
Diocese of San Angelo
Policies on Ethics and Integrity in
Ministry

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Note: Quotations from the *Charter for the Protection of Children and Young People* are identified by the word Charter and a paragraph number. Quotations from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* are identified by the word Norms and a paragraph number.

A Letter from Our Bishop



DIOCESE OF SAN ANGELO

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Office of the Bishop

April, 2003

My dear sisters and brothers in Christ:

As disciples of Christ and as his servants in ministry, our basic call is to holiness which expresses itself in living a good, moral life, based on love and respect for one another. This diocesan Policy on Ethics and Integrity in Ministry presents Gospel values and principles according to which we will live our discipleship of Christ as we serve God's people.

A primary concern of all will be to provide a safe, secure, and sacred environment for all, especially children and young people. We pledge ourselves to imitate Jesus who extended his care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me." [Mt.19:14] We renew our commitment to act in a way that manifests our accountability to God, to God's people, and to one another.

As servants of Christ, we will always reach out with compassion to those who have been abused, especially to children who have been sexually abused. We commit ourselves to do all we can to heal the trauma that victims/survivors and their families are suffering and the wound that the whole Church is experiencing.

To fulfill these goals, we as servants of God's people in the Diocese of San Angelo, in a spirit of love and renewal, adopt and implement the principles and norms as found in this Policy on Ethics and Integrity in Ministry. Our motto is: "Promise to protect—Pledge to heal." We ask for the guidance of Jesus our Good Shepherd, and place ourselves under the patronage of Mary Immaculate, the Mother of Jesus and our Mother.

Your servant in Christ and Mary,


Most Rev. Michael D. Pfeifer, OMI
Bishop of San Angelo

Introduction

The Diocese of San Angelo, twenty-nine counties in West Texas, has always urged those who represent the Catholic Church, especially clergy, employees and volunteers, to be holy, as Christ calls us to be. The Diocese expects integrity of its personnel and the ethical exercise of the ministry in every aspect of ecclesial life.

This expectation was further specified in the area of responsible sexual behavior with our “Policy on Sexual Misconduct” of August 25, 1994. As noted in the Introduction,

Following the example of our Lord Jesus Christ, the church is deeply concerned for the well-being of all people, and has a special concern for those who are most vulnerable. Sexual misconduct is a serious breach of the trust that should exist among all the members of the church, and especially those who serve others as church ministers, employees, and volunteers. Sexual misconduct is always a tragedy and calls for the church to respond with compassion toward all those persons involved.

Therefore the development and implementation of this policy has as its end the responsible conduct of church personnel, the protection of the vulnerable, assistance for those who have been hurt, the proper care of those who fail to live up to the challenges that all face as sexual beings, and the respect for the good name of the church.

To make them aware of the policy and to give instruction on proper boundaries in sexual relationships, workshops have been presented to more than 1700 clergy, employees and volunteers of the Diocese of San Angelo since the policy went into effect.

In 2002, the United States Conference of Catholic Bishops issued the *Charter for the Protection of Children and Young People*. This document was accompanied by *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Both the *Charter* and *Norms* call for revisions to be made in diocesan policy in this important area. Therefore, this new policy, which builds on the previous diocesan policy, highlights the protection of minors and reflects the spirit, requirements and procedures outlined in the *Charter* and *Norms*.

Given this task of revising the existing diocesan policy, it was also thought opportune to expand the policy by including expectations of church personnel in regard to any type of immoral behavior, not just sexual misconduct. In addition, forms to apply for working in the Church as an employee or volunteer, which include criminal background checks, are included, with a goal to providing a safer environment. It was also thought useful to provide means for dealing with inappropriate behaviors or violations of policy in a progressive discipline procedure, in order to surface and deal with problems before they escalate.

This expanded “Policy on Ethics and Integrity in Ministry” of the Diocese of San Angelo became effective on June 1, 2003, and has been revised in September 2005.

I. Principles of Ethics and Integrity in Ministry: Code of Ethics

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as respectful and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Diocese of San Angelo. All Church personnel are asked to carefully consider each standard in the Code and within the Policies on Ethics and Integrity in Ministry before agreeing to adhere to the standards and continue in service to the Diocese.

Church personnel will exhibit the highest Christian ethical standards and personal integrity.

Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.

Church personnel shall promote a professional work environment that is free from sexual harassment, exploitation, or abuse.

Church personnel will not take personal advantage of a pastoral counseling or spiritual direction relationship for the benefit of themselves.

Church personnel will not sexually abuse anyone, especially a minor or a vulnerable adult.

Church personnel will share concerns about suspicious or inappropriate behavior with minors with their pastor; with other parish leaders as appropriate (e.g., pastoral coordinator/associate, parochial vicar, Director or Coordinator of Religious Education, Youth Ministry Coordinator, school principal); with the Victim Assistance Coordinator; or with the Bishop.

Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Family and Protective Services.

Church personnel will accept their responsibility to protect minors and vulnerable adults from sexual harassment, exploitation, or abuse.

II. General Definitions

A. Church Personnel

For the purposes of this policy, the following are included in the definition of Church personnel:

1. Bishops.
Note: The bishop is accountable to the Pope and follows the guidelines of the USCCB Statement on Mutual Accountability (Appendix H).
2. Priests incardinated and/or assigned in the Diocese of San Angelo, and those approved for temporary ministry in the Diocese.
3. Permanent and transitional deacons assigned in this diocese, and those permanent deacons, with canonical faculties to function while working in this diocese.
4. Seminarians and those enrolled in the Permanent Diaconate Formation Program.
5. Women and men religious working for the Diocese, its parishes, schools or agencies.
6. Individuals in other forms of consecrated life while they are residing in the diocese.
7. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, schools or other agencies; also, those who contract their services to Church agencies.
8. Volunteers. This includes any person who is invited to or offers to do Church related service as an act of free will, with diocesan or parochial approval.

B. Types of Misconduct

1. Abuse of Children and Young People. Sexual abuse of a child or young person under the age of 18.
2. Violations of Ethics and Policy by immoral conduct, harassment or exploitation.
3. Violations of Diocesan Guidelines for Youth/Peer Behavior.

SECTION ONE: POLICIES FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

III. Overview of Policies for the Protection of Children and Young People

Excerpt from the Preamble of the *Charter for the Protection of Children and Young People*.

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

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

Perhaps in a way never before experienced, we have felt the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ “to be sin who did not know sin, so that we might become the righteousness of God in him? (2 Cor 5:21). May we who have known sin experience as well, through a spirit of reconciliation, God’s own righteousness.

A. Definitions of “Minor” and “Sexual Abuse”

1. Definition of Minor

- a. A minor is defined as anyone under the age of 18.
- b. For the purposes of this policy, the term “minor” also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.

2. Definition of Sexual Abuse (Norms, Preamble)

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

B. Commitments of the Diocese

The Diocese of San Angelo is dedicated to the fulfillment of the following commitments defined by the United States Conference of Catholic Bishops:

- 1. To Promote Healing and Reconciliation with Victims of Sexual Abuse of Minors,**
- 2. To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors,**
- 3. To Protect the Faithful of the Future.**

C. Other Forms of Mistreatment or Neglect

Children and young people will not be violated by any other form of mistreatment or neglect by Church personnel. Verbal, emotional, or physical punishment is considered unacceptable and inappropriate, and may not be used as forms of discipline. The dignity and rights of children and young people will be respected at all times.

IV. To Promote Healing and Reconciliation with Victims of Sexual Abuse

Dioceses are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel . . . Dioceses are also to have a review board that functions as a confidential consultative body to the bishop.

– Charter, 2

A. The Victim Assistance Coordinator (Norms, 3).

1. The Victim Assistance Coordinator for the Diocese of San Angelo is to possess the skills, experience and educational background which empowers him/her to understand the nature and purposes of the position of Victim Assistance Coordinator and directly assume the major responsibility for the ministry as designated by the diocesan bishop.
2. The Victim Assistance Coordinator shall aid in the immediate pastoral care of persons where there is reason to believe they have been sexually abused when they were minors by clergy or other church personnel and arrange for counseling with a qualified therapist, and for spiritual and social assistance as deemed appropriate.

3. The Victim Assistance Coordinator shall respond to an allegation and collaborate with the Diocesan Review Board, Diocesan Finance Officer, Attorneys, and the Bishop.
4. The Victim Assistance Coordinator shall coordinate educational efforts for establishing a “Safe Environment” program for Church personnel, parents and families.
5. The Victim Assistance Coordinator shall develop and implement the appropriate infrastructure for screening and training of church personnel and volunteers as well as monitor the compliance of parishes and the diocese.

