

Part One: Policies and Procedures

ARTICLE 1

Implementation of the policies and procedures for the protection of children and young people in the Diocese of Crookston

The Bishop

1.1 The Bishop of Crookston is responsible for the promulgation and implementation of this policy in the Diocese of Crookston and its institutions, and in its parishes and parish schools.

1.1.1 The policies and norms contained in this document are complimentary to the universal law of the Church¹, and the particular law promulgated by the United States Conference of Catholic Bishops, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*².

1.1.2 The Bishop directs the implementation of these policies and procedures, in accordance with the law of the Church³. Any violation of these policies and procedures, including the Code of Ethical Standards, is to be reported to the Bishop.

1.1.3 In accord with canon law, the Bishop is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church, whenever he judges that it contributes to their spiritual good. The Bishop “is not able to dispense, however, from procedural or penal laws nor from those whose dispensation is specially reserved to the Apostolic See or some other authority”. This includes some of the procedural and penal laws outlined in this policy (*Code of Canon Law*, c. 87).

¹ Laws for the universal Church are contained in the 1983 *Code of Canon Law* and the 1990 *Code of Canons of the Eastern Churches*; for criminal acts that occurred prior to 25 November 1983, the canons of the 1917 *Code of Canon Law* apply. Applicable laws for the universal Church are also contained in the apostolic letter of Pope John Paul II, *Sacramentorum sanctitatis tutela*, delivered *motu proprio* 30 April 2001.

² The USCCB issued the *Essential Norms* as particular law for the United States on 12 December 2002 (cf., USCCB, *Essential Norms*, Preamble). The *Essential Norms* were granted *recognitio* on 8 December 2002 for two years by the Congregation for Bishops and were promulgated on 12 December 2002 as a general decree of the USCCB by its president, the Most Reverend Wilton D. Gregory. The *Essential Norms* took effect on 1 March 2003. Revisions of the *Charter and Essential Norms* were approved by the full body of the USCCB on 17 June 2005, received the *recognitio* of the Holy See, and were promulgated on 5 May 2006.

³ United States Conference of Catholic Bishops, *Essential Norms For Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter USCCB, *Essential Norms*)§ 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 [Code of Canon Law]*, cc. 1717—1719, and *CCEO [Code of Canons of Eastern Churches]* cc. 1468-1470.”

The Victims' Assistance Coordinator

1.2 The Victims' Assistance Coordinator is an employee of the Diocese of Crookston entrusted with the task of providing pastoral support, outreach, and referrals for professional assistance to persons who report having been sexually abused as children or young people by clergy, or by diocesan or parish personnel or volunteers. The Victims' Assistance Coordinator is available to assist persons who feel they have been abused in making a formal complaint of abuse to the Diocese, in arranging a personal meeting with the bishop or his representative, and for obtaining support for the individual's specific needs. The Victims' Assistance Coordinator does not determine the truthfulness of the reports he or she receives.

1.2.1 The Victims' Assistance Coordinator is to engage in '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 the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese' (USCCB, *Charter for the Protection of Children and Young People*, §1).

1.2.2 The Victims' Assistance Coordinator will 'coordinate assistance for the immediate pastoral care of persons' who report having been sexually abused as children by clergy or diocesan or parish personnel or volunteers (cf. USCCB, *Essential Norms*, §3).

1.2.3 The Victims' Assistance Coordinator is responsible for:

- maintaining structures that enable persons abused as children by clergy or diocesan or parish personnel or volunteers to receive appropriate support and assistance;
- maintaining similar structures for parishes and communities impacted by the sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers;
- coordinating counseling, spiritual assistance, support groups, and other social services to persons seeking assistance and their families;
- making the services offered by the Diocese known to the faithful of the Diocese and to the public;
- assisting any person in reporting suspicions of sexual abuse to civil and church authorities.

The Safe Environment Program Coordinator

1.3 The Safe Environment Program Coordinator is an employee of the Diocese of Crookston entrusted with the task of coordinating the mandated prevention and education programs for preventing the sexual abuse of minors for the Diocese of Crookston, its parishes, schools, and other diocesan institutions.

1.3.1 The Safe Environment Program Coordinator is responsible for:

- ensuring that the Diocese has a sexual misconduct policy and a Code of Conduct for adults who work with youth and vulnerable people, and that each employee/volunteer is instructed in the contents.
- ensuring that all adults required by law to receive safe environment training complete the diocesan training program for employees and volunteers.
- ensuring that each parish, school, and/or diocesan institution has a safe environment program for children, promulgated by the Bishop, containing the required elements.
- coordinating the efforts of various diocesan and parish offices in regards to the above-mentioned training and education.
- coordinating parish, school, and institutional reporting on Safe Environment Policies and Education as required by the national audit, as well as assisting the national auditors in completing their on-site survey.
- ensuring that background checks are being conducted on all personnel and volunteers who have regular contact with children as well as others mandated by these policies and procedures.
- receiving and providing feedback to parishes, schools, and diocesan institutions on the effectiveness of safe environment programs and the results of the national audit.

