

## 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 Role of the Bishop*

#### **1.1 The Bishop of Crookston is responsible for the promulgation and implementation of this policy for 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 Church<sup>1</sup>, 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*<sup>2</sup>.

1.1.2 The Bishop or his representative directs the implementation of these policies and procedures, in accordance with the law of the Church<sup>3</sup>.

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 especially reserved to the Apostolic See or some other authority.”

1.1.4 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).

##### *Transfer of Faculties*

1.1.5 In the case of the assignment for residence, (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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.”

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)

### *The Role of the Vicar General*

#### **1.2 The Vicar General is responsible for receiving all complaints of sexual abuse.**

1.2.1 With respect to these policies and procedures, the Vicar General is responsible for receiving all complaints of sexual abuse of a minor by a cleric. The Vicar General will notify the appropriate public and ecclesiastical officials, including the Bishop. The Board of Review will be notified. The Board will be solicited for advice.

1.2.2 With respect to these policies and procedures, the Vicar General is responsible for receiving all complaints of sexual abuse by parish personnel or volunteers as well as allegations of sexual abuse that occur on church property or at church-sponsored events. The Vicar General will then notify the appropriate public and ecclesiastical officials, including the Bishop. The Board of Review will be notified. The Board will be solicited for advice at the discretion of the Vicar General.

### *The Role of the Safe Environment Coordinator*

#### **1.3 The Safe Environment Coordinator is an employee of the Diocese of Crookston entrusted with the task of enforcing the requirements of the *Charter for the Protection of Children and Young People* which includes screening all employees and volunteers who seek to serve in the Diocese of Crookston and coordinating the mandated 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 Coordinator is responsible for:

- ensuring that the Diocese has a Safe Environment Policy and a Code of Conduct for adults who work with youth and vulnerable adults, and that each employee/volunteer is instructed in the contents of each.
- ensuring that all adults including clergy, paid personnel, and volunteers who have contact with youth and vulnerable adults receive safe environment training promulgated by the Bishop.
- ensuring that each parish, school, and/or diocesan institution has a safe environment program for children, promulgated by the Bishop and containing the required elements.
- coordinating the efforts of various diocesan and parish offices in regards to the training and education of youth ministers, particularly in regard to the TEC program and other retreat programs for youth.
- 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 and documentary survey.

- ensuring that background checks are being conducted on all new personnel and volunteers who have contact with children and vulnerable adults as well as others mandated by these policies and procedures.
- ensuring that background checks will be renewed every five years.
- ensuring that all clergy, visiting clergy, personnel and volunteers will be Safe Environment Certified.
- receiving and providing feedback to parishes, schools, and diocesan institutions on the effectiveness of safe environment programs and the results of the national audit.
- ensuring that all new personnel and volunteers have received and reviewed the Safe Environment Guide for New Employees.
- Implementation and enforcement of a bullying policy in the Diocese of Crookston.

### *The Role of the Victims' Assistance Coordinator*

**1.4 The Victims' Assistance Coordinator is an independent contractor employed by the Diocese of Crookston entrusted with the task of providing 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.**

1.4.1 The Victims' Assistance Coordinator is available to assist alleged victims in making a formal complaint of abuse to the Diocese, in arranging a personal meeting with the Bishop or his representative, and for coordinating assistance for the immediate pastoral care of an alleged victim and for obtaining support for the individual's specific needs.

1.4.2 The Victims' Assistance Coordinator does not determine the truthfulness of the reports he or she receives.

1.4.3 The Victims' Assistance Coordinator is responsible for: Coordinating (with the Vicar General's Office) counseling, spiritual assistance, support groups and other social services to persons seeking assistance and their families. The Victims' Assistance Coordinator will assist any person in reporting suspicions of sexual abuse to civil and church authorities.

### *The Role of the Board of Review*

**1.5 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 church personnel and in his/her determination of the suitability of an accused church personnel for ministry. The Board may offer advice on all aspects of these cases, whether retrospectively or prospectively, and is responsible for the review every five years of these policies and procedures<sup>4</sup>.**

1.5.1 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 and in full communion with the Church. The majority of the board members will be laypersons who are not in the employees of the Diocese. One member will be a priest who is an experienced and respected pastor of the

<sup>4</sup> 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."

Diocese, and at least one member should have particular expertise in the treatment of sexual abuse of minors<sup>5</sup>. The Safe Environment Coordinator will participate in the meetings of the Board of Review. The Safe Environment Coordinator and the Board of Review will be Safe Environment Certified.

1.5.2 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.

1.5.3 The meetings will be conducted in a manner that protects the reputations and good names of all persons involved.

1.5.4 When an allegation of sexual abuse by a lay person or cleric is received, the preliminary investigation will be initiated and conducted promptly and objectively.

The Review Board may advise the Bishop in his assessment of the allegations. The Board may advise the Bishop or his delegated investigator(s) on the scope and course of the investigation.

The Bishop must seek the counsel of the Board of Review whenever an allegation of sexual abuse of a minor by a cleric has been received. This counsel will be sought prior to initiating and prior to concluding the preliminary investigation of a complaint of sexual abuse of a minor by a cleric. The Board, through its chairperson or delegated representative will advise the Bishop or his delegated investigator as to its recommendations, based on its expertise, regarding the scope and course of the investigation<sup>6</sup>.

1.5.5 The Board of Review will review the policies and procedures stated in the Safe Environment Policy at least every five years, in collaboration with the Victims' Assistance Coordinator, the Safe Environment Coordinator, Vicar General 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 modifications<sup>7</sup>.

### *Clerics who hold Faculties in the Diocese and Visiting Clerics*

1.6.1 Every cleric who holds or requests faculties within the Diocese of Crookston, or otherwise requests permission to minister in the diocese, must be Safe Environment Certified through the Office of Safe Environment. They must assert in writing that they are familiar with our Code of Conduct, and provide a letter of suitability for ministry from their superior. The cleric's certification will be maintained in the cleric's personnel file.

<sup>5</sup> 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 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 Board of Review.'"

<sup>6</sup> (Charter, Article 2; Norms Articles, 4, 5, 6)

<sup>7</sup> 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."

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

1.6.2 Every cleric who holds or requests faculties within the Diocese of Crookston, or otherwise requests permission to minister in the diocese, must be Safe Environment Certified through the Office of Safe Environment. They must assert in writing that they are familiar with our Code of Conduct, and provide a letter of suitability for ministry from their superior. The cleric's certification will be maintained in the cleric's personnel file.

*The Role of the People of God*

**1.7 The People of God, in accord with Church law, '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).**

**Therefore:**

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, 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.

## ARTICLE 2

### Victims' Assistant Coordinator Pastoral Support and Outreach Making a Report to the Victims' Assistant Coordinator

#### *On Offering Pastoral Support and Outreach*

USCCB, *Charter for the Protection of Children and Young People*, §1: "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'. This pastoral outreach by the bishop or his delegate is to also be directed to faith communities in which the sexual abuse occurred<sup>1</sup>".

#### *The Initial Report and Principles of Confidentiality*

**2.1 The purpose of the initial report is to listen to the individual who brings forth a report of misconduct. In receiving the initial report, the Victims' Assistance Coordinator (VAC) or designated person will discuss the nature of confidentiality and its limitations.**

2.1.1 When required, by civil law, the VAC/designated person will explain the legal requirements for reporting to civil authorities.