B. The Diocesan Review Board (Norms, 4 and 5).

1. The Diocesan Review Board will assist the diocesan bishop as a confidential consultative body in dealing with the sexual abuse of minors.
2. The Diocesan Review Board will assess allegations of sexual abuse of minors by church personnel in order to advise the diocesan bishop. The assessment will be communicated to the victim and the accused.
3. The Diocesan Review Board offers advice on all aspects of these cases. The Board may offer advice retrospectively and prospectively on these matters.
4. The Diocesan Review Board will review the diocesan policy and procedures for dealing with these allegations at least every two years, in order to recommend to the Diocesan Bishop any modifications.
5. The Diocesan Review Board will, if appropriate, provide a recommendation concerning fitness for ministry in particular cases.
6. The Diocesan Review Board will be composed of at least five persons of outstanding integrity and good judgment. The majority of the review board members will be lay Catholics who are not in the employ of the diocese; but at least one member should be a priest, who is an experienced and respected pastor of the diocese, and at least one member should have particular expertise in the treatment of the sexual abuse of minors.
7. Members of the Diocesan Review Board will be appointed for a term of five years, which can be renewed.

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

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

- Charter, 6

A. Standards of Ministerial Behavior

The following guidelines are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families. For clarification of any guideline or to inquire about behaviors not addressed here, contact the pastor, pastoral coordinator, principal or the Victim Assistance Coordinator at the Diocesan Pastoral Center.

1. Church personnel shall report uncontrollable or unusual behavior of minors promptly to parents.
2. Church personnel are prohibited from the use, possession, or being under the influence of alcohol or any illegal drugs while working with minors.
3. Two adults should be present when minors are transported. No unauthorized stops should be made.
4. Church personnel are prohibited from speaking to minors in a way that is harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. In addition, staff and volunteers are expected to refrain from swearing in the presence of minors.
5. Church personnel are prohibited from engaging in any sexually inappropriate conversations with minors except in sessions addressing human sexuality issues, when implementing a human sexuality curriculum in religious education or youth ministry programs. In addition, Church personnel are not permitted to discuss their own sexual activities or experiences with minors.
6. Church personnel should never be nude in the presence of minors in their care. Changing and showering arrangements for adults should be separate from arrangements for minors.
7. Church personnel are prohibited from possessing any sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.) on Church property or in the presence of minors.
8. Church personnel are prohibited from occupying the same beds or sleeping bags with minors. Nor should they occupy the same bedrooms, hotel rooms or tents with a minor unless the adult is an immediate family member of the minor.

9. Houses used as residences by priests and religious are exclusively for their residential use. With the exception of visits from family members, minors are not permitted to be overnight guests in the residence of a priest or religious.
10. Church personnel are to avoid giving scandal by their words or actions.
11. Standards for communication or conduct or relationships apply to electronic media including Internet access, email, chat rooms, phone conversations, photos and pictures.*

B. Appropriate Boundaries for Church Personnel

The Diocese of San Angelo has implemented policy for appropriate boundaries that will promote a positive, nurturing environment for our children's and youth ministries while protecting our children and our Church personnel from misunderstandings. The following guidelines are to be followed carefully by all Church personnel working in children's and youth programs.

1. Church personnel are prohibited from using corporal punishment for behavior management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.
2. Love and affection are part of Church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with children and young people. Some positive and appropriate forms of affection are listed below:
 - Brief hugs.
 - Pats on the shoulder or back.
 - Hand-shakes.
 - "High-fives" and hand slapping.
 - Verbal praise.
 - Touching hands, faces, shoulders and arms of minors.
 - Arms around shoulders.
 - Holding hands while walking with small children.
 - Sitting beside small children.
 - Kneeling or bending down for hugs with small children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
3. The following forms of affection are not considered appropriate in ministry:
 - Inappropriate or lengthy embraces.
 - Kisses on the mouth.
 - Holding minors over three years old on the lap.
 - Touching buttocks, chests or genital areas.

- Showing affection in isolated areas of the program such as bedrooms, closets, staff only areas or other private rooms.
- Occupying a bedroom or a bed with a minor.
- Touching knees or legs of minors.
- Wrestling with minors.
- Piggyback rides.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor.
- Any form of unwanted affection.
- Suggestive comments that relate to physique or body development.

C. Diocesan Communications Policy

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.

- Charter, 7

POLICY ON COMMUNICATIONS FOR CASES OF SEXUAL ABUSE WITH MINORS

Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese of San Angelo will deal as openly as possible with members of the community in cases of ministerial misconduct. The Diocese will, in all cases, strive to assist and support parish communities directly affected by ministerial misconduct involving minors.

Recognizing that the media have such potential to bring truth and beauty into the lives of billions of people, and because of their enormous power to shape humanity’s destiny, the means of social communication are of great interest to the Church. The Diocese of San Angelo wants to engage the media in striving for a common goal—the truth. In dealing with the media, the Diocese is guided by the words of Pope John Paul II: “On this journey of human searching, the Church wishes to befriend the media, knowing that every form of cooperation will be for the good of everyone.”

There exists within human society a right to information that affects people individually or collectively, and according to the circumstances of each. The proper exercise of this right demands that the information communicated always be true and as complete as charity and justice allow. The manner of communication should be honorable and appropriate; this means that in the gathering and publication of news the norms of morality and legitimate rights and dignity of people must be held sacred. Today public opinion exerts massive force and authority over the private and public life of every class of citizen.

The Diocese of San Angelo holds Communications to be a ministry that is based on truth, honesty, openness and wisdom. The Office of Communications is the focal point for the Diocese in developing, coordinating, promoting and propagating news and educational information of religious interest to the public through the Diocesan newspaper, the *West Texas Angelus*, and whenever deemed necessary through press releases to the print and electronic media. The Director of Communications of the Diocese functions as the Bishop's spokesperson. The Bishop may, whenever he deems it necessary, communicate with parishioners through letters to pastors concerning administrative and disciplinary actions predicated on ministerial misconduct.

The Communications Office provides a liaison between the Diocese and local, state, national and international communication agencies. It assists and advises Diocesan offices in matters of public relations or publicity. The Office will be guided by a commitment to transparency and openness, as enunciated by the United States Conference of Catholic Bishops in its published Charter and Norms when dealing with the community at large and specifically with representatives of the media.

When dealing with cases of sexual abuse, especially of children and minors, great compassion and care will always be extended to the victims. In the matter of sexual abuse and/or misconduct by any employee or volunteer of the Diocese, respect for the person and reputation of the individual alleged to be involved will always be honored. Disclosure to the community at large and specifically to the media will occur only after thorough consultation with the Bishop and his advisors. The Diocese will always strive to be proactive in dealing with the people of the Diocese and the media by formulating timely and clear statements. The Bishop or his representative will promptly reach out with honesty, compassion and clarity to those communities directly affected by any case of sexual abuse or misconduct by an ordained person, employee or volunteer.

The following principles will guide communications with the people of the Diocese and specifically with the press and electronic media, especially in cases involving sexual abuse or misconduct by any employee or volunteer:

- a) Other than the Bishop, the single spokesperson for the Diocese is the Director of Communications. The spokesperson should foster a spirit of trust and rapport with the people of the Diocese and with the print and electronic media that engenders an open and transparent policy. According to the need, the Bishop may appoint another person to serve as his spokesperson in certain parts of the Diocese.
- b) Communications with the media and the people of the Diocese will occur only after deliberate consultation between the principals involved in the legal, canonical and pastoral issues of the particular case at hand.
- c) The spokesperson of the Diocese will have a truly pastoral concern for victims of sexual abuse or misconduct.
- d) All instances of alleged sexual abuse, especially of children and minors, anywhere in the Diocese must be quickly communicated to the Victim Assistance Coordinator. This information should

be handled as confidential in accordance with the guidelines mentioned above. Cases of sexual abuse of children and minors must be promptly reported to the civil authorities by Diocesan officials or designated representatives.

D. Reporting Inappropriate Behaviors or Policy Violations with Minors

1. Because the Diocese of San Angelo is dedicated to *preventing* the sexual abuse of minors, it is imperative for every member of the community to respond when adults behave inappropriately with minors, rather than waiting for an allegation of abuse to occur.
2. In the event that Church personnel observe any inappropriate behaviors on the part of other Church personnel, it is their personal responsibility to immediately report their observations. Anonymous reports will not be accepted; promises of confidentiality cannot be made.
3. Examples of inappropriate behaviors would be violations of standards of conduct for ministry with minors, neglecting to supervise minors, inviting or allowing minors to spend the night in their homes or private living quarters, inviting or taking minors on overnight trips without other adults, or making suggestive comments to minors. (See other examples above, pp. 13 and 14.)
4. Inappropriate behaviors or policy violations that relate to interactions with minors should be reported to one of the following:
 - a. The pastor of the parish;
 - b. Other parish leaders as appropriate (e.g., pastoral coordinator/associate, parochial vicar, Director or Coordinator of Religious Education, Youth Ministry Coordinator, school principal);
 - c. The Victim Assistance Coordinator;
 - d. The Bishop.
5. All reports of suspicious or inappropriate behavior with minors will be taken seriously. Diocesan procedures will be carefully followed to ensure that the rights of all those involved are protected. (See Appendix C).
6. When inappropriate behaviors are reported to a pastor or other parish leader, he or she is asked to gather additional information about the nature of the concern and contact the Victim Assistance Coordinator for consultation. The Victim Assistance Coordinator will also notify the Bishop. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix D) must be completed and mailed or delivered to the Victim Assistance Coordinator's office.
7. If at any point in gathering information about inappropriate behavior, a concern arises that there is a suspicion of abuse, the Texas Department of Family and Protective Services will be contacted

and a report filed. See the following section on “Reporting Allegations of Sexual Abuse of Minors” for additional procedures in the event that there is a suspicion of abuse of minors.