The Review Board

1.4 The Board of Review for the Protection of Children and Young People (BRPCYP) is a confidential consultative body of at least five persons that advises the Bishop in the assessment of complaints of sexual abuse of a minor by a cleric and in his determination of the suitability of an accused cleric for ministry. The Board may offer advice on all aspects of these cases, whether retrospectively or prospectively, and is responsible for the review every two years of these policies and procedures⁴.

1.4.1 The Bishop appoints each member of the Board of Review for a term of five (5) years, which can be renewed for an additional term not to exceed two terms of five years. Each member is to be of outstanding integrity and good judgment in full communion with the Church. The majority of the board members will be laypersons who are not in the employ of the Diocese. One member will be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular expertise in the treatment of sexual abuse of minors⁵.

⁴ USCCB, *Essential Norms*, §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; C. offering advice on all aspects of these cases, whether retrospectively or prospectively.’

⁵ USCCB, *Essential Norms* §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

1.4.2 The meetings and organization of the Board of Review will be governed by the established Bylaws for the Board of Review for the Protection of Children and Young People in the Diocese of Crookston. The meetings will be conducted in a manner that protects the reputations and good names of all persons involved.

1.4.3 The Bishop must seek the counsel of the Board of Review whenever an allegation of sexual abuse of a minor has been received, and prior to instigating and concluding the preliminary investigation of a complaint of sexual abuse of a minor by a cleric⁶. The Board is also to advise the Bishop or his delegated investigator as to its recommendations, based on its expertise, regarding the scope and course of the investigation.

1.4.4 The Board of Review will receive frequent reports on the implementation of the recommendations the Board has made to the Bishop.

1.4.5 The Board of Review will review these policies and procedures at least every two years, in collaboration with the Victims' Assistance Coordinator, the Safe Environment Coordinator, and the Promoter of Justice. Following its review of these policies and procedures, the Board of Review may make recommendations to the Bishop for modification. The Bishop will seek the advice of the Priests' Council and the Finance Council prior to reaching a final decision about the proposed modifications⁷.

Others Charged with Implementing the Policies and Procedures

1.5 In accord with Church law, the implementation of the policies and procedures for the protection of children and young people in the Diocese of Crookston will involve the Vicar General, Moderator of the Curia, Chancellor, Finance Officer, Finance Council, College of Consultors, Promoter of Justice, Judicial Vicar, judges, court officials, canonical advocates, and clerics who hold faculties in the diocese, as well as the entire People of God in the territory.

Vicar General

1.5.1 The Vicar General will assist the Bishop in the governance of the entire diocese and possesses the executive power, which belongs to the Bishop in law (*Code of Canon Law*, cc. 475, §1; 479, §1).

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 The *Code of Canon Law*, canon 127 §1, states that when it is established by law that in order to place acts a superior needs the counsel of a group of persons, such acts are valid only when the group is convened in accord with the appropriate law and the counsel of all is sought.

⁷ In accord with USCCB, *Essential Norms*, §2, '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.'

Moderator of the Curia

1.5.2 With respect to these policies and procedures, the Moderator of the Curia is responsible for receiving all complaints of sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers, as well as complaints of sexual abuse of minors that occur on Church property or at Church-sponsored events. The Moderator will then notify the appropriate ecclesiastical officials, including the Bishop and the Board of Review.

1.5.3 The delegated investigator may ask the assistance of the Moderator of the Curia for the investigation of a complaint of sexual abuse of a minor against diocesan or parish personnel and volunteers.

The Chancellor, Finance Officer, Finance Council, and the College of Consultors

1.5.4 The Chancellor, Finance Officer, Finance Council, and College of Consultors will assist the Bishop, in accord with Church law, concerning the financial aspects of the response of the Diocese to complaints of sexual abuse of minors. Pastors and Parish Finance Councils will fulfill the same function concerning the financial aspects of the response of parishes and parish schools.

1.5.5 The Chancellor, with the assistance of the Finance Officer, oversees financial matters related to these policies and procedures, including the preparation of financial reports, budgets, and statements. The Chancellor, again with the assistance of the Finance Officer, works with the Victims' Assistance Coordinator, the legal representatives of the Diocese, and the insurance carriers concerning the response of the Diocese to complaints of sexual abuse of a minor.

1.5.6 The Bishop will consult or seek the consent of the Finance Council and the College of Consultors concerning matters of alienation and extraordinary administration, in accord with the norm of law.