2.1.2 The VAC will report to civil authorities immediately or within 24 hours of receiving a complaint.

2.1.3 When the person presents a danger of harm to self or others, it will be necessary for the VAC/staff member to disclose this information. When feasible, the person will be informed of this disclosure.

#### *Assistance Provided*

**2.2 The Victims' Assistance Coordinator is available to assist alleged victims in making a formal complaint of abuse to civil authorities and to the Diocese, in arranging a personal meeting with the Bishop or his representative, and for coordinating assistance for the immediate pastoral care of the alleged victim.**

2.2.1 The Bishop will normally extend an offer to meet personally with persons, as well as with their family members, who claim to have been abused as children or young people by church personnel. This offer may be made through the Victims' Assistance Coordinator.

2.2.2 When the person who is reported to have been abused is under age eighteen (18) the offer of assistance will be made to the parent or guardian of that person.

2.2.3 Professional Assistance offered may include referrals and funding for psychological counseling with a licensed mental health professional and/or for spiritual direction with a competent, trained spiritual director.

<sup>1</sup> See Pope John Paul II, *Address to the Cardinals of the United States and Officers of the United States Conference of Catholic Bishops* (23 April 2002). Also, Pope Benedict the Sixteenth: *Address to the US Bishops*, 2008.

## *Formal Complaint*

**2.3 The Victims' Assistance Coordinator (VAC) or other designated person who receives the initial report of sexual abuse of a minor by church personnel will ask the person reporting if he/she wishes to make a formal written complaint to civil authorities.**

2.3.1 The VAC/designated person will ensure that this person understands that the offer of pastoral and psychological assistance is not contingent upon willingness to file a formal complaint.

2.3.2 The VAC/designated person will share that under the mandated reporter statutes, a report of abuse of a minor must be made to civil authorities by the VAC.

2.3.3 When an adult reports having been abused as a child, the VAC/designated person will explain that the person reporting has the right to make a report to the appropriate civil authorities of the place where the abuse allegedly occurred and that no information gathered by the Victims' Assistance Coordinator or his/her delegate will be entered into an investigation by the Church without the permission of the person making the complaint or his or her guardian.

2.3.4 When the adult person does not choose to make a report to civil authorities, even anonymously, the VAC/designated person will not report to civil authorities without first obtaining the informed consent of the adult (USCCB, *Charter*, §4).

2.3.5 When a person reports sexual abuse of a minor by church personnel who is currently ministering, working, or serving in the Diocese or one of its parishes or parish schools but does not wish to make a formal complaint for the purposes of an ecclesiastical investigation, the VAC/designated person will inform the Vicar General that an anonymous allegation has been received by the Victims' Assistance Coordinator. The VAC/designated person will explain to the person that the Diocese cannot normally investigate an anonymous allegation and will attempt to help the person address his/her concerns about participating in an investigation. The VAC/designated person will inform the reporter that the allegation must be reported to civil authorities under the mandated reporter laws of the State of Minnesota (attached as Appendix B).

## *Assistance to Diocesan Institutions*

**2.4 In cooperation with the Safe Environment Coordinator, the Diocese and the Office of the Vicar General, will arrange for pastoral outreach to a parish, parish school, or diocesan institution affected by a complaint of sexual abuse of a minor by church personnel.**

## ARTICLE 3

### Safe Environment Programs

USCCB, *Essential Norms*, Preamble: “The bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors.”

USCCB, *Charter for the Protection of Children and Young People*, §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.”

#### *Mandated Prevention and Education Programs*

### **3.1 All church personnel who minister, work, or serve in a capacity involving contact with children under age eighteen (18) and/or vulnerable adults must complete the prevention and education programs mandated by the Diocese.**

3.1.1 The Safe Environment Coordinator is to institute mandated prevention and education programs in parishes, parish schools, and diocesan institutions for preventing the sexual abuse of minors and/or vulnerable adults before it occurs and for identifying and reporting abuse once it has occurred.

3.1.2 The Safe Environment Coordinator is to maintain a list of the prevention and education programs approved by the Bishop. No person is to be permitted to minister, work, or serve in the Diocese in positions that require contact with children, young people, and/or vulnerable adults without having completed the mandated prevention and education programs and appropriate training as approved by the Bishop.

3.1.3 Personal safety programs for children and young people that include information about appropriate behavioral and physical boundaries between adults and children, and what to do if those boundaries are violated, are to be standard, permanent elements of Catholic education in the schools and parishes of the Diocese for all grades, Kindergarten through 12<sup>th</sup> grade.

3.1.4 Similar personal safety programs for children and young people are to be taught in all parish religious education programs.

3.1.5 The Safe Environment Coordinator is to establish school and parish reporting protocols to enhance the prevention of sexual abuse of minors on Church-owned property and at Church-sponsored events and activities. The Safe Environment Coordinator must also ensure that the procedures for reporting allegations of abuse and neglect to civil and ecclesial authorities are clearly defined and understood.



## *Mandatory Background Checks*

### **3.2 All church personnel ministering in the diocese must complete the background checks mandated by the Diocese.**

3.2.1. For purposes of implementing the Safe Environment Policy, the Safe Environment Certification Manual (18 Nov. 2008) has been adopted and incorporated into this policy.

3.2.2 For purposes of determining eligibility for ministry, the Diocese has adopted the standards set forth in Minnesota Statute 245C.15, Disqualifying Crimes or Conduct, as our minimum standards for service in the Diocese of Crookston (see Appendix B). Anyone whose background check contains an offense listed in this statute will not be cleared for ministry.

3.3.3 Background checks are to be renewed every five years.

3.3.4 Applicants who refuse to provide authorization for background checks and inquiries will not be considered for any position in a parish, parish school or diocesan institution.

3.3.5 For purposes of determining eligibility for ministry, a person who has a pending criminal charge will not be cleared for ministry until the matter has been resolved.

3.3.6 A person currently serving probation for any offense will not be cleared for ministry.

3.3.7 The Safe Environment Coordinator after consultation with the Office of the Vicar General has the right to refuse service by any applicant for any reason but in particular for a failure to comply with Safe Environment certification requirements and violations of the Code of Conduct of the Diocese of Crookston.

3.3.8 Applicants have the right to appeal a negative decision related to their suitability to serve in the Diocese of Crookston. Appeal procedures can be found in the Safe Environment Certification Manual.

3.3.9 All new employees must read, review and sign verification related to their familiarity with the Safe Environment Guide for New Employees verifying they are familiar with the guide.

## *Background Checks for Seminarians*

### **3.4 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 (USCCB, *Essential Norms*, Preamble).**

3.4.1 As part of the psychological testing required in the screening process for all applicants to seminary and the permanent diaconate program, an assessment of their fitness for working with children and young people is to be conducted.

3.4.2 The Diocese will require each seminarian or applicant to the permanent diaconate to participate in a Safe Environment Certification training program.

## *Confidentiality of Information*

### **3.5 The information gained by the Diocese in connection with background checks and screening will be used solely for determining whether the individual is otherwise qualified for the position sought. All information is subject to the protection of the Fair Credit Reporting Act.**

## ARTICLE 4

### Communication

#### *Transparency and Openness*

USCCB, *Charter for the Protection of Children and Young People*, §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 ministerial misconduct involving minors.”