8. If at any point, policy violations with minors are confirmed, Church personnel will be subject to disciplinary action. Disciplinary action will follow the Progressive Discipline Process outlined in Appendix F of these policies. Procedures for clergy will be consistent with the appropriate norms of Canon Law.

E. Reporting Allegations of Sexual Abuse of Minors

Dioceses are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

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

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

- Charter, 4

We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”

Diocesan policy is to provide that for even a single act of sexual abuse of a minor*-whenever it occurred-which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation.

- Charter, 5

1. Without prejudice to the Divine Law concerning the seal of the Sacrament of Penance, in accordance with Texas Law, any person who has cause to believe that someone currently a minor may have been or is being abused in any manner, physical or sexual, must report his or her suspicions to the Texas Department of Family and Protective Services (TDFPS), or the local police/sheriff, within 48 hours of suspecting the abuse or neglect. Protective Services maintains a 24-hour Abuse Hotline at 1-800-252-5400 as well as a website at www.txabusehotline.org.
 - Reports concerning abuse by family members or the child’s primary caregiver should be made to the TDFPS.

- Reports involving abuse at schools, churches, child care facilities, or individuals not related to the child should be reported directly to the local police or sheriff departments.
- If a child is in immediate danger call 911 to make your report.

Following this procedure will facilitate more timely processing of a report. The *Notice of Concern* form (p. 40) may be used to document this report.

Failure to report any suspected abuse of a minor in Texas is a crime punishable by fine, imprisonment or both. Reports may be made confidentially or anonymously. A person who mistakenly reports any suspected abuse is immune from civil or criminal liability as long as the report was made in good faith and without malice. On the other hand, there may be serious criminal, civil or church repercussions to someone who knowingly makes a false report.

If the alleged victim is no longer a minor, the alleged victim may make a report of sexual abuse to public authorities.

2. Any individual who has been abused sexually by Church personnel has the right to bring this matter to the attention of the diocesan bishop. Parents and guardians can speak on behalf of minors. Third party reports will be followed up by an attempt to speak with those directly involved.

Reports can be made to the following:

- a. The pastor of the parish
- b. Other parish leaders as appropriate (e.g., pastoral coordinator/associate, parochial vicar, Director or Coordinator of Religious Education, Youth Ministry Coordinator, school principal);
- c. The Victim Assistance Coordinator
- d. The Diocesan Bishop

Church officials will be sensitive to the needs and feelings of those who bring a complaint. Indeed, the first concerns are the protection of people from danger and the healing of those offended.

When an allegation is made regarding sexual abuse of a minor, the complainant should be informed that the complaint is taken seriously and the diocese will deal with the matter, according to these “Policies on Ethics and Integrity in Ministry.” The allegation is taken seriously and will be investigated and acted upon. At the same time, it is expected that allegations be based on fact and be an honest representation of the truth. The person who makes false accusations or allegations made with malice to hurt the reputation of Church personnel will be required to make a written and signed retraction. There could be criminal, civil or church responses to false reports and the damages they inflict. Anonymous reports will not be accepted; promises of confidentiality cannot be made.

The Church personnel receiving the complaint must pass it on promptly to the Victim Assistance Coordinator or Diocesan Bishop.

3. Church personnel are to report to the Victim Assistance Coordinator or Diocesan Bishop any suspected or known abuse of minors that may have been perpetrated by Church personnel, so that prompt and proper steps may be taken to ensure the safety of alleged victims.
4. The Diocese of San Angelo will respond promptly to deal with any accusation of sexual misconduct brought against Church personnel. The willingness of the diocese to respond to an allegation is in no way a judgment of the person accused. Innocence is always presumed until the facts prove otherwise. The diocese will cooperate fully with civil authorities and follow reporting requirements as determined by Texas law. All complaints alleging misconduct are treated seriously, but especially if the allegation states that misconduct involved any Church personnel, the incident took place on church property or the incident occurred during an activity sponsored by the church.
5. The diocese will keep the alleged victim informed of the progress of the investigation and follow-up. The diocese will offer pastoral assistance to victims according to the circumstances and the defined course of therapy.
6. When an allegation of sexual abuse of a minor by Church personnel, whether clergy or employee or volunteer, is received by the diocese, it will respond as follows:
 - a. The case is referred promptly to the Victim Assistance Coordinator. As noted in the *Charter*, he is “to aid in the pastoral care” (Article 2) of the complainant and family; he demonstrates that the diocese has a “sincere commitment to their spiritual and emotional well-being” (Article 1). The Victim Assistance Coordinator will gather the facts of the case, obtaining as much pertinent information as possible. He will begin the discussion of counseling for the victim/family, advise them of the requirement by law to report the allegation to civil authorities, and inform the victim or parents of a minor that he will be their communication contact with the diocese.
 - b. The Victim Assistance Coordinator will immediately make a verbal report to the diocesan bishop. This will be documented by a written report.
 - c. The bishop will consult promptly with legal counsel regarding compliance with Texas law reporting statutes, if the alleged victim is currently a minor.
7. At the time the diocesan bishop receives the report from the Victim Assistance Coordinator, he will designate a Case Manager to assume direct, on-going responsibility for the day-to-day management of the case. Ordinarily, this person will be the Victim Assistance Coordinator himself. He will work closely with the bishop on
 - Reporting to civil authorities
 - Coordinating with the legal counsel of the diocese

- Informing the diocesan insurance carrier
- Collaborating with the diocesan Communications Director; the bishop and the Communications Director will be the only persons to speak for the diocese to the media
- Serving as (or with) the Victim Assistance Coordinator to attend to the victim and family
- Communicating with the affected school or parish
- Maintaining the files, documenting the case

8. The bishop will initiate an internal investigation of the matter.

- a. When there is reason to suspect sexual abuse of a person currently a minor has occurred, the civil authorities must be notified. If the alleged victim is no longer a minor, the diocese will advise and support the person's right to make a report to public authorities (Norms, 11).
- b. When the allegation is against an employee or volunteer, the bishop will appoint an independent investigator to look into the case promptly and objectively. The independent investigator will coordinate his investigation and findings with the diocesan chancellor, as well as cooperate with civil investigating agencies. The principal responsibilities of the independent investigator are to determine the credibility of the allegation of sexual abuse by church personnel, and insure objectivity in the diocesan investigation. Steps will be taken to protect the reputation and confidentiality of the accused during the investigation. The accused will be advised (with due consideration to consultation with law enforcement authorities) to retain the assistance of legal and canonical counsel, and will be promptly notified of the results of the investigation.
The accused employee may be placed on administrative leave, with remuneration intact, pending the outcome of the investigation and the disposition of the case. A volunteer may be asked to cease serving, pending the outcome of the investigation. Innocence is presumed until guilt is admitted or established.
- c. When the allegation is against a priest or deacon, the matter will be handled according to the requirements of civil and canon law. See Appendix G.

9. The advice of the Diocesan Review Board may be sought by the diocesan bishop at any time during the investigation of the case and determination of its outcome (Norms, 4A).

10. The diocese will cooperate with civil authorities during the investigation of the case.

11. The diocese will arrive at its own determination about the findings and outcome of the investigation. The complainant and the accused will be notified of the results of the investigation. The documents of the investigation will be kept on file.

12. The following are possible outcomes of the investigation:

- a. Care will always be taken to protect the civil and canonical rights of all parties involved, particularly those of the alleged victim and the accused. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person

falsely accused. The person who makes false accusations or allegations made with malice to hurt the reputation of Church personnel will be expected to make a written and signed retraction. If the person making a false accusation is involved in church ministry, the person may be removed from the ministry.

- b. If the outcome of the case is inconclusive, the diocesan bishop will seek the advice of the Diocesan Review Board about whether the accused may return to ministry and under what circumstances (Norms 4A)
- c. If sexual abuse of a minor is admitted or established, the procedures in the next section will be followed.