Promoter of Justice, Judicial Vicar, Judges, Court Officials

1.5.7 The Promoter of Justice is responsible for ensuring that the safeguards and requirements of the law are applied equitably and that the rights of the complainant and the accused are protected. The Promoter must have an unimpaired reputation, be proven in prudence and in zeal for justice, and possess a degree in canon law (*Code of Canon Law*, c. 1435). For judicial processes involving a cleric, the Promoter of Justice must be a priest, unless the Congregation for the Doctrine of the Faith grants a special dispensation (Pope John Paul II, *SST* §12)⁸. In accord with these policies and procedures, the Promoter will:

- be present, to the extent possible, at all meetings of the Board of Review;
- be consulted prior to imposing administrative leave during the penal process;

⁸ The faculty to dispense from certain provisions in *SST* was granted to the Congregation for the Doctrine of the Faith by Pope John Paul II on 7 February 2003.

- be consulted in any revisions to these policies and procedures;
- act on behalf of the complainant in all judicial penal trials (cf. *Code of Canon Law*, c. 1430).

1.5.8 According to canon law, the Judicial Vicar must be a priest of unimpaired reputation, holding a doctorate or at least a licentiate in canon law, and not less than thirty (30) years of age (*Code of Canon Law*, c. 1420 §4). When a judicial penal trial is to be held, the Bishop will instruct the Judicial Vicar to name a tribunal of three or five judges to try the case. The Judicial Vicar will appoint court officials for penal trials.

1.5.9 To the extent possible, judges from outside the Diocese will be appointed *ad hoc*. Judges are to be of unimpaired reputation and possess doctorates, or at least licentiates, in canon law (*Code of Canon Law*, c. 1421 §3). Any person involved in the case as the Promoter of Justice, procurator, advocate, witness, or expert may not serve as judge (c. 1447). In penal trials involving a cleric, a judge must be a priest, unless the Congregation for the Doctrine of the Faith grants a special dispensation (Pope John Paul II, *SST* §12).

1.5.10 When an official recuses himself/herself, is unavailable, or is considered inappropriate for the individual case, another person will be appointed⁹.

Canonical Advocate

1.5.11 In accord with canon law, a canonical advocate must be of good reputation, possess a doctorate in canon law or be otherwise truly expert, and be approved by the Bishop; the advocate must also be a Catholic unless the Bishop permits otherwise (*Code of Canon Law*, c. 1483). In penal trials involving a cleric, an advocate must be a priest, unless the Congregation for the Doctrine of the Faith grants a special dispensation (Pope John Paul II, *SST* §12).

1.5.12 Before an advocate undertakes this function, he/she must be approved by the Bishop. In a penal trial, the advocate must present an authentic mandate to the tribunal (cf. *Code of Canon Law*, cc. 1483; 1484 §1).

Clerics who hold Faculties in the Diocese

1.5.13 Every cleric who holds or requests faculties within the Diocese of Crookston, or otherwise requests permission to minister in the diocese, must certify in writing that he is familiar with this document. The cleric's certification will be maintained in the cleric's personnel file.

⁹ Once the judges are assigned to a canonical trial, the Judicial Vicar must appoint substitutes, which he will not do except for a most serious reason (*CIC*, c. 1425 §3, 5). In accord with canon law, a judge or promoter of justice must disqualify him/herself if he/she has an interest in the case due to consanguinity or affinity, close friendship, great animosity, or any of the other reasons listed in canon 1448. If the judge does not voluntarily withdraw in such cases, an objection can be lodged with the Judicial Vicar; an objection may be lodged against the Promoter of Justice or other officers of the tribunal with the Presiding Judge (*CIC*, c 449).

Protocol with Institutes of Consecrated Life, Societies of Apostolic Life, Personal Prelatures, and Public Associations

1.6 The Diocese is to establish a protocol applicable to institutes of consecrated life, societies of apostolic life, personal prelatures, and public associations of the faithful whose members maintain or seek faculties or employment in the Diocese.

1.6.1 The protocol with institutes of consecrated life, societies of apostolic life, personal prelatures, and public associations of the faithful is to require a written statement from the appropriate superior that:

- the members of the institute, society, prelature, or association will abide by these policies and procedures
- no member of the institute, society, prelature, or association working in the Diocese is known to have committed an act of sexual abuse with a minor.

1.6.2 Each institute of consecrated life, society of apostolic life, personal prelature, or public association of the faithful will provide a copy of its own policies and procedures to the Moderator of the Curia.

1.6.3 The Bishop or his delegate is to meet periodically with the major superiors of clerical institutes or their delegates to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in the Diocese of Crookston (USCCB, *Charter*, §15).

The People of God

1.7 In accord with Church law, the People of God, ‘even in their own manner of acting’ are ‘to fulfill the duties which they owe to the universal Church and the particular church to which they belong according to the prescripts of law’ (*Code of Canon Law*, c. 209, §2).

1.7.1 In accord with the *Charter for the Protection of Children and Young People*, the Safe Environment Programs of the Diocese of Crookston and its parishes and parish schools 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’. (USCCB, *Charter*, §12).