#### **4.1 Diocesan communications are to reflect transparency and openness, exercised within the context of legitimate protection of the reputation and privacy of persons and the common good of the Church.**

4.1.1 The Office of the Vicar General will oversee communications with a parish, parish school, or diocesan institution affected by a complaint of sexual abuse of a minor. The Office of the Vicar General will offer timely and pastorally appropriate information, in accord with these policies and procedures. The Office of the Vicar General will also coordinate contact with the media concerning complaints of sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers.

#### *Communications Concerning an Investigation of Sexual Abuse of a Minor*

#### **4.2 The investigation of a complaint of sexual abuse of a minor will be kept as confidential as the circumstances of an individual case allow, in order that the reputation of both the complainant and the accused are protected.**

4.2.1 The Diocese will ensure that the complainant and accused person receive appropriate and timely information pertaining to any relevant actions taken by the Diocese.

4.2.2 Due care will be taken so that the good reputation of any person is not endangered by the communication of information during an investigation or canonical process related to a complaint of sexual abuse of a minor<sup>1</sup>.

4.2.3 When a complaint becomes public knowledge, the Diocese will offer no comment prior to the completion of its investigation other than a simple confirmation that a complaint has been received, that an appropriate report has been filed with civil authorities, and that the complaint is being investigated in accord with Church law (cf. *Code of Canon Law*, c. 1717 §2; USCCB, *Essential Norms*, §6).

#### *On Confidentiality*

#### **4.3 Information generated in connection with an investigation of alleged sexual abuse of a minor will be maintained in a confidential manner to the extent allowable by law.**

4.3.1 The Diocese will disclose such information as may be required by law, or pursuant to a lawfully issued subpoena or court order.

<sup>1</sup>Code of Canon Law, cc.220: “No one is permitted to harm illegitimately the good reputation which a person possesses, nor to injure the right of any person to protect his own privacy.”

*Communicating the Results of the Process*

**4.4 The Diocese will announce the restrictions or penalties lawfully imposed upon a cleric who is found to have committed an act of sexual abuse of a minor.**

4.4.1 When a person is acquitted following an investigation, the Office of the Vicar General will, after consultation with the Board of Review, coordinate the announcement of any steps to be taken to restore him/her to ministry, work, or service, and every possible step will be taken to restore the good name of the person falsely accused. (USCCB, *Essential Norms*, §13).

4.4.2 The diocese will not 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 (USCCB, Charter, Article 3).

## ARTICLE 5

### Reporting Sexual Abuse of Minors to Civil Authorities

USCCB, *Essential Norms*, §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.”

**5.1 In the Diocese of Crookston, all church leaders, as described in the Code of Conduct, are deemed mandatory reporters by the Bishop. Therefore, the Diocese requires all church personnel to contact the appropriate civil authorities when a person has knowledge or reasonable cause to suspect that a person under eighteen (18) years of age or a vulnerable adult is being, or has been, sexually abused.**

5.1.1 The State of Minnesota Mandatory Reporting Legislation can be found at MN Statutes Chapter 626.556 (see Appendix B).

5.1.2 Reporting to Church authorities does not excuse any person from this obligation, except as may be allowed by civil law.

5.1.3 The Diocese will support the right of an adult who reports having been abused as a child to make a report to the law enforcement agency of the place where the abuse allegedly occurred, even anonymously. If a risk to minors exists, the Office of the Vicar General will file a report with the appropriate law enforcement agency, having first attempted to obtain the informed consent of the adult who reports having been abused.

5.1.4 A priest who receives a disclosure of sexual abuse of minors during the Sacrament of Reconciliation is exempt from the requirement to report to civil and ecclesiastical authorities if making such a report would mean violation of the seal of confession (*Code of Canon Law*, cc. 983 §1; 1550 §2, 2°; *Minnesota Statutes*, 2005 edition, 595.02c). (See Appendix B).

**5.2 The Office of Safe Environment will train all church personnel to report suspected sexual abuse of minors to the appropriate civil authorities and to respond appropriately to persons who may have been harmed by abuse or neglect.**

5.2.1 When requested, the Office of the Vicar General, the Safe Environment Coordinator or the Victims’ Assistance Coordinator will assist church personnel in filing a report with civil authorities.

## ARTICLE 6

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

**6.1 Immediately or 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 volunteer, the Victims' Assistance Coordinator, Safe Environment Coordinator (SE Coordinator) or the Office of the Vicar General, depending on who receives the report, will contact civil authorities and report the allegation. The Bishop and the Office of the Vicar General will be notified<sup>1</sup>.**

6.1.1 According to law, civil authorities will be notified. The immediate supervisor of the accused individual will be notified and given a written copy of the complaint. The immediate supervisor will provide a written complaint to the accused person. When feasible, the complaint will be communicated to the accused in person.

6.1.2 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.

6.1.3 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 a civil and a church investigation.

6.1.4 If the accused is employed by the Diocese or one of its parishes, schools, or institutions, the supervisor will immediately place the accused person on administrative leave. 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 as determined by the immediate supervisor after consultation with the Office of the Vicar General.

#### *Rights and Obligations of the Complainant and Accused*

**6.2 When a complaint is received, it will be investigated by the Church, with due respect for and in cooperation with any investigation conducted by civil authorities. The SE Coordinator will ensure that both the complainant and the accused person are informed of their rights and obligations during the investigation.**

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

- the right to a fair, objective, and thorough examination of the complaint;
- the right to have one's 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 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 oneself;
- the right to examine written records of proceedings and decisions;
- the right to their good reputation;
- the right to protect his/her own privacy;
- the obligation not to interfere with the investigative process;

<sup>1</sup>For information about making a complaint to civil or church authorities, please refer back to Article 5 of this policy.

- the obligation to provide accurate information;
- the obligation to observe any restrictions lawfully imposed;
- the obligation not to have contact with the complainant during the investigation.

### *Principles for Investigating the Complaint*

#### **6.3 The SE Coordinator will undertake an investigation promptly.**

6.3.1 The SE Coordinator, in collaboration with the Office of the Vicar General, will determine the scope of the investigation, when sufficient evidence has been gathered, and when the investigation is to be concluded. The Board of Review will be notified in writing of the allegation, given an opportunity to advise on the scope of the investigation and have timely access to the outcome. Guidance may be sought from the Board of Review.

### *Outcome of the Investigation*

**6.4 No layperson found to have sexually abused a minor will be permitted to minister, work, or serve in a parish, parish school, or diocesan institution in the Diocese of Crookston. When a person admits to sexual abuse of a minor or the Diocesan investigation has determined that there is sufficient evidence of inappropriate contact or grooming of a minor or it has been established by a lawful process that abuse has occurred, the Diocese will immediately remove the person from ministry, terminate the employment agreement of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these policies and procedures.**

6.4.1 When the SE Coordinator has concluded the investigation, he/she will communicate a report to the supervisor of the accused, the Bishop's delegate, (ordinarily this individual is the Vicar General) and the Board of Review.

6.4.2 When it has been determined 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.

6.4.3 When a person is to be dismissed as a result of the investigation, the SE Coordinator 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.

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

6.4.5 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 and prohibited from future church service in the Diocese of Crookston.

6.4.6 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.

6.4.7 Grooming is a pattern of behavior which includes developing an exclusive relationship with a minor child through the use of personal contact, mail or telephone or communication through or electronic media; e.g. e-mail, instant messaging, texting, social media or gaming, giving of gifts, private meetings, singling a child out for special attentions, driving a child alone to and from an event. If grooming is suspected and an investigation confirms a pattern of grooming behavior a person will be dismissed and prohibited from future service within the Diocese of Crookston.