F. Procedures When Sexual Abuse of a Minor Is Admitted or Established

When sexual abuse of a minor by Church personnel is admitted or established by the diocese's internal investigation or through investigation and/or prosecution by law enforcement, the following procedures will be followed:

1. If the accused is a volunteer, the diocese will exercise appropriate action in accord with its relationship with the accused and the particular circumstances of the situation. A report will be made to TDFPS or other law enforcement authorities as required by law (see page 18) if the victim is currently a minor. The volunteer may be required cease his or her service pending the resolution of the case. Sensitivity to the accused's reputation will be respected, although to the extent the matter has become public in a parish or school, those who need to know will be informed. The accused volunteer will receive the pastoral care of the Church as warranted. If the sexual abuse of a minor is admitted or established, the volunteer will not return to any type of service on behalf of the Church. The documents of the case are kept on file.
2. If the accused is an employee of the diocese, parish or school, the diocese will exercise appropriate action in accord with its relationship with the accused and the particular circumstances of the situation. A report will be made to TDFPS or other law enforcement authorities as required by law (see page 18) if the victim is currently a minor. The employee may be required to take administrative leave pending the outcome of the case; the employee's remuneration remains intact during this leave. Sensitivity to the accused's reputation will be respected, although to the extent the matter has become public in a parish or school, those who need to know will be informed. The employee will receive the pastoral care of the Church as warranted. If the sexual abuse of a minor is admitted or established, there will be termination of employment (respecting the contractual relationship with the employee) and the employee will not return to any type of service on behalf of the church. The documents of the case are kept on file.
3. If the accused is a priest or deacon, the procedures in Appendix G will be followed.

VI. To Protect the Faithful in the Future

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.

- Charter, 12

A. Safe Environment Education and Training

1. Members of the clergy, religious, employees and all volunteers who have regular contact with minors will be required to participate in training which addresses their role in protecting minors in the Diocese of San Angelo.
2. Church personnel are required to review the Diocese of San Angelo Policies on Ethics and Integrity in Ministry and agree to comply with Diocesan Code of Ethics.
3. The Diocese of San Angelo will initiate sexual abuse prevention programs for the parents of children and young people in diocesan parishes and schools.
4. The Diocese of San Angelo will initiate sexual abuse prevention programs for the children and young people in diocesan parishes and schools.

B. Supervision of Church Personnel Who Work with Minors

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of San Angelo. Parents have an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child’s programs in the Church will be required to complete the volunteer application process.
2. Programs for minors must be sponsored and administered by at least two adults at least 25 years of age.
3. Church personnel under the age of 21 must work under the direction and presence of an adult supervisor for on-campus programs. Chaperones must be at least 25 years of age.
4. Church personnel in leadership roles must be aware of all programs for minors that are sponsored by a parish or school. A list of these programs should be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders are to examine these programs and consider whether they have adequate supervision.

5. Because new programs for minors are far more likely to have difficulties than established ones, individual Church personnel should not be permitted to develop new programs for minors without proper review and consent within the parish or school. Requests to develop new programs are to be submitted in writing to the Pastor or Pastoral Coordinator, or when appropriate, the Pastoral Council. Consideration is to be given to whether the plan for a new program includes adequate adult supervision and will be structured to comply with the guidelines for interactions with minors defined in number V, B, pages 13 and 14.

C. Screening of Church Personnel Who Work with Minors

Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

- Charter, 13

1. All applicants for Church personnel positions as priests, deacons, seminarians or employees; all applicants for volunteer positions in which Church personnel have regular contact with minors (in schools, religious education programs, youth programs and child care); and all applicants who will work where they may encounter vulnerable adults (Extraordinary Ministers of Communion to the sick, home visits, hospital and prison ministry) will be required to complete the following without exception:
 - a. **A standard application** that includes a signed release of information to conduct background checks (See Appendix A). Applicants will also be required to read and sign a Code of Ethics for Church personnel (See Appendix B).
 - b. **Criminal records check** for the State of Texas and any other state where the applicant has resided during the past five years. **The criminal records check must be completed and approved prior to permitting church personnel to work around minors or vulnerable adults.**
2. Additional screening procedures, such as reference checks and face-to-face interviews are to be completed for new applicants, as well as existing employees and volunteers who have held their positions for less than two years.
3. Volunteers for programs working with minors in parishes should be registered members of the parish for at least six months and known by parish leaders before being placed in a volunteer position with minors. After careful consultation, exceptions may be made for parents of minors in the specific programs in which their child or children are participating.

4. Criminal records checks will be conducted every fifth year of a Church personnel's employment or volunteer position.
5. Church personnel who transfer within the Diocese are strongly encouraged to request in writing for their personnel files to be transferred to the new parish or school.

D. Provisions for Visiting Church Personnel

1. Youth Events: Policy on Accountability and Coordination

- a. Youth events or retreats, sponsored by parishes for their youth, are ultimately the responsibility of the pastor/pastoral coordinator and the parish staff/volunteers. The pastor/pastoral coordinator and the parish staff/volunteers are also responsible for presenters invited for the event/retreat.
- b. Youth events or retreats that are offered for other participants beyond the parish are the responsibility of the parish or group sponsoring them. They are also responsible for presenters invited to present the program.
- c. Presenters from outside the diocese must complete a Safe Environment Questionnaire with the Office of Education and Formation to receive approval from the bishop. After each event, a report will be filed with the Office of Education and Formation by those who sponsored the event.
- d. The Office of Education and Formation of the Diocese of San Angelo is responsible for programs for youth sponsored by the office. It is not accountable for other programs or other groups.
- e. The Diocese of San Angelo requires that all events follow the guidelines delineated in the Diocesan Handbook for Youth Ministry. It requires that adults working with youth follow the Diocesan Policy for Ethics and Integrity in Ministry (including the standard application and background check, attendance at a Safe Environment Workshop, etc.).
- f. It is recommended that parishes or other groups planning youth events consult the Office of Education and Formation to avoid conflicts in programming and to coordinate efforts for the benefit of all concerned.

2. Priests

- a. Priests who enter the Diocese of San Angelo to preach, offer parish missions, or fill in for local priests, are required to present a letter of recommendation or "Celebret", issued within the past year, by their diocesan bishop or Religious Superior, testifying that they are priests in

good standing who enjoy the faculties of their home diocese or religious community and that they have no known legal or moral problems (in light of the *Charter* and *Norms*). This letter must be presented to the local Pastor or Pastoral Coordinator, who is responsible to verify that the priest is in good standing. A copy of this letter will be forwarded to the bishop.

- b. Priests serving in the Diocese of San Angelo may find it useful to request a similar letter, if they plan to travel and engage in ministry elsewhere. Please contact the Chancellor's office.

SECTION TWO: IMMORAL CONDUCT, HARASSMENT, AND EXPLOITATION

VII. Prevention of Immoral Conduct: Guidelines for Ethical and Moral Behavior

Because Church personnel enjoy a public trust and confidence, it is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that irregularity in conduct exists. All Church personnel are to uphold the standards of the Catholic Church in their day-to-day work and personal lives.

A. Definitions

1. Immoral conduct is defined as behavior that is contrary to the discipline and teachings of the Church and may result in scandal to the faithful or harm to the ministry of the Church. Specific standards of the diocese are defined below.
2. Scandal is an attitude or behavior, which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately led into a grave offense (*Catechism of the Catholic Church*, n. 2284).

B. Standards of the Diocese

1. It is fundamental to the mission of the Diocese of San Angelo for Church personnel to exhibit the highest ethical standards and personal integrity. The purpose of this policy is to insure that all Church personnel follow the traditional strong moral and ethical standards of the Catholic Church. Church personnel should not engage in the following:
 - a. Formally rejecting Catholic Church teachings or the Christian way of life.
 - b. Exhibiting actions that are disruptive to the ministry and public worship.
 - c. Procuring or participating in abortion, homicide or euthanasia.
 - d. Possessing or viewing pornographic materials.
 - e. Engaging in adultery or flagrant promiscuity
 - f. Abusing alcohol or abusing gambling.
 - g. Possession or use of illegal drugs or drug paraphernalia.
 - h. Stealing or any other form of theft, including misappropriation of Church funds.
 - i. Sexual harassment, exploitation or abuse.
 - j. Physical assault and fighting.
 - k. Disclosing the serious faults or failings of others to persons who have no cause to know them or making false allegations against another.

VIII. Prevention of Harassment: Guidelines for Professionalism

A. Definitions

1. Harassment is an offensive use of power where the purpose or the effect is to create a hostile or intimidating work environment.
2. Harassment encompasses a broad range of physical, written, or verbal behavior that includes, but is not limited to, the following:
 - a. Physical abuse;
 - b. Racial insults;
 - c. Derogatory ethnic slurs;
 - d. Unwelcome sexual advances, solicitation or touching;
 - e. Sexual comments or sexual jokes;
 - f. Requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
 - g. Display of offensive materials, such as suggestive posters or magazines.
3. Harassment may be severe and/or pervasive.
 - a. Severe conduct is sufficient to alter a workplace environment even though it may occur only once.
 - b. Pervasive conduct is a persistent pattern of offensive conduct.

