Along with the victims and their families, the entire Catholic community in this country has suffered because of this scandal and its consequences. In the last nine years, the intense public scrutiny of the minority of the ordained who have betrayed their calling has caused the vast majority of faithful priests and deacons to experience enormous vulnerability to being misunderstood in their ministry and even to the possibility of false accusations. We share with them a firm commitment to renewing the image of the vocation to Holy Orders so that it will continue to be perceived as a life of service to others after the example of Christ our Lord.

We, who have been given the responsibility of shepherding God’s people, will, with his help and in full collaboration with all the faithful, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take in our General Assembly and at home in our dioceses and eparchies.

We feel a particular responsibility for “the ministry of reconciliation” (2 Cor 5:18) which God, who reconciled us to himself through Christ, has given us. The love of Christ impels us to ask forgiveness for our own faults but also to appeal to all—to those who have been victimized, to those who have offended, and to all who have felt the wound of this scandal—to be reconciled to God and one another.

Perhaps in a way never before experienced, we have felt the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ “to be sin who did not know sin, so that we might become the righteousness of God in him” (2 Cor 5:21). May we who have known sin experience as well, through a spirit of reconciliation, God’s own righteousness. We know that after such profound hurt, healing and reconciliation are beyond human capacity alone. It is God’s grace and mercy that will lead us forward, trusting Christ’s promise: “for God all things are possible” (Mt 19:26).

In working toward fulfilling this responsibility, we have relied first of all on Almighty God to sustain us in faith and in the discernment of the right course to take.

We have received fraternal guidance and support from the Holy See that has sustained us in this time of trial.

We have relied on the Catholic faithful of the United States. Nationally and in each diocese, the wisdom and expertise of clergy, religious, and laity have contributed immensely to confronting the effects of the crisis and have taken steps to resolve it. We are filled with gratitude for their great faith, for their generosity, and for the spiritual and moral support that we have received from

them.

We acknowledge and affirm the faithful service of the vast majority of our priests and deacons and the love that their people have for them. They deservedly have our esteem and that of the Catholic people for their good work. It is regrettable that their committed ministerial witness has been overshadowed by this crisis.

In a special way, we acknowledge those victims of clergy sexual abuse and their families who have trusted us enough to share their stories and to help us appreciate more fully the consequences of this reprehensible violation of sacred trust.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

As we work to restore trust, we are reminded how Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

*The Spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord. (Lk 4:18-19)*

In Matthew 25, the Lord, in his commission to his apostles and disciples, told them that whenever they show mercy and compassion to the least ones, they show it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered a grave warning that for anyone who would lead the little ones astray, it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to restore the bonds of trust, we bishops recommit ourselves to a continual pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church.

In this spirit, over the last nine years, the principles and procedures of the *Charter* have been integrated into church life.

- The Secretariat of Child and Youth Protection provides the focus for a consistent, ongoing, and comprehensive approach to creating a secure environment for young people throughout the Church in the United States.
- The Secretariat also provides the means for us to be accountable for achieving the goals of the *Charter*, as demonstrated by its annual reports on the implementation of the *Charter*

based on independent compliance audits.

- The National Review Board is carrying on its responsibility to assist in the assessment of diocesan compliance with the *Charter for the Protection of Children and Young People*.
- The descriptive study of the nature and scope of sexual abuse of minors by Catholic clergy in the United States, commissioned by the National Review Board, has been completed. The resulting study, examining the historical period 1950-2002, by the John Jay College of Criminal Justice provides us with a powerful tool not only to examine our past but also to secure our future against such misconduct.
- The U.S. bishops charged the National Review Board to oversee the completion of the *Causes and Context* study.
- Victims' assistance coordinators are in place throughout our nation to assist dioceses in responding to the pastoral needs of those who have been injured by abuse.
- diocesan/eparchial bishops in every diocese are advised and greatly assisted by diocesan review boards as the bishops make the decisions needed to fulfill the *Charter*.
- Safe environment programs are in place to assist parents and children—and those who work with children—in preventing harm to young people. These programs continually seek to incorporate the most useful developments in the field of child protection.

Through these steps and many others, we remain committed to the safety of our children and young people.