**6.5 A conviction of a crime listed under Minnesota Statute 245C. 65 will result in a prohibition against paid or volunteer service in the church for a proscribed number of years as defined in the statute. (See Appendix B).**

## ARTICLE 7

### Complaints of Sexual Abuse of Minors by Clergy

#### *Diocesan Investigations*

The Church has a right to investigate allegations of sexual misconduct by priests and deacons. (*Code of Canon Law Canon 1401 and USCCB Essential Norms*).

**7.1 When an allegation of sexual abuse of a minor by a priest or deacon is received, the Diocese will conduct a preliminary investigation. This preliminary investigation will proceed after reporting to civil authorities. It will be conducted in accordance with Church law.**

7.1.1 When a complainant, or the parent or guardian of a minor complainant, requests that the Church investigate a complaint of sexual abuse of a minor, the Diocese will request that this person make available any information generated in an investigation by civil officials.

#### *Gathering Information from Minors*

**7.2 The Diocese will observe the norms of canon law concerning the gathering of information from minors during an investigation.**

7.2.1 Children below fourteen (14) years of age will not normally be permitted to give testimony. Depending upon the civil jurisdiction and its protocols concerning the interviewing of minors, the Bishop may authorize the interviewing of a person under eighteen (18) years of age (cf. *Code of Canon Law, c. 1550 §1*). Typically the service of a professional skilled in interviewing minors relating to sexual abuse matters would be solicited to gather testimony.

#### *Due Process Protections*

**7.3 The Diocese will ensure that the protections of procedural due process (following of proper procedures) and substantive due process (protection against arbitrary or unfair deprivation of basic rights) are provided to all parties.**

7.3.1 The complainant and the person whose conduct is being investigated will receive due notice of investigations and proceedings and their rights to hierarchical recourse and appeal will be protected in accord with the norms of Church law.

7.3.2 When the Vicar General communicates a complaint to an accused person, he will recommend that the accused retain appropriate Church and legal counsel.

7.3.3 It is the personal responsibility of the accused to retain and render payment to his or her civil legal representation. In accord with Church law, the Diocese will offer canonical counsel to a priest when necessary (cf. USCCB, *Essential Norms §8A*).

**7.4 In order to uphold due process, a person who brings an allegation of sexual abuse of a minor to the Church will be informed that a written and signed complaint is normally necessary before the Church can undertake an investigation.**

7.4.1 Normally, it will be necessary that the complaint include:

- the name of the person against whom the complaint is made;
- the name of the complainant;
- a detailed description of the alleged abuse, including relevant dates, times, and circumstances;
- the names and contact information for persons who may have knowledge of the alleged abuse.

7.4.2 When a complaint is made by someone other than the person who has allegedly been abused, the testimony of the complainant will normally be necessary for the Diocese to conduct a thorough investigation.

A complaint may be made by someone chosen by the person who has allegedly been abused, such as a canon lawyer, a civil attorney, a family member, a friend, or a counselor.

When requested, assistance will be provided to the complainant in preparing the appropriate written statement.

7.4.3 When an adult reports having been abused as a minor by a person who is currently ministering, working, or serving in the Diocese, but does not wish to make a formal complaint for the purposes of a Church investigation, the person who receives the report will inform the Vicar General that an anonymous allegation has been received. The person who receives the report will first explain to the adult that the Diocese cannot normally investigate an anonymous allegation. The Vicar General will attempt to address the concerns of the adult making the report about participating in a Church investigation.

7.4.4 Allegations against laicized, deceased, or retired priests or deacons, shall be processed in substantially the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to suspect that the accused had engaged in sexual abuse of a minor during the time he or she was serving in the Diocese, to facilitate support to those affected, and to determine whether minors were and/or are currently at risk.



## ARTICLE 8

### Ecclesiastical Investigation of Complaints of Sexual Abuse of Minors by Clergy

#### *Initial Response to Receiving a Complaint*

**8.1 As soon as possible after receiving a complaint of sexual abuse of a minor by a member of the clergy the proper civil authorities will be notified. The Bishop or his delegate will review the accused cleric's files or background, make appropriate preliminary inquiries about the allegation, and prepare a report of all available information for the Bishop and the Board of Review.**

8.1.1 The Office of the Vicar General will convene a meeting of the Board of Review. The Board will make recommendations as to:

- Whether the information received 'has at least the semblance of truth' (cf. *Code of Canon Law*, Canon 1717 §1);
- Whether interim actions are prudent in order to provide for the safety of children and young adults;
- Its recommendations concerning the scope and course of the investigation;
- What, if any, further interim action may be taken with respect to the allegation.

8.1.2 Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Bishop for the sake of the common good (*Code of Canon Law*, c. 223 §2). The alleged offender may be requested to seek, or to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and the accused, as long as this does not interfere with an investigation by civil authorities (cf. USCCB, *Charter* §5, *Essential Norms* §7).

#### *Initial Contact with the Accused Cleric*

**8.2 The Bishop or his designee will communicate the complaint to the accused cleric, in writing and as appropriate, in a reasonable amount of time following the initial meeting of the Board of Review. When feasible, the complaint will be communicated to the accused in person.**

8.2.1 If the accused is a cleric not incardinated in the Diocese of Crookston, the Vicar General will communicate the complaint to the accused cleric's Bishop and/or the appropriate local and provincial superiors in an institute of consecrated life, society of apostolic life, or personal prelature. With this communication, the Vicar General will request that the Bishop or superior direct the accused cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint.

8.2.2 If the accused is a cleric incardinated in the Diocese, the Vicar General will offer the accused cleric appropriate advice in obtaining counsel.

8.2.3 If the accused cleric is a permanent deacon incardinated in the Diocese, the Vicar General will offer appropriate advice in obtaining counsel. The response of the Diocese to an allegation against a married permanent deacon will take appropriate account of the effects of an allegation on the spouse and/or children of the deacon.

8.2.4 The person who communicates the complaint to the accused cleric will follow the provisions of these policies and procedures concerning the recommendation that the cleric retain an approved canonical advocate or qualified canonical advisor, as well as appropriate legal representation. The cleric may choose an advocate or advisor from the information provided by the Vicar General or from other sources. It is the personal responsibility of an accused person to retain and render payment for legal representation. In accord with Church law, the Diocese will supply canonical counsel to a priest when necessary (USCCB, *Essential Norms* §8A).

8.2.5 The person who communicates the complaint to the accused cleric will also normally communicate a precept directing the accused cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint.

8.2.6 At the time the Vicar General or his designee communicates the complaint to the accused, the accused cleric will be informed that a preliminary investigation into the complaint may be or has been initiated. During such an investigation information and proofs will be sought and the right of the cleric to be heard will be upheld (cf. *Code of Canon Law*, canon 50).

#### *Initiating a Preliminary Investigation*

**8.3 The Bishop will decree the initiation of a preliminary investigation when he determines, after consultation with the Board of Review, that a complaint of sexual abuse of a minor by a cleric has 'at least the semblance of truth', unless such an investigation is clearly unnecessary (*Code of Canon Law*, canon 1717 §1).**

8.3.1 The Bishop may determine that a preliminary investigation of a complaint is clearly unnecessary either because the complaint is manifestly frivolous or because the facts and circumstances of the alleged act are already well known. In the latter case, the Bishop will transmit the complaint promptly to the Congregation for the Doctrine of the Faith (cf. *Code of Canon Law*, c. 1717 §1; Pope John Paul II, SST §13).