B. Standards of the Diocese

1. Church personnel do not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or parishioners.
2. Church personnel shall promote a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

IX. Prevention of Exploitation: Guidelines for Pastoral Counseling and Spiritual Direction

A. Definitions

1. Exploitation in the context of this policy refers to Church personnel taking unfair advantage of the pastoral counseling or spiritual direction relationship for the benefit of the provider.

2. Sexual exploitation is sexual contact between Church personnel and the recipient of pastoral counseling or spiritual direction, regardless of who initiates the contact.

B. Standards of the Diocese

1. Church personnel shall not attempt to counsel outside or beyond their level of competence and credentials in pastoral counseling and spiritual direction. Church personnel shall defer to other professionals when appropriate.
2. Church personnel must never engage in sexual intimacies with the persons to whom they provide pastoral counseling or spiritual direction. This includes consensual contact, forced physical contact, and sexually explicit conversations not related to pastoral counseling or spiritual direction.
3. Church personnel must set and maintain clear, appropriate boundaries in all pastoral counseling and spiritual direction.
4. Physical contact should be respectful and consistent with the intent to provide a professional pastoral counseling and spiritual direction environment.
5. Pastoral counseling and spiritual direction shall be conducted in the church or in a professional setting during normal business hours or early evening.
6. No pastoral counseling or spiritual direction sessions should be conducted in bedroom area of private living quarters.
7. Church personnel should maintain a log of the times and places of pastoral counseling or spiritual direction.

C. Confidentiality

1. Information disclosed to Church personnel during the course of pastoral counseling or spiritual direction shall be held in strict confidence.
2. In accordance with the norm of canon law (c. 983), the sacramental seal of the Sacrament of Confession is inviolable; therefore it is absolutely forbidden for a confessor to betray the confidence of any penitent, living or dead.
3. Information obtained in the course of pastoral counseling or spiritual direction sessions shall be confidential, except for compelling professional reasons or as required by law. The following would be considered compelling reasons to violate confidentiality:

- a. There is a serious threat to the welfare of a minor.
 - b. If there is clear and imminent danger to the client or to others, the Church personnel is to disclose the information to state authorities necessary to protect the endangered parties.
 - c. Before disclosure is made, if feasible, the Church personnel should inform the person being counseled about the disclosure and the potential consequences.
4. The Church personnel providing pastoral guidance counseling or spiritual direction should keep minimal records of sessions.
5. If Church personnel discover during pastoral counseling or spiritual direction with a minor or an adult, that a) there is a serious threat to the welfare of a minor, and b) that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Church personnel shall disclose information necessary to protect the health and well-being of the minor.

X. Reporting Immoral Conduct, Harassment or Exploitation

A. Standards

1. Church personnel have a duty to report violations of the Policies on Ethics and Integrity in Ministry.
2. When there is an indication of illegal actions by Church personnel, Church personnel will notify the police or other civil authorities immediately. Although it is not a legal requirement, the Diocese of San Angelo is better able to respond promptly if it is informed directly. Church personnel are encouraged to inform the bishop at the Diocesan Pastoral Center.

B. Reporting Procedures

1. When there is an indication that the actions of a Church personnel member may constitute immoral conduct, harassment or exploitation, report to one of the following:
 - a. The pastor of the parish;
 - b. Other parish leaders as appropriate (e.g., pastoral coordinator/associate, parochial vicar, Director or Coordinator of Religious Education, Youth Ministry Coordinator, school principal);
 - c. The Diocesan Personnel Coordinator
 - d. The Diocesan Bishop.

2. Allegations of immoral conduct, harassment or exploitation will be taken seriously and diocesan procedures will be followed to protect the rights of all involved.
3. If there are questions about the applicability of these policies, consult the Bishop at the Diocesan Pastoral Center.
4. If infractions of Diocesan policy are confirmed, Church personnel will be subject to disciplinary action up to and including termination and possible prosecution. Disciplinary action will follow the Progressive Discipline Process outlined in Appendix F of these policies.

C. Dealing with Infractions

If infractions alleged cannot be dealt with at the parish level, diocesan procedures will be followed. These procedures will follow generally those listed above for complaints about sexual abuse of minors, with the necessary and appropriate changes.

It should be noted that the special procedures of the *Essential Norms* do not apply here. Rather, the material and procedures from the Code of Canon Law about canonical crimes and procedures would be used when needed. The criminal and civil laws to be followed will differ also for these cases, which do not involve sexual abuse of a minor.

Ordinarily the Personnel Coordinator will be appointed as Case Manager to work with the bishop in the day-to-day management of the case (e.g., providing pastoral outreach to the complainant, investigating the case, and coordinating with attorneys, insurance carriers, diocesan Communications Director, and others) and keeping the file on the complaint.

SECTION THREE: CHILDREN / YOUTH PEER BEHAVIOR (Catholic Schools, Religious Education, Other Youth Programs)*

XI. Safe Environment in Children/Youth Peer Relationships

Church personnel will strive to ensure that children/youth model behavior that maintains a safe environment for themselves and others (children, youth, adults) and witnesses in word and deed their discipleship in Jesus Christ. *(Adapted from NFCYM Policy for Protecting Youth People.)* An important component of Safe Environment Training for Children/Youth is Prevention Training that fosters a sense of safety, sensitivity and responsibility in peer relations between children and youth. Christian behavior is integrated throughout the curricula of the Catholic School/Religious Education Program. Parents and students are to be made aware of expected behavior at the beginning of the year and integrated throughout. This will be accomplished through the use of the Diocesan Guidelines for Student Behavior and the Diocesan Safe Environment Program (Appendix K).

A. Standards of Behavior

1. In accord with the call to be peaceful followers of Christ, and with the state law, the Diocese will not tolerate any type of bullying or intimidation. Bullying and intimidation include engaging in written, electronic, or verbal expressions or conduct that has the effect of physically harming a student, damaging a student's property, or placing a student in fear of harm to one's self or property severe enough to create an intimidating, threatening or abusive educational environment for a student.
2. Catholic Schools, Religious Education and other youth programs are to have specific rules to deal with youth misbehavior.

B. Reporting Procedures

1. In the event of a serious incident between minors (one that sexually, physically, verbally, or psychologically harms another) who are supervised by Church personnel, an Incident Report needs to be completed, after first going through the proper levels of authority, and submitted to the appropriate level of authority that will deal with the incident. For reporting incidents, parish programs will use Appendix I and J; Catholic Schools will use the appropriate report form in the Manual of School Policies for the Diocese of San Angelo. Some examples of serious incidents might include but not be limited to:
 - Inappropriate sexual touching
 - Physical violence causing injury that requires professional medical care or hospitalization
 - Situations requiring a response from law enforcement officials. When necessary, incidents will be reported to the proper Diocesan authority.

2. Steps to take in reporting serious incidents among children/youth regarding:
 - Sexual, physical, verbal, or psychological abuse incident involving peers
 - Sexual, physical, verbal, or psychological abuse incident between peers when one is 3 or more years older than victim
 - a. Gather all information and evidence on sequence of events
 - b. Talk to Teachers(s) or one in charge
 - c. Talk to Youth involved (all parties)
 - d. Talk to Parent(s)
 - e. Talk to other involved parties and witnesses
 - f. Send report to appropriate level of authority

C. Reporting Procedure Sequence

Parents of children and youth involved in serious incidents should always be informed of the incident and pending actions.

Catholic Schools

1. Teacher
2. Principal
3. Pastor
4. Superintendent of Schools
5. Diocesan Safe Environment Coordinator
6. Bishop.

Religious Education Programs

1. Catechist
2. Director of Religious Education (DRE) or Coordinator of Religious Education (CRE)
3. Pastor
4. Diocesan Office of Education and Formation
5. Diocesan Safe Environment Coordinator
6. Bishop

Youth Ministry Programs

1. Youth Volunteer
2. Coordinator of Youth Ministry (CYM)
3. Pastor
4. Diocesan Office of Education and Formation
5. Diocesan Safe Environment Coordinator
6. Bishop

D. Disciplinary Measures

Children and youth involved in these incidents are to be disciplined by the proper level of authority according to the severity of the action, in accord with written rules of the Catholic School, Parish Religion or Youth Program, or other Church sponsored programs. This might include a warning, reprimand, suspension, other appropriate actions or expulsion from the Catholic School, Religious Education, other Youth Programs, in which the youth was a participant when the incident occurred. When necessary, law enforcement officials are to be contacted in accord with current civil laws. Students involved in the Catholic Schools, Parish Religious Education, and other Church sponsored programs must be made aware that they can report abuse involving either themselves or peers to one of the following:

- Parents
- Teachers
- Principals
- DRE or CRE
- Youth Coordinator
- Pastor
- Diocesan Safe Environment Coordinator

E. Healing, Reconciliation, and Liability

Efforts should be taken by the appropriate level of authority to work for healing with youth and families involved or affected by serious incidents. Professional counseling, spiritual guidance and other assistance should be provided if deemed appropriate. It is expected that the parents of children or youth who have caused injury to another child or youth will be liable for any costs incurred for medical care or counseling attributable to the incident.