While it seems that the scope of this disturbing problem of sexual abuse of minors by clergy has been reduced over the last decade, the harmful effects of this abuse continue to be experienced both by victims and dioceses.

Thus it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last six years that we have reviewed and revised the *Charter for the Protection of Children and Young People*. We now re-affirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities, as we pray for God's kingdom to come, here on earth, as it is in heaven.

To make effective our goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future, we, the members of the United States Conference of Catholic Bishops, have outlined in this *Charter* a series of practical and pastoral steps, and we commit ourselves to taking them in our dioceses and eparchies.

To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors

ARTICLE 1. Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse* as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to 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 His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”

We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

ARTICLE 2. Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principal languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

ARTICLE 3. Dioceses/eparchies are not to enter into settlements which bind the parties to confidentiality unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.

To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors

ARTICLE 4. Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to 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.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.

In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.

ARTICLE 5. We affirm the words of His Holiness, Pope John Paul II, 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.”

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). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States. diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor⁵¹—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this *Charter*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has

⁵¹ For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, 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.

committed even one act of sexual abuse of a minor as described below (see note) shall not continue in ministry.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the *Essential Norms* approved for the United States.

ARTICLE 6. There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church in positions of trust who have regular contact with children and young people.

ARTICLE 7. Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by the sexual abuse of a minor.

To Ensure the Accountability of Our Procedures

ARTICLE 8. By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee on the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.

ARTICLE 9. The Secretariat of Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee on the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.

The Secretariat is to produce an annual public report on the progress made in implementing and maintaining the standards in this *Charter*. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the

recommendation of the Committee on the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the *Charter*.

As a member of the Conference staff, the Executive Director of the Secretariat is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee on the Protection of Children and Young People and the National Review Board with regular reports of the Secretariat's activities.

ARTICLE 10. The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people. The Committee on the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Secretariat of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines developed by the Board in consultation with the Committee on the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee on the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee on the Protection of Children and Young People will meet jointly several times a year.

The Board will review the work of the Secretariat of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.

The Board will offer its assessment of the *Causes and Context* study to the Conference, along with any recommendations suggested by the study.

ARTICLE 11. The President of the Conference is to inform the Holy See of this revised *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the *Charter*.

To Protect the Faithful in the Future

ARTICLE 12. Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to 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 children.

ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. United States Conference of Catholic Bishops, *Program of Priestly Formation* [Fifth Edition], 2006, no. 39).

ARTICLE 14. Transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms. (Cf. *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, adopted by the USCCB, the Conference of Major Superiors of Men (CMSM), the Leadership Conference of Women Religious (LCWR), and the Council of Major Superiors of Women Religious (CMSWR) in 1993.)

ARTICLE 15. To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee on the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

ARTICLE 17. We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, the *Program of Priestly Formation*, the *Basic Plan for the Ongoing Formation of Priests*, and the results of the Apostolic Visitation. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and

integral ways.

Conclusion

As we wrote in 2002, “It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.”

We wish to reaffirm once again that the vast majority of priests and deacons serve their people faithfully and that they have the esteem and affection of their people. They also have our love and esteem and our commitment to their good names and well-being.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests avail themselves of the proven ways of avoiding sin and growing in holiness of life.

It is with reliance on prayer and penance that we renew the pledges which we made in the original *Charter*:

We pledge most solemnly to one another and to you, God’s people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

Much has been done to honor these pledges. We devoutly pray that God who has begun this good work in us will bring it to fulfillment.

This *Charter* is published for the dioceses/eparchies of the United States. It is to be reviewed again after two years by the Committee on the Protection of Children and Young People with the advice of the National Review Board. The results of this review are to be presented to the full Conference of Bishops for confirmation.

ESSENTIAL NORMS FOR DIOCESAN/ EPARCHIAL POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS

DECREE OF PROMULGATION

On November 13, 2002, the members of the United States Conference of Catholic Bishops approved as particular law the *Essential Norms for diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Following the grant of the required *recognitio* by the Congregation for Bishops on December 8, 2002, the *Essential Norms* were promulgated by the President of the same Conference on December 12, 2002.