8.3.2 The purpose of a preliminary investigation is to gain as clear and specific an understanding as possible of the facts and circumstances of the alleged act. During the investigation, information will be gathered that indicates whether the alleged action was committed by the accused and whether the action fits the canonical definition of the canonical delict of sexual abuse of a minor.

8.3.3 When a preliminary investigation is to be undertaken, the Bishop will issue a written decree opening the investigation, with the reasons at least summarily expressed (cf. *Code of Canon Law*, canon 51). The decree will also appoint an investigator to conduct the inquiry, and authorize him or her to obtain whatever information or services are necessary and appropriate to conduct a thorough investigation of the allegation.

8.3.4 The Diocese will investigate complaints of sexual abuse of minors in accord with the principles of truth, honesty, openness, and justice, while respecting confidentiality, privacy and the reputation of persons. The Diocese will ensure, to the greatest degree possible that the protections of due process, both procedural and substantive, are provided to complainants and to accused persons.

8.3.5 The Diocese will cooperate with civil authorities concerning investigations of a complaint of sexual abuse of a minor, in accord with these policies and procedures.

**8.4 When the Bishop decrees that an investigation be initiated, the Vicar General will communicate the decree and the complaint to the delegated investigator. The delegated investigator will communicate an authentic copy of the decree to the complainant and the accused cleric, along with an explanation of the rights and obligations of each during the investigation.**

8.4.1 The rights and obligations of the complainant and the accused cleric include the following:

- 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 recourse or appeal, in accord with the norms of canon law;
- the obligation not to interfere with the investigative process;
- the obligation to provide accurate information;
- the obligation to observe any restrictions lawfully imposed.

8.4.2 Further, the rights and obligations of an accused cleric 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 or incriminate one's self;
- the right to examine written records of proceedings and decisions;
- the right not to be punished with canonical penalties, except in accord with the norm of law (*Code of Canon Law*, c. 221 §3);
- the obligation not to have contact with the complainant during the investigation.

8.4.3 In accord with canon law, an accused cleric cannot be compelled to appear; he is not bound to respond to the complaint nor admit to any offense; and no oath will be administered to him (cf. *Code of Canon Law*, c. 1728 §2). If an accused cleric chooses to appear, he will not be formally interrogated, unless he specifically agrees (cf. *Code of Canon Law*, c. 50).

### *Meeting with the Bishop*

**8.5 As soon as a preliminary investigation is initiated, the Bishop will offer to meet with the accused cleric. As was determined at the time of initial review, for the period of the preliminary investigation the Bishop may request that an accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office. In light of the seriousness of the alleged actions, the Bishop may issue a precept that includes a prohibition of certain activities or decree the removal of the faculties of a cleric for the duration of the preliminary investigation.**

8.5.1 An ecclesiastical notary will be present if the Bishop chooses to make an official record of the meeting. At the beginning of the meeting, the Bishop will ensure that the accused cleric understands that anything he says may be introduced as evidence in a canonical or civil court and that, at present, civil authorities do not consider disclosures to the Bishop to be privileged. In accord with canon law, the Bishop cannot require the accused cleric to confess, sacramentally or non-sacramentally, to the complaint (cf. *Code of Canon Law*, Canon 1728 §2).

8.5.2 The accused cleric again may be requested to seek an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused cleric (cf. USCCB, *Essential Norms* §7). Prior to such a request, the Bishop will ensure that the accused cleric understands the voluntary nature of the request. If psychological testing is performed, the results may not be introduced as evidence without the accused cleric's consent (cf. *Code of Canon Law*, Canon 220).

8.5.3 When an accused cleric is willing to refrain voluntarily from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office, the Bishop will discuss with him consideration for necessary expenses, his residence during the time of the investigation, and how his ecclesiastical responsibilities might be fulfilled. A request by the Bishop that the accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office is not a determination of guilt, nor is the cleric's acceptance of the request considered an admission of guilt.

8.5.4 At any point, an accused cleric may voluntarily resign from his ministerial position or request from the Roman Pontiff a dispensation from the obligations of the clerical state (cf. USCCB, *Essential Norms* §10). If the cleric freely requests dispensation, any precautionary measures employed by the Bishop will remain in effect until the Holy See communicates its wishes in the matter.

#### *Responsibility of the Delegated Investigator*

**8.6 The Delegated investigator will conduct the preliminary investigation, if necessary with the assistance of an investigative team. The results of the preliminary investigation will be reported to the Bishop who will review the results with the Board of Review.**

8.6.1 The delegated investigator is to seek information that indicates whether the alleged act can be canonically proven, whether it is actionable according to the law of the Church, and whether a canonical penalty may be lawfully imposed. If necessary he/she will assemble an investigative team to assist in the preliminary investigation, which may include a canon lawyer, clinical specialists in the field of child sexual abuse, professional investigators, and other appropriate professional or expert assistance.

8.6.2 The age of a minor in canon law today for offenses against the sixth commandment committed by a cleric is eighteen (18) years of age. For an offense committed in the United States prior to 25 April 1994, a minor is defined as a person less than sixteen (16) years of age.

8.6.3 The canonical statute of limitations, called 'prescription', determines the time within which a criminal action may be prosecuted in an ecclesiastical forum. The statute of limitations for the delict of sexual abuse of a minor by a cleric is determined by church law.

8.6.4 Information will be sought as to the extent to which the alleged act was placed with use of reason and will. Imputability is presumed for an external violation of a law or precept, unless the contrary is otherwise apparent (*Code of Canon Law*, c. 1321 §3).

8.6.5 When an accused cleric makes an admission to the delict of sexual abuse of a minor during the preliminary investigation, the delegated investigator will communicate a report to the Bishop. The report will address the imputability of the offense to the cleric.

#### *Contacting the Complainant and the Accused Cleric*

**8.7 At the earliest possible moment after receiving the decree initiating the preliminary investigation, the delegated investigator will write to the complainant and the accused cleric. The letter will indicate the information that is required for the investigation, how the investigation will be conducted, and certain time limits for introducing information.**

8.7.1 The letters from the investigator will be sent by registered mail, together with an authentic copy of the decree initiating the preliminary investigation. When the complainant is

a minor, the letter will be sent to the appropriate parent or guardian. When a complainant so requests, the investigator will send the letter to the attorney who represents the complainant.

8.7.2 The complainant will be provided thirty (30) days from the receipt of the letter to introduce information into the preliminary investigation. The investigator may request that specific information be provided to assist the Church in its investigation or that the complainant respond to specific questions concerning the alleged offense. The investigator may invite the complainant to meet with him or her and/or an investigative team. The complainant has the right to ask that such a meeting be conducted in a setting that is comfortable to all parties and has the right to bring counsel to the meeting.

8.7.3 If the complainant does not respond, the delegated investigator will send a second letter offering ten (10) additional days to respond. This second letter will explain the effects of a refusal to participate in the preliminary investigation, which may include an inability to proceed with the investigation due to insufficient evidence.

8.7.4 In the initial letter to the accused cleric, the delegated investigator will request that the cleric and his canonical advocate meet with the investigator and, if applicable, the investigative team as soon as the complainant has completed introducing information. At this meeting, the cleric will be given an opportunity to examine the information that will be included in the proceedings of the preliminary investigation. The cleric will be provided ten (10) business days from the date of the meeting to respond to the complaint.

