

Part One: Policies and Procedures

ARTICLE 8

Complaints of Sexual Abuse of Minors by Diocesan or Parish Personnel and Volunteers

Pastoral Response to Sexual Abuse of Minors by Diocesan or Parish Personnel and Volunteers

8.1 Sexual abuse of a minor by diocesan, school, or parish personnel or volunteers violates human dignity, accepted professional standards of conduct, the moral teaching of the Catholic Church and the diocesan policy. The Diocese will provide appropriate assistance to those affected by sexual abuse of a minor by a diocesan, school, or parish employee or volunteer.

8.1.1 The Victims' Assistance Coordinator is responsible for coordinating the professional resources, as well as the pastoral care, to be made available to those who have been affected.

Contacting the Accused Person

8.2 Within twenty-four (24) hours of receiving a complaint of sexual abuse of a minor by one of the diocesan, school, or parish personnel or a volunteer, the Moderator of the Curia will contact the Bishop and consult him on the manner in which this information is to be communicated to the accused and any other persons¹.

8.2.1 After consulting the Bishop, the Moderator of the Curia will inform the appropriate Head of Staff. He will then give the complaint to the immediate supervisor of the accused person, who will communicate the complaint to the accused, in writing and as appropriate, within forty-eight (48) hours. When feasible, the complaint will be communicated to the accused in person.

8.2.2 The Moderator of the Curia will consult with the appropriate supervisor concerning an offer of appropriate assistance to the accused person during the investigation.

8.2.3 When the supervisor communicates the complaint, he/she will follow the provisions of these policies and procedures concerning a recommendation that the accused retain appropriate legal representation. The supervisor will direct the accused and his/her agents to have no contact with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint prior to the completion of an investigation.

8.2.4 If the accused is employed by the Diocese or one of its parishes, schools, or

¹ For information about making a complaint to civil or church authorities, please refer back to Articles 5 and 6 of this policy.

institutions, the supervisor will immediately place the accused person on administrative leave, as defined in the personnel policies of the Diocese. Administrative leave includes a prohibition against performing any Church-related duties pending investigation of the complaint, as well as an obligation to remain away from the parish, parish school, or diocesan institution where the alleged abuse occurred. During administrative leave, regular salary and benefits will continue for three (3) months. Thereafter benefits may continue, at the discretion of the Moderator, for a maximum of nine (9) additional months. If, however the person is arrested, the Moderator will review the facts to determine whether the person should continue to receive salary and benefits during the investigation.

Rights and Obligations

8.3 When the Bishop decrees that an investigation be initiated, the Moderator of the Curia will communicate the complaint to the delegated investigator. The delegated investigator will ensure that both the complainant and the accused person are informed of their rights and obligations during the investigation.

8.3.1 The rights and obligations of persons involved in an ecclesiastical investigation include:

- the right to a fair, objective, and thorough examination of the complaint by competent and unbiased persons;
- the right to have one's good name, rights, and privacy protected;
- the right to due notice of proceedings;
- the right to offer evidence;
- the right to know the results of the investigation;
- the right to appeal, in accord with the norms of these policies and procedures;
- the obligation not to interfere with the investigative process;
- the obligation to provide accurate information;
- the obligation to observe any restrictions lawfully imposed.

8.3.2 Further, the rights and obligations of an accused person include:

- the right to know the nature of the complaint and the identity of the person who is alleged to have been harmed, whenever possible;
- the right to be heard in one's own defense and not to be required to implicate one's self;
- the right to examine written records of proceedings and decisions;
- the obligation not to have contact with the complainant during the investigation.

8.3.3 The accused person cannot be required to declare whether the complaint against him/her is true, state whether any elements of the alleged acts are true, or otherwise incriminate himself/herself. The person will not be formally interrogated, unless he/she specifically agrees.

Principles for Investigating the Complaint

8.4 The delegated investigator will undertake an investigation promptly, in collaboration with the Moderator of the Curia. The accused person will be given sufficient opportunity to respond to the complaint.

8.4.1 The delegated investigator, in collaboration with the Moderator of the Curia, will determine the scope of the investigation, when sufficient evidence has been gathered, and when the investigation is to be concluded. If necessary, guidance can be sought from the Board of Review.

Resolution of the Investigation

8.5 No person found to have sexually abused a minor or who has violated this policy will be permitted to minister, work, or serve in a parish, parish school, or diocesan institution. When a person admits to sexual abuse of a minor, or to violation of the diocesan policy, or either has been established by a lawful process, the Diocese will immediately remove the person from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these policies and procedures.

8.5.1 When the delegated investigator has concluded the investigation, he/she will communicate a report to the Bishop.

8.5.2 When the Bishop, after consultation with the Board of Review, determines that the complaint is false or that it cannot be substantiated, administrative leave will be terminated promptly and every effort will be made to return the individual to employment or service in the Diocese.

8.5.3 When a person admits to sexual abuse of a minor or violation of diocesan policy, or either has been established by a lawful process, the Bishop will direct the appropriate supervisor to remove the person immediately from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these policies and procedures.

8.5.4 An accused person who chooses not to contest the complaint will also be dismissed and prohibited from future employment or Church service.

8.5.5 A conviction of a felony sexual offense will result in immediate dismissal of the accused and a prohibition on his/her future employment or Church service.

8.5.6 When a seminarian admits to sexual abuse of a minor or it has been established by a lawful process that he has sexually abused a minor, he will be dismissed immediately from formation.

8.5.7 When a person is to be dismissed as a result of the investigation, the Bishop will direct the appropriate supervisor of the parish, parish school, or diocesan institution to dismiss the person from employment or Church service and to communicate the prohibitions from any future employment or service.

8.5.8 An appeal of a dismissal can be made to the Moderator of the Curia in accordance with the policies and procedures of the Board of Arbitration.