CONCLUSION: THE CHURCH'S PASTORAL RESPONSE TO MISCONDUCT IN MINISTRY

A. Care of the Victim and/or the One Who Brings Allegations of Misconduct

1. The Diocese of San Angelo will take all allegations seriously and will immediately and thoroughly investigate allegations.
2. The Diocese of San Angelo will respond immediately and effectively to deal with any accusation of misconduct brought against Church personnel. This response to an allegation is in no way a pre-judgment of the person being accused. Innocence is always presumed until facts prove otherwise. Likewise, it is expected that an allegation brought by the victim or by a person's parent or legal guardian, is based on fact, and is an honest representation of the truth. It is always important for all members of the Church to be sensitive to the needs and feelings of those who allege misconduct.
3. The Church will offer counseling services to the victim of misconduct to begin the healing process. This assistance may vary with circumstances and Diocesan support will be determined in proportion to the defined course of therapy. The Diocese will provide reasonable assistance as the need arises.

B. Care of Church Personnel Accused of Misconduct

1. The Diocese of San Angelo has a deep concern for any Church personnel accused of misconduct.
2. The Diocese will take great care to ensure that a proper investigation is conducted following any allegation of misconduct. The rights of the accused to due process will be observed throughout the investigation process and every effort will be made to protect the interests of the accused from false allegations.
3. During investigations of allegations, the accused may be removed from contact with alleged victims to ensure the integrity of the investigation and the safety of alleged victims during the investigation. This action should in no way be interpreted as a presumption of guilt. Innocence is always presumed until facts prove otherwise. In the event that allegations are not founded, the accused Church personnel will be restored to his or her position as quickly as possible.
4. In the event that allegations are founded and the accused is not permitted to resume work within the Diocese, the Diocese will offer pastoral care to accused in accordance with Canon Law.

C. Care of the Community Affected by Misconduct

1. The Diocese has a special concern for the parishes and other diocesan organizations served by personnel who are accused of misconduct.
2. The Diocese will make every effort to provide pastoral care to the individuals within a parish or other diocesan organization that is affected by an incident or allegation of misconduct.

Selected Sites

Please indicate the city and the name of the parishes/schools with which you would like this application to be registered.

City Where Parish is Located	Name of Parish/School/Diocesan Ministry
*	*

Residential History

If you have lived in your current residence for longer than 5 years you need not complete this block.

Dates (mm/yyyy)	Street Address	City/State/Zip	Country
Beg. Date _____ End Date _____			
Beg. Date _____ End Date _____			
Beg. Date _____ End Date _____			
Beg. Date _____ End Date _____			
Beg. Date _____ End Date _____			

Employment History (Last 5 years listing most recent first)

_____ Check here if you have no employment history.

Dates of Employment (mm/yyyy)	Company name And address (City, State, Zip)	Immediate Supervisor name & Phone Number	Position Held/Job Description	Reason for Leaving position
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				

Educational History (High School and later)				
Dates (mm/yyyy) (Start with most recent)	School name And address (City, State, Zip)	Type of School	Name of Program or Degree	Program Completed?
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				

References				
* Minimum of Two is Required				
Reference Name First/Last	Address (City, State, Zip)	Daytime Phone	How long have you known this person?	Has this person agreed to be a reference?
Professional/Civic				
Professional/Civic				
Personal				
Personal				
Family Member				

Background Check Information
* Have you ever been the subject of an official investigation under canon (church) law and/or civil (state or U.S.) law related to an allegation of physical, sexual, or emotional abuse of a child or an adult? <input type="checkbox"/> Yes <input type="checkbox"/> No
* If yes, please explain: _____ _____
* Full Name: First _____ Middle _____ Last _____
* Social Security Number: _____ - _____ - _____
* Driver's License or DPS ID #: State _____ Number _____
* Date of Birth: Month _____ Day _____ Year _____
Gender: Male _____ Female _____
* Have you changed your last name in the past 7 years? <input type="checkbox"/> Yes <input type="checkbox"/> No
* If yes, what was your previous last name? _____
* Have you lived outside your current state in the last 7 years? <input type="checkbox"/> Yes <input type="checkbox"/> No
* If yes, in which state or country? _____

Declarations

The **Catholic Diocese of San Angelo** appreciates your willingness to share your faith, gifts and skills. Providing safe and secure programs for our members is of utmost importance to us. The information gathered in this application is designed to help us provide the highest quality Catholic programs for the people of our community. Please read and initial each of the statements below. An application without these initialed, and without a signature is deemed incomplete, and will not be considered; **Do not sign this form until you have read and initialed all statements. If a current employee or volunteer does not initial these following declarations they will be terminated. If you don't understand these declarations, check with your pastor before signing; to do so, check here _____.**

* _____ I hereby authorize the **Catholic Diocese of San Angelo** ("Diocese") to investigate my personal and professional background, for my application at Diocese. Diocese may contact any references, past and current employers, church, youth organizations or agencies, individual or organization deemed relevant to my application.

* _____ I also authorize Diocese to investigate my criminal background in arrest records, abuse registry, and driving record. Any information obtained from sources that I provide will be held confidentially by Diocese and will be revealed to me upon my written request. I understand that periodic criminal background checks will be conducted prior to and during my service. I authorize investigations of all statements contained in the application.

* _____ I agree to observe all Diocese guidelines and policies for the program in which I am applying. I understand that Diocese has a policy of **ZERO TOLERANCE FOR ABUSE** and takes all such allegations seriously. I further understand that Diocese cooperates fully with the authorities to investigate all cases of alleged abuse. Abuse of minors or vulnerable adults is grounds for immediate dismissal and possible criminal charges.

* _____ I understand that I can withdraw from the application process at any time, but if I sign below, I understand that any false statements and/or omissions I make in this application including failure to include the contents of a sealed criminal record regarding my status as a subject of an official investigation related to an allegation of physical, sexual, or emotional abuse of a child or an adult may be grounds for denial of my application or dismissal from my ministry involvement. By my signature, I certify that I have read and understand all of the above. I sign of my own free will. All statements made in this application are true.

Applicant Signature * _____ **Date: *** ____/____/____

I have reviewed this application and have noted any missing information.

Screening Committee Member Signature: _____ **Date:** ____/____/____

Appendix B. Code of Ethics

Church personnel will exhibit the highest Christian ethical standards and personal integrity.

Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.

Church personnel shall promote a professional work environment that is free from sexual harassment, exploitation, or abuse.

Church personnel will not take personal advantage of a pastoral counseling or spiritual direction relationship for the benefit of themselves.

Church personnel will not sexually abuse anyone, especially a minor or a vulnerable adult.

Church personnel will share concerns about suspicious or inappropriate behavior with minors with their pastor; with other parish leaders as appropriate (e.g., pastoral coordinator/associate, parochial vicar, Director or Coordinator of Religious Education, Youth Ministry Coordinator, school principal); with the Victim Assistance Coordinator; or with the Bishop.

Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Family and Protective Services.

Church personnel will accept their responsibility to protect minors and vulnerable adults from sexual harassment, exploitation, or abuse.

Acknowledgment

I have attended an educational seminar which explains the Policies on Ethics and Integrity in Ministry adopted by the Diocese of San Angelo. I understand the policies and voluntarily agree to abide by these policies and conduct myself in complete accordance with them.

Please Print

Date _____

Name _____

Position _____

Signature _____

Name of Parish, School or Other _____

Appendix C. Process for Responding to Inappropriate Behavior or Policy Violations with Minors by Church Personnel

Inappropriate behavior or policy violations with minors by employees, volunteers or clergy should be reported to the following:

- a. The pastor,
- b. Other parish leaders as appropriate (e.g. pastoral coordinator/associate, parochial vicar, Director or Coordinator of Religious Education, Youth Ministry Coordinator, school principal);
- c. The Victim Assistance Coordinator,
- d. The Bishop.

Pastors and other parish leaders must take concerns about inappropriate behavior with minors seriously. They are asked to contact the Victim Assistance Coordinator for advice and consultation.

In cases where there is confirmation that policies have been violated, the pastor or other parish leader should follow the Progressive Discipline Procedure in addition to any other information gathering.

In cases where there is no knowledge or suspicion of abuse and no confirmation that policies have been violated, the pastor or other parish leader is asked to gather additional information about the nature and extent of the suspicious or inappropriate behavior.

In cases where there is knowledge or suspicion of abuse, follow the procedures under **The pastor or other parish leader suspects abuse** in the box below.

Information gathering may include, but not be limited to the following:

1. Talking with the person who brought the concern.
2. Talking with minors and parents who have direct contact with the person who may have been inappropriate.
3. Talking with the person who may have been inappropriate.
4. Talking with other adults who work closely with the person who may have been inappropriate.
5. Visiting the program if at all possible.

If policy violations have been confirmed, the progressive discipline policy should be followed.