8.7.5 If the accused cleric does not respond to the delegated investigator's invitation to this meeting, the investigator will send a letter offering five (5) business days to respond. If the accused cleric declines to meet, the investigator will note that fact in the proceedings of the preliminary investigation.

#### *Introducing Information into the Preliminary Investigation*

**8.8 The complainant and the accused cleric may introduce information into the investigation by means of public and private documents or by witness testimony. The delegated investigator will be attentive to the law of the Church that requires an ecclesiastical notary to witness all documents and testimony that are introduced into a canonical trial.**

8.8.1 The information introduced into the preliminary investigation will normally include the testimony of the complainant, or the testimony of the parent or guardian of a complainant who is still a minor. The delegated investigator and/or investigative team may also request testimony or information from persons who make a complaint on behalf of another, or who may have knowledge of the alleged abuse, or who have knowledge about the life, morals, and reputation of the complainant and/or accused cleric (cf. *Code of Canon Law*, canon 1547). The complainant, accused cleric, or Promoter of Justice may introduce the record of a civil proceeding into the preliminary investigation. This record does not represent, however, conclusive proof of the facts found by the civil court.

8.8.2 The delegated investigator will review the accused cleric's official records, including his seminary records, according to the mandate of the Bishop. Any potentially relevant information contained in these records will be communicated to the Bishop promptly, who will determine its value for the investigation.

8.8.3 If the accused cleric presents information that might affirm his innocence, the delegated investigator will attempt to verify this information and will include the information in the proceedings of the investigation.

8.8.4 To the extent possible during the preliminary investigation, an ecclesiastical notary will administer an oath to persons giving testimony to tell the truth or at least to confirm the truth of their testimony, unless a grave cause suggests otherwise (*Code of Canon Law*, canon 1532) or the person refuses to take an oath (canon 1562 §2). The record of a meeting will be signed by those present and notarized by the notary. When the notary uses a tape recorder to ensure an accurate record of the testimony, the person who gives the testimony will be accorded an opportunity to review the transcript of the recording and an opportunity to offer corrections prior to signing the transcription. The recording will be permanently erased promptly after the transcription is signed.

#### *The Report of the Delegated Investigator*

**8.9 When the evidence required by canon law has been collected, the delegated investigator will communicate a report to the Bishop who will review the findings with the Board of Review. The report of the investigator will be included in the proceedings of the preliminary investigation.**

8.9.1 The report of the investigator to the Bishop will state his/her opinion, in consultation with the investigative team, concerning the reliability and sufficiency of the evidence gathered during the investigation and the validity of the complaint. This report will include:

- the precise nature of the complaint;
- a summary of the information gathered during the preliminary investigation, including information concerning actions taken by public entities;
- any response made by the accused cleric to the complaint.

8.9.2 The report may also include:

- an initial assessment whether the alleged action is imputable to the accused cleric;
- a description of actions taken by the delegated investigator and the investigative team;
- identification of information requested by the investigator but not made available to him or her;
- a professional assessment of the accused cleric, if available and permitted by the cleric;
- recommendations concerning further steps to be taken by the Diocese.

8.9.3 In cases that would otherwise be barred by the statute of limitations, the delegated investigator's report will address any 'relevant grave reasons' for which a dispensation from the statute might be requested from the Congregation for the Doctrine of the Faith (cf. USCCB, *Essential Norms* § 8A).

#### *The Review for Cause of the Board of Review*

**8.10 The delegated investigator will forward to the Board of Review his/her report and the proceedings of the preliminary investigation. The Board of Review will meet for a Review for Cause, following which it will offer the Bishop an independent report which may include an assessment of the complaint, an evaluation of the investigator's report, and an evaluation of the conduct of the preliminary investigation. The Board of Review may also address pastoral reasons for seeking dispensation from the canonical statute of limitations or for seeking non-judicial remedies to a complaint.**

8.10.1 The Chairperson of the Board of Review will prepare and send a report to the Bishop indicating whether the Board of Review has concluded that there is 'reasonable cause to suspect that the accused engaged in sexual abuse of a minor'. Other possible recommendations that the Board of Review may make are:

- that the complaint appears to have been substantiated and supported by sufficient evidence;
- that the complaint appears to be unfounded or to have been made falsely;
- that it appears that the complaint cannot be substantiated;
- that it appears that the complaint cannot be substantiated, but that the evidence appears to indicate that the accused cleric acted in an unlawful or improper manner.

8.10.2 The Board of Review may also offer recommendations concerning whether:

- the case should remain open pending conclusion of a civil or criminal action;
- further investigation by the investigative team is required;
- pastoral assistance should be offered to parishes, schools, and other diocesan institutions affected by the investigation, especially when a complaint has become known to the public.

8.10.3 When the Board of Review finds that a complaint cannot be substantiated, but that legitimate concerns remain about the future ministry of the accused cleric, the Board will offer recommendations to the Bishop concerning further actions to be taken by the Diocese.

### *Closing the Preliminary Investigation*

**8.11 The Bishop will consider the evidence gathered during the preliminary investigation, together with the reports and recommendations of the Board of Review and the delegated investigator. When he determines that sufficient information has been gathered, the Bishop will issue a written decree closing the preliminary investigation, with the reasons for his determination at least summarily expressed.**

8.11.1 The Bishop may be assisted by two judges or experts in the law, according to his prudent judgment (*Code of Canon Law*, canon 1718 §3). He will weigh the information gathered during the investigation in light of the facts and circumstances presented, attentive as well to circumstantial evidence that might corroborate information presented by one of the parties.

8.11.2 When the Bishop determines that the information gathered in the preliminary investigation is insufficient or inconclusive, or that the preliminary investigation should remain open pending the conclusion of an investigation conducted by civil authorities, he may instruct the investigative team to continue the preliminary investigation if there is reason to expect that further efforts will provide useful information.

8.11.3 When the Bishop determines that the evidence gathered during the preliminary investigation indicates that the complaint is false, or that the evidence is not sufficient to establish the probability of a delict, he will issue a written decree giving reasons for the finding and declaring the accused cleric to be acquitted of the complaint made against him. Prior to returning the cleric to ministry, the Bishop may consult the Board of Review and request their recommendations. In accord with Church law, “every step possible will be taken to restore the good name of the person falsely accused” (USCCB, *Essential Norms* §13)<sup>10</sup>.

<sup>10</sup> Steps for the restoration of the good name of a person falsely accused are listed in the section on ‘Penal and Administrative Processes’.

8.11.4 When the Bishop determines, after receiving the investigator's report and the advice of the Board of Review, that the complaint 'has at least the semblance of truth', he will close the preliminary investigation and transmit the proceedings of the investigation to the Congregation for the Doctrine of the Faith. The communication of the proceedings to the Congregation for the Doctrine of the Faith is not a finding of guilt or a conviction of the accused cleric (John Paul II, SST §13).

8.11.5 At the conclusion of the preliminary investigation, the delegated investigator will notify the complainant and the accused cleric promptly of the results of the investigation. He/she will communicate to the accused cleric by registered mail:

- a copy of the decree closing the preliminary investigation;
- a copy of the report of the delegated investigator;
- a copy of the report of the Board of Review.

8.11.6 The proceedings of the preliminary investigation will be placed in the diocesan archives and retained in accord with the norms of canon law (cf. *Code of Canon Law*, cc. 489; 1719)<sup>11</sup>.