Thereafter, on June 17, 2005, the members of the United States Conference of Catholic Bishops approved a revised text of the *Essential Norms*. By a decree dated January 1, 2006, and signed by His Eminence, Giovanni Battista Cardinal Re, Prefect of the Congregation for Bishops, and His Excellency, the Most Reverend Francesco Monterisi, Secretary of the same Congregation, the *recognitio* originally granted to the *Essential Norms* of 2002 was extended to the revised version *donec aliter provideatur*.

As President of the United States Conference of Catholic Bishops, I therefore decree the promulgation of the *Essential Norms* of June 17, 2005. These *Norms* shall obtain force on May 15, 2006, and so shall from that day bind as particular law all Dioceses and Eparchies of the United States Conference of Catholic Bishops.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary

Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. 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 decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (*Sacramentorum sanctitatis tutela*, article 6 §1).²

Norms

- 1.** These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.³
- 2.** Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.
- 3.** Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.
- 4.** To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include
 - a.** advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;

- b. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
- c. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. 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 there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., withdraw the accused from exercising the sacred ministry or 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.⁴

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. 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 (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).⁵

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; 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 diocesan bishop/eparch 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/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy

will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, 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 ought 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.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, 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.⁶ Because 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 civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁷

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will 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/eparchy will advise and support a person's right to make a report to public authorities.⁸

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop 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 has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law 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 so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO,

canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. 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 of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

END NOTES

1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately 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.

3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

4 Article 19 *Sacramentorum sanctitatis tutela* states, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”

5 For purposes of these Norms, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, 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. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase “ecclesiastical ministry,” by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747.

Cf. also CCEO, cc. 1510 §1 and 2, 1^o-2^o, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.

7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):

- a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
- b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).
- c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
- d. The diocesan bishop/eparch 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 (CIC, 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 diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1–1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1^o-2^o, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

8 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.

A STATEMENT OF EPISCOPAL COMMITMENT

We bishops pledge again to respond to the demands of the *Charter* in a way that manifests our accountability to God, to God's people, and to one another. Individually and together, we acknowledge mistakes in the past when some bishops transferred, from one assignment to another, priests who abused minors. We recognize our roles in the suffering this has caused, and we continue to ask forgiveness for it.

Without at all diminishing the importance of broader accountability, this statement focuses on the accountability which flows from our episcopal communion and fraternal solidarity, a moral responsibility we have with and for each other.

While bishops are ordained primarily for their diocese or eparchy, we are called as well to protect the unity and to promote the common discipline of the whole Church (CIC, c. 392; CCEO, c. 201). Participating in the college of bishops, each bishop is responsible to act in a manner that reflects both effective and affective collegiality.

Respecting the legitimate rights of bishops who are directly accountable to the Holy See, in a spirit of collegiality and fraternity we renew our commitment to the following:

1. Within each province, we will assist each other to interpret correctly and implement the *Charter for the Protection of Children and Young People*, always respecting Church law and striving to reflect the Gospel.
2. We will apply the requirements of the *Charter* also to ourselves, respecting always Church law as it applies to bishops. Therefore, if a bishop is accused of the sexual abuse of a minor, the accused bishop is obliged to inform the Apostolic Nuncio. If another bishop becomes aware of the sexual abuse of a minor by another bishop or of an allegation of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws.
3. In cases of financial demands for settlements involving allegations of any sexual misconduct by a bishop, he, or any of us who become aware of it, is obliged to inform the Apostolic Nuncio.
4. Within each of our provinces, as an expression of collegiality, including fraternal support, fraternal challenge and fraternal correction, we will engage in ongoing mutual reflection upon our commitment to holiness of life and upon the exercise of our episcopal ministry. In making this statement, we firmly uphold the dignity of every human being and renew our commitment to live and promote the chastity required of all followers of Christ and especially of deacons, priests and bishops.

This Statement of Episcopal Commitment will be reviewed by the Committee on Clergy, Consecrated Life and Vocations upon the next review of the *Charter*.

Scripture texts used in this work are taken from the *New American Bible*, copyright © 1991, 1986, and 1970 by the Confraternity of Christian Doctrine, Washington, DC 20017 and are used by permission of the copyright owner. All rights reserved.

Copyright © 2011, United States Conference of Catholic Bishops, Washington, DC. All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the copyright holder.

Issued by USCCB, June 16, 2011