Possible outcomes following initial gathering of information

The pastor or other parish leader discovers the concern was unfounded.

- A *Notice of Concern* (p. 40) is completed and mailed or delivered to the Victim Assistance Coordinator's Office
- The person who is the subject of concern is shown the *Notice of Concern* and informed about the situation.
- Even in cases where the concern was unfounded, the confidentiality of all involved must be protected.
- The person who brought the concern is informed about the information gathered and the result.

The pastor or other parish leader cannot reach a conclusion.

- A *Notice of Concern* (p. 40) is completed and mailed or delivered to the Victim Assistance Coordinator's Office.
- The person who is the subject of concern is informed of the concerns that have arisen and how the investigation will occur.
- The person who is the subject of concern may be placed on leave with pay or temporarily removed from a volunteer position until more information can be gathered.
- The Victim Assistance Coordinator will notify the Bishop and arrange notification of the Diocesan Review Board. The Victim Assistance Coordinator will confer with the Bishop to define the scope and activities of the investigation and an investigation will begin immediately.

The pastor or other parish leader suspects abuse.

- A *Notice of Concern* (p. 40) is completed and mailed or delivered to the Victim Assistance Coordinator's Office. Every effort will be made to also contact the Victim Assistance Coordinator by telephone.
- The Victim Assistance Coordinator will notify the Bishop and develop an immediate response plan.
- TDPRS is called and the suspected abuse is reported or it is confirmed that the report has already been made.
- The Church personnel may be temporarily removed from service pending an investigation by Protective Services or an internal investigation by the Diocese.
- The family of the minor who may have been abused is contacted by the Victim Assistance Coordinator or designee to assist with the child's and family's pastoral needs.

Appendix D. Confidential Notice of Concern

Date of report _____

Date of occurrence _____

Time of occurrence: _____

Type of Concern:

_____ Harassment

_____ Exploitation

_____ Policy violation with a minor

_____ Possible risk of abuse

_____ Known or suspected abuse. Has this been reported to TDFPS at 1.800.252.5400 or the police or sheriff?

If yes, Report # _____ Time/Date of Report _____

_____ Other concern: _____

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to TDPRS, what was their recommendation about investigating?

Has this situation ever occurred previously? _____

What action was taken? How was the situation handled, who was involved, who was questioned, were police called?

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation?

Submitted by: _____ Telephone number _____

Location and address: _____

Signature: _____ Date _____

Reviewed by: _____ (Victim Assistance Coordinator's Signature)

Appendix E. Formal Warning Document

Church personnel name _____ Position: _____

Purpose:

_____ Formal Warning

_____ Probation

Date of Previous Counseling _____

Statement of the problem: (violation of policies, standards, poor performance)

Prior discussions or cautions of the problem: (oral or written, dates)

Statement of diocesan policy on the subject:

Summary of corrective action to be taken by Church personnel:

Consequences of failure to complete and maintain corrective action:

Signature of Supervisor: _____ Date _____

Signature of Church personnel: _____ Date _____

Policies on Ethics and Integrity in Ministry
Diocese of San Angelo

Appendix F. Progressive Discipline Procedure

A. Standards of the Diocese

1. It is the policy of the Diocese of San Angelo to maintain the highest quality personnel who exhibit exemplary conduct and superior performance. To this end, all Church personnel shall be informed by their pastor, pastoral coordinator, Director or Coordinator of Religious Education or principal (hereafter, “parish leaders”) of what is expected of them in the performance of their roles and how their performance will be monitored.
2. If Church personnel performance does not meet established standards of the Diocese of San Angelo, parish leaders shall address the problem(s) in a timely and equitable manner, by 1) Counseling, 2) Formal Warning, and 3) Termination.
3. All documents associated with the Progressive Discipline Procedure shall be retained in the personnel file.
4. Procedures for progressive discipline of clergy will be consistent with this appendix and the appropriate norms of canon law.

B. Steps in Progressive Discipline

1. Counseling. A large portion of performance deficiencies are identifiable and can usually be addressed and resolved through informal counseling between the parish leaders and the Church personnel. Effective counseling includes the following:
 - a. Clear identification of the problem with specific examples,
 - b. A mutually agreed upon action plan to resolve the problem,
 - c. Documentation of the counseling and communication which is kept in the personnel file of the individual who receives counseling.
2. Formal Warning. Formal Warnings should be initiated when 1) counseling fails to resolve the problem, or 2) the problem is of such a serious nature that immediate and formal resolution is required.
 - a. Formal Warnings should follow the format provided in the “Formal Warning Document.” (See Appendix E). The document should include:
 1. A specific statement of the problem.
 2. Reference to any counseling that was attempted.
 3. A statement of the policy that was violated.

4. A summary of corrective actions to be taken.
 5. A statement of the consequences of failure to resolve the problem(s).
 6. A reasonable time frame for resolution (often 15 to 30 days).
 - b. Formal Warnings should be presented at a meeting with the parish leader(s).
 - c. Church personnel should be required to sign the Formal Warning Document.
 - d. Formal Warning Documents and all accompanying materials should be stored in the personnel file of the individual who receives the warning.
 - e. If Formal Warnings relate to inappropriate behavior with minors, Formal Warning Documents will be mailed or delivered to the Victim Assistance Coordinator's office.
3. Termination. Termination should be administered under one of two conditions:
 - a. Failure to improve conduct subsequent to Formal Warning, or
 - b. Serious and major offenses, including but not limited to, violations of the Policies on Ethics and Integrity in Ministry.

Appendix G. Procedures for Allegations Against Clergy

When an allegation of sexual abuse is brought against a priest or deacon, the procedures found in the Code of Canon Law (1983), the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, *Sacramentorum sanctitatis Tutela*, and related decrees must be followed, in addition to prevailing criminal and civil law.

The complicated procedure is spelled out in this Appendix, with the caveat that each case may present its own differences and challenges.

At any time, State criminal proceedings and/or civil litigation may be involved, as well as canonical processes. The Catholic Church must operate in all three spheres. The Diocese of San Angelo recognizes the right of the accused priest or deacon to seek legal recourse.

The Allegation

1. When an allegation of sexual abuse of a minor by a priest or deacon is received by the diocese, the bishop will respond as follows:

- The case is referred immediately to the Victim Assistance Coordinator. As noted in the *Charter*, he is “to aid in the pastoral care” (Article 2, Norm 3) of the complainant and family; he demonstrates that the diocese has a “sincere commitment to their spiritual and emotional well-being” (Article 1). The Victim Assistance Coordinator will gather the facts of the case, obtaining as much pertinent information as possible. He will offer counseling for the victim/family, advise them of their right to report to civil authorities, and inform the victim or parents of a minor that he will be their communication contact with the diocese. The Victim Assistance Coordinator will immediately make a verbal report to the diocesan bishop. This will be documented by a written report.
- The bishop will appoint an independent investigator to look into the case promptly and objectively. The independent investigator will coordinate his investigation and findings with the diocesan chancellor, as well as cooperate with civil investigating agencies. The principal responsibilities of the independent investigator are to determine the credibility of the allegation of sexual abuse by a member of the clergy, and insure objectivity in the diocesan investigation.
- The bishop may seek the advice of the Diocesan Review Board (Norm 4)
- The bishop issues a decree initiating the Preliminary Investigation to determine if the allegation constitutes a “report of a delict (canonical crime) with at least a semblance of truth” (c. 1717; Norm 6)
- The bishop approves the canonical counsel for the accused priest or deacon (c. 1717; Norm 6)
- The bishop reports to civil authorities if required by law (Norm 11, Charter 4) or if the person involved is a minor (Charter 4)
- The bishop notifies civil counsel and the insurer.

2. When the diocesan bishop receives the report from the Victim Assistance Coordinator, he will designate a Case Manager (usually the Victim Assistance Coordinator) to conduct the day-to-day management of the case. The Case Manager will work closely with the bishop on

- Reporting to civil authorities
- Coordinating with the legal counsel of the diocese
- Informing the diocesan insurance carrier
- Collaborating with the diocesan Communications Director; the bishop and the Communications Director will be the only persons to speak for the diocese to the media
- Serving as (or with) the Victim Assistance Coordinator to attend to the victim and family
- Communicating with the affected school or parish
- Maintaining the files, documenting the case

3. If the accused cleric/religious is from another diocese or a member of a religious institute, the Preliminary Investigation, the removal from ministry and/or revocation of permission to serve in the diocese will be coordinated with the proper Bishop or Religious Superior. If the Bishop determines that a religious cleric may no longer exercise a ministry that involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (c. 678.1) within the diocese, the cleric's faculties will be revoked and his proper superior will be requested to recall the cleric immediately (cc. 679; 682.2). The diocese or religious institute of the accused retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the cleric/religious, as well as possible dismissal from the clerical state.