<sup>11</sup>In accord with canon law, the proceedings will be retained for ten (10) years from the date on which they were placed in the archives, or from the day on which the appeals of the judicial sentence were exhausted, or they will be destroyed within one (1) year of the cleric's death. At either time, a summary of the case and the text of the definitive sentence or determination will be retained in the same archives (*CIC*, c. 489).



## RESOURCES

- Code of Canon Law (1983)
- Diocesan Policy Manual
- Sexual Misconduct Policy of the Diocese of Crookston
- Grateful acknowledgment is extended to the Archdiocese of Milwaukee
- Creating Safe and Sacred Places by Gerard J. McGlone, SJ PhD, and Mary Schrader, St. Mary's Press, 2003

### Deleted Resources:

- Creating Safe and Sacred Places by Gerald J McGlone, SJ PhD, and Mary Shrader, St. Mary's Press, 2003
- Grateful acknowledgment is extended to the Archdiocese of Milwaukee
- Sexual Misconduct Policy of the Diocese of Crookston
- Diocesan Policy Manual
- Code of Canon Law (1983)

## Appendix A

### GLOSSARY OF TERMS

**Church Personnel:** Is to include everyone below:

**Diocesan:** For the purposes of this policy, the word 'diocesan' is meant to include all entities operating under the auspices of the Diocese of Crookston, a diocesan corporation pursuant to Minnesota Statute 315.16.

**Diocesan clergy:** Clergy are the ordained ministers of the Catholic Church, including bishops, priests, transitional deacons, and permanent deacons.

**Diocesan personnel** include: lay persons employed by the Diocese and its institutions on a full time, part time, or seasonal basis, or on a regular basis as independent contractors; seminarians and those enrolled in the Permanent Diaconate Formation Program.

**Diocesan volunteers:** A volunteer is any person who performs a Church-related service of his/her own free will without monetary compensation, including but not limited to catechists, coaches, youth ministers, lectors, extraordinary ministers, ushers, etc..

**Parish:** For the purposes of this policy, the word 'parish' is meant to include all independent entities classified as non-profit parish corporations pursuant to Minnesota Statute 317A. Each parish corporation has its own Board of Directors and corporate officers pursuant to Minnesota law. In addition to the operation of a Catholic parish as defined above, a parish corporation may operate a parish school.

**Parish personnel:** lay persons employed by the parish and/or its school on a full time, part time, or seasonal basis, or on a regular basis as independent contractors.

**Parish volunteer:** A parish volunteer is any person who performs a Church-related service for the parish corporation of his/her own free will without monetary compensation, including but not limited to catechists, coaches, youth ministers, lectors, extraordinary ministers, ushers, etc..

**Minor:** The term 'minor' in these *Policies and Procedures for the Protection of Children and Young People* refers to a person under eighteen (18) years of age. The terms 'child,' 'youth,' and 'young person' also refer to a person under eighteen (18) years of age, unless otherwise specifically noted.

**Sexual Abuse of a Minor- Civil Law:** *Current Minnesota Statutes* (2005 edition), 626.556 Subd. 2d. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section [609.341](#), or by a person in a position of authority, as defined in section [609.341](#), subdivision 10, to any act which constitutes a violation of section [609.342](#) (criminal sexual conduct in the first degree), [609.343](#) (criminal sexual conduct in the second degree), [609.344](#) (criminal sexual conduct in the third degree), [609.345](#) (criminal sexual conduct in the fourth degree), or [609.3451](#) (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections [609.321](#) to [609.324](#) or [617.246](#). Sexual abuse includes threatened sexual abuse"

**Sexual Abuse of a Minor-Church Law:** USCCB, *Essential Norms* Preamble: ‘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*, c. 1395, §2, and *CCEO*, canon 1453, §1 (*Sacramentorum sanctitatis tutela*, article 4 §1)...’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”.

For the purposes of this policy, sexual abuse of a minor also includes ‘indirect abuse... (e.g. showing pornography to minors; lewd indecent exposure in front of minors). Included also is the possession of, or downloading from the Internet of, ‘pedophilic pornography’.

**Complainant:** The complainant is the person alleging that he/she has been abused.

**Complaint:** A complaint is a formal accusation in written form, signed by the person making the complaint or their legal guardian if they are a minor or the person taking the complaint if complaint is by telephone.

**Dismissal from the clerical state:** Dismissal from the clerical state is a penalty imposed upon a cleric that prohibits him from exercising sacred orders and from holding an ecclesiastical office. Judicial dismissal does not include dispensation from the obligation of celibacy.

**Laicization:** The term ‘laicization’ refers to a voluntary petition submitted by a cleric to the Roman Pontiff for dispensation from the obligations arising from ordination. The granting of such a petition is a favor, not a penal action, and it includes dispensation from the obligation of celibacy.

**Supervisor:** A supervisor is a person to whom an individual is directly responsible, such as the pastor for parish employees and volunteers, the school principal for school employees and volunteers, or the program director for those who are employed by or volunteer in that program.

There is a confidential dimension that employees do for the Church. Therefore, work matters are not discussed in public.

## Appendix B

From *Current Minnesota Statutes* (2005 edition): Chapter 626.556

### Subd. 3. **Persons mandated to report.**

(a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2<sup>1</sup>, or has been neglected or physically or sexually abused within the preceding three years, shall immediately<sup>2</sup> report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section [595.02](#), subdivision 1, paragraph (c)<sup>3</sup>

(b) Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, the police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility under sections [144.50](#) to [144.58](#); [241.021](#); [245A.01](#) to [245A.16](#); or chapter 245B; or a non-licensed personal care provider organization as defined in sections [256B.04](#), subdivision 16; and [256B.0625](#), subdivision 19. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education. Section [13.03](#), subdivision 4, applies to data received by the commissioner of education from a licensing entity.

<sup>1</sup> *Current Minnesota Statutes* (2005 edition), 626.556 Subd. 2d. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section [609.341](#), or by a person in a position of authority, as defined in section [609.341](#), subdivision 10, to any act which constitutes a violation of section [609.342](#) (criminal sexual conduct in the first degree), [609.343](#) (criminal sexual conduct in the second degree), [609.344](#) (criminal sexual conduct in the third degree), [609.345](#) (criminal sexual conduct in the fourth degree), or [609.3451](#) (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections [609.321](#) to [609.324](#) or [617.246](#). Sexual abuse includes threatened sexual abuse'.

<sup>2</sup> *Current Minnesota Statutes* (2005 edition), 626.556 Subd. 2e. 'For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours'.

<sup>3</sup> *Current Minnesota Statutes* (2005 edition), 595.02 **Testimony of witnesses**. Subd. 1. Competency of witnesses. Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision: (c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person'.

**Subd. 4. Immunity from liability.**

(a) The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:

(1) any person making a voluntary or mandated report under subdivision 3 or under section [626.5561](#) or assisting in an assessment under this section or under section [626.5561](#);

(2) any person with responsibility for performing duties under this section or supervisor employed by a local welfare agency, the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections [144.50](#) to [144.58](#); [241.021](#); [245A.01](#) to [245A.16](#); or 245B, or a school as defined in sections [120A.05](#), subdivisions 9, 11, and 13; and [124D.10](#); or a non-licensed personal care provider organization as defined in sections [256B.04](#), subdivision 16; and [256B.0625](#), subdivision 19a, complying with subdivision 10d; and

(3) any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency, the Department of Education, or a local law enforcement agency and assists in an investigation or assessment pursuant to subdivision 10 or under section [626.5561](#).

(b) A person who is a supervisor or person with responsibility for performing duties under this section employed by a local welfare agency, the commissioner of human services, or the commissioner of education complying with subdivisions 10 and 11 or section [626.5561](#) or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is (1) acting in good faith and exercising due care, or (2) acting in good faith and following the information collection procedures established under subdivision 10, paragraphs (h), (i), and (j).

(c) This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

**Subd. 6. Failure to report.**

(a) A person mandated by this section to report who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, and fails to report is guilty of a misdemeanor.

(b) A person mandated by this section to report who knows or has reason to believe that two or more children not related to the perpetrator have been physically or sexually abused, as defined in subdivision 2, by the same perpetrator within the preceding ten years, and fails to report is guilty of a gross misdemeanor.

**Subd. 7. Report.** An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, the agency responsible for assessing or investigating the report, or the local welfare agency, unless the appropriate agency has informed the reporter that the oral information does not constitute a report under subdivision 10. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.

## **Appendix C**

### **Protocol Applicable to Institutes of Consecrated Life, Societies of Apostolic Life, Personal Prelatures, and Public Associations of the Faithful**

#### Article 1

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.

#### Article 2

The presenting community shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties for the Diocese, as provided in the model promulgated by the Conference of Major Superiors of Men. In the case of any incident of sexual abuse of a minor, the presenting community shall submit to the Bishop a comprehensive report of the allegation and its disposition.

#### Article 3

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

#### Article 4

If sexual abuse of a minor is alleged to have occurred involving a religious priest or deacon ministering in a parish, parish school, or an entity under the auspices of the Diocese of Crookston, the Diocese retains the right to initiate the process of investigation and follow-up with the Board of Review and take whatever action it deems appropriate. Since religious are also subject to their own proper superiors and the discipline of their institute (c. 678, §2), the religious community may also choose to review the allegation in keeping with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him, the cleric's diocesan faculties will be revoked. However, any determination regarding return to ministry and restoration of diocesan faculties will be made according to the diocesan policies and procedures.

#### Article 5

If a religious cleric exercising a ministry strictly internal to the religious community without diocesan faculties is accused of sexual abuse of a minor, the religious community may choose to review the allegation in keeping with its own policies and procedures. Any subsequent presentation for diocesan faculties is subject to diocesan policies and procedures. In any case, the Diocese retains the right for a most grave cause to prohibit a member of a religious institute from residing in the Diocese or at any particular location in the Diocese.

## Article 6

The major superior of the clerical institute with members ministering or residing in the Diocese, or his delegate, will meet periodically with the Bishop of Crookston or his delegate to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in the Diocese.

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+ Michael Hoepfner  
Bishop of Crookston

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Major Superior of Clerical Institute

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Date

## Appendix D

### CONTACT INFORMATION

**If you were a victim of sexual abuse as a minor, or if you are the parent of a child or young person who has been sexually abused, and your complaint involves a priest, deacon, or an employee or volunteer of the Diocese of Crookston or its parishes, institutions, or schools, please contact the Victims' Assistance Coordinator and/or the Moderator of the Curia for making a report to Church authorities and obtaining pastoral care.**

**The Victims' Assistance Coordinator..... 218-281-7895**  
Cindy Hulst (private and confidential)

**Moderator of the Curia... ..218-281-4533**  
Msgr. Michael Foltz, Vicar General

If you need to report actual or suspected abuse of a child or young person, please contact the appropriate social service agency, law enforcement agency, or dial 911.

**Polk County Department of Social Services (for reporting suspected child abuse)**  
.....**218-281-3127**

(for a list of other county departments, please visit the website of the Minnesota Department of Human Services, Office of Child Protection ([www.dhs.state.mn.us](http://www.dhs.state.mn.us)) or consult your local telephone book).

**If you have questions or concerns regarding the Safe Environment Program in the Diocese of Crookston, please contact the Safe Environment Coordinator.**

**The Safe Environment Coordinator.....218-281-4224**  
Renee Tate



## Appendix E

### PERMISSION TO MINISTER FOR A VISITING CLERIC

Clerics from other dioceses are welcome in the Diocese of Crookston. Prior to the beginning of their ministry here, whether it is a single event (i.e. to witness the marriage of a friend or relative) or a lengthy substitution, they must be given permission through the following process.

In order to allow sufficient time for the Diocese to complete these processes it is recommended that the visiting cleric apply at least one month in advance of their expected ministry in the Diocese of Crookston.

Short term visiting clerics: For short term substitutions, weddings, funerals, baptisms, etc. Short term will be considered for visits of 14 days or less. If your visit qualifies as short term you will be required to provide the following. This information needs to be sent to the Safe Environment office at the diocese and must be received before the visiting cleric is cleared for his ministry.

1. A letter of suitability or letter of good standing from the visiting priest's ecclesiastical superior which stipulates the priest is in good standing and is current on his safe environment training and background check in his home diocese.

For visits that are longer than 14 days the following process will need to be completed prior to being cleared for ministry.

1. The visiting cleric needs to go to the Diocesan website at [www.crookston.org](http://www.crookston.org).
2. On the home page scroll down until you see a picture of some children and click on the words "Safe Environment". On this page look on the right hand side and click on the word "certification". On this page just scroll down until you see three red bars. You will choose the one that shows "for visiting priest".
3. The first page is the Acknowledgement and Consent Form which gives the Diocese the authorization to conduct a thorough background check. When completing this page please note:
  - a) Fill in all the requested information and click 'next'.
  - b) If it returns you to the top of the page and you have errors or have omitted something, scroll down and fill in the requested information and click 'next' again.
4. The next page is our Code of Conduct. Read this information and electronically sign it at the bottom. Click 'next'.
5. On this page is the Component Training. Read the material. The Component test will coincide with the reading material. Please answer the questions and then click 'submit'. You will see a copy of your test results. This means you have completed your Safe Environment training.
6. **IMPORTANT:** The Diocese needs to receive a letter of suitability from your Bishop. Send it to Diocese of Crookston, attn.: Safe Environment office.
7. When the Safe Environment information and the letter of suitability are received and processed and the appropriate background check has been completed and evaluated, you will be cleared for ministry.
8. In the event that your application for ministry cannot be granted you will receive notification in writing from the Diocese of Crookston.

## Appendix F

### LIST OF ABBREVIATIONS

<b>BRPCYP</b>	Board of Review for the Protection of Children and Young People
<b>c., cc.</b>	canon, canons
<b>CDF</b>	Congregation for the Doctrine of the Faith
<b>cf.</b>	confer
<b>Charter</b>	USCCB, <i>Charter for the Protection of Children and Young People</i>
<b>CIC</b>	<i>Codex Iuris Canonici</i> , or <i>Code of Canon Law</i>
<b>CCEO</b>	<i>Codex Canonum Ecclesiarum Orientalium</i> , or <i>Code of Canons of the Eastern Churches</i>
<b>Essential Norms</b>	USCCB, <i>Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons</i>
<b>SST</b>	Pope John Paul II, <i>Sacramentorum sanctitatis tutela</i>
<b>USCCB</b>	United States Conference of Catholic Bishops
<b>VAC</b>	Victims' Assistance Coordinator