The Preliminary Investigation

Upon being informed of an allegation of sexual abuse against a priest or deacon, the bishop initiates the Preliminary Investigation of a penal process (cc. 1717-1719). In some documents, this is also called the "prior investigation" or the "internal investigation." The investigation is to be "conducted promptly and objectively" (Norm 6).

The process begins, as noted above, when the bishop initiates the investigation to determine if the allegation constitutes a "report of a delict with at least a semblance of truth (c. 1717; Norm 6), unless such an inquiry seems entirely superfluous (c. 1717.1). He does so by issuing a decree (c. 1719).

1. The bishop names a delegate (either a cleric or a lay person) to conduct the investigation and gather evidence in the case (c. 1717); this investigator cannot later act as a judge if a judicial process is initiated (c. 1717.3). This investigator is

- To inquire about the facts, circumstances and imputability
- To ascertain specifically the date of birth of the alleged victim and the date of the alleged abuse, in order to determine the applicability of c. 1395.2 (on the age of the victim) and the status of prescription (i.e., "statute of limitations" in Canon Law)
- To make a report of the evidence to the bishop

2. The bishop seeks the advice of the Diocesan Review Board regarding the facts and findings of the investigation and seeks their advice regarding the probable nature of the allegation (Norm 4). The bishop may seek the advice of the Diocesan Review Board at any time during the investigation. It is desirable that the Promoter of Justice participate in the meetings of the Review Board (Norm 5).
3. Everyone must respect the right to privacy and to a good reputation of all parties associated with the incident under investigation, especially of the victim and the accused cleric (Norm 6; c. 1717.2).
4. The investigator is to inform the complainant and other witnesses in writing
 - Of the Church's concern in taking the allegation seriously and responding appropriately
 - Where the complainant and witnesses can be heard
 - That the complainant and witnesses must provide a written statement and respond to specific questions that will be posed by the investigator
 - That all the testimony will be given under oath, recorded verbatim, and signed before a priest notary (c. 483.2)
 - That the complainant or witnesses may request and will be provided with canonical counsel if desired
 - That the complainant and witnesses may be advised by civil legal counsel. It should be noted that if the alleged victim is advised by legal counsel not to participate in the investigation, it may render it impossible for the Church to impose a canonical penalty on the cleric.
 - If the complainant or witnesses are invited to appear before the Diocesan Review Board, they may decline or request to meet only the investigator or a representative of the Review Board in a location and atmosphere that is comfortable to all parties.
5. The bishop may examine at this time whether it is expedient for him or the Victim Assistance Coordinator to propose remedies for the damage resulting from sexual abuse, as appropriate, and, with the consent of the parties, to resolve equitably the question of damages (c. 1718.4), for example, by offering counseling.
6. The bishop, according to circumstances, may place the accused on administrative leave with standard diocesan remuneration intact, pending the outcome of the investigation. According to the Norms, at all times, the diocesan bishop has the executive power of governance, through an administrative act, to request that the accused freely resign from any currently held ecclesiastical office, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his priestly ministry (Norms 9). To do so, the bishop must follow canon 1722:
 - To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice
 - Having heard the promoter of justice
 - Having cited the accused in writing and having heard from him in writing or in person (c. 50)

- Can exclude the accused from the sacred ministry or from some office or ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist
- Issues a decree (cc. 35-58), which the accused must follow even if he appeals
- Once the cause ceases, all these measures must be revoked

7. The investigator is to inform the accused cleric in writing of the allegation being brought against him, noting

- That the accused cleric has a right to and is encouraged to seek legal counsel with whom he should consult prior to any conversations about this matter
- That the accused cleric has a right to and is encouraged to seek canonical counsel with whom he should consult prior to any conversations about this matter; indeed, the diocese must provide canonical counsel when necessary (Norm 8A)
- That the accused cleric has the right to speak to his bishop and can admit to the offense if he so chooses. He cannot be compelled, however, to confess the offense or take an oath (c. 1728.2) or to say anything self-incriminating.
- The accused cleric may be invited to appear before the Diocesan Review Board. While he has a right to be heard and to present whatever information he may wish to the Board, he cannot be compelled to appear before the Board, to take an oath, or to confess the alleged offense (c. 1728.2). He has a right to have canonical counsel present (Norm 6).
- The accused cleric will be promptly notified of the results of the investigation (Norm 6)

8. The investigator may include documents as evidence.

9. The investigator will make a written report to the diocesan bishop.

10. The bishop determines the probable nature of the delict and issues a decree closing the Preliminary Investigation (c. 1719). If he decides there is sufficient evidence, he will follow “The Penal Process” below. If he decides there is not sufficient evidence, he will follow the steps in “Proceeding, Without Sufficient Evidence” below.

The Penal Process

1. The diocesan bishop must decide how to proceed, based on sufficient evidence (c. 1718.1) and the probable knowledge that a canonical crime (delict) has been committed. This decision is based on moral certainty concerning the sufficiency of the evidence; it is not based on having judged the accused as guilty.

2. The diocesan bishop, if there is no on-going criminal investigation or the canonical actions would not interfere with the civil investigation (Charter 4, Norm 11),

- Promptly notifies the accused of the results of the investigation and advises him again to retain civil and canonical counsel (Norm 6).

- Applies the precautionary measures of canon 1722 (see above, Preliminary Investigation, #6).
- Notifies the Congregation of the Doctrine of the Faith that there is a report of a reserved delict, which has at least the semblance of truth, that sexual abuse of a minor has occurred (Norm 6). His letter (votum) should include the description of the case and deal with imputability. He will request a derogation from the statute of limitations (or prescription) if the case so warrants, giving the reasons for his request, whether it is expedient in light of canon 1341 to set in motion the process for declaring or inflicting a penalty and whether the case ought to be handled by extra-judicial decree or a formal trial (see # 5 below). The Congregation for the Doctrine of the Faith must respond before the case can proceed.
- May request or urge the alleged offender to seek and voluntarily comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused. The cleric is free to accede to the request or to refuse it; because of the right to privacy (c. 220) a refusal cannot be used against him. He is free to decide whether or not to release medical or psychological reports to the bishop or others. The Congregation for the Clergy has also decreed that medical records cannot be used as evidence in a penal case without the direct consent of the person accused (June 9, 1998).

3. The diocesan bishop, with regard to the victim, may propose remedies for damages, through the Victim Assistance Coordinator, if this has not already been done above (see Preliminary Investigation, #5). Settlement would require the consent of the parties (c. 1718.4).

4. The documents from the investigation are to be kept in the secret archive of the curia if they are not necessary for the penal process (c. 1719). The Congregation for the Doctrine of the Faith may require that the documents be sent to them.

5. Anticipated Outcomes:

As noted in Article 5 of the *Charter*, when even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395.2). One of the following outcomes is anticipated.

First, the priest or deacon may at any time request a dispensation from the obligations of the clerical state, according to the Substantial and Procedural Norms of the Congregation for the Doctrine of the Faith, October 14, 1980 and subsequent decrees. This includes a dispensation from the obligation of celibacy. The bishop should offer the assistance of canonical counsel.

Second, the Congregation for the Doctrine of the Faith, having been notified, may call the case to itself because of special circumstances (Norm 8A)

Third, the Congregation for the Doctrine of the Faith may direct the diocesan bishop how to proceed (Norm 8A):

- The bishop, in exceptional cases, may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio et in poenam*, even without the consent of the priest or deacon (*Charter*, 5). This procedure might be used in a case in which guilt has been established and the diocese is unable to conduct a judicial trial.
- The Congregation for the Doctrine of the Faith (CDF) will authorize the bishop to use the administrative penal process of canon 1720, with referral to the CDF for dismissal by decree (*Sacramentorum sanctitatis Tutela* 13, 17; cc. 1718, 1720, 2/7/03 decisions of Pope John Paul II).
- The CDF will notify the bishop of its decision that the bishop should proceed with the judicial penal process (a canonical trial) to be held for the imposition of a penalty, either at first instance before a local tribunal or before the Apostolic Tribunal of the Congregation of the Doctrine of the Faith. In conducting this trial, the canons concerning delicts and penalties and penal processes found in the Code of Canon Law are to be observed, as well as other documents listed in Norms 8A and related decrees from the Holy See.

Fourth, if the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself as a priest. (Norm 8B)

Fifth, according to Norm 9, at all times the diocesan bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime in the universal law of Church (c. 1395.2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor shall not continue in active ministry (see associated footnotes for Norm 9).

6. Statute of limitations, called “prescription” in canon law: “If the case would otherwise be barred by prescription, because the sexual abuse of a minor is a grave offense, the bishop shall apply to the Congregation for the Doctrine of the Faith for derogation from the prescription, while indicating the appropriate pastoral reasons” (Norm 8A).

In summary, for the United States, penal action for an offense against the sixth commandment with a minor by a cleric is extinguished as follows:

- for offenses committed before November 27, 1983; five years from the date of offense.
- for offenses committed on or after November 27, 1983 and prior to April 24, 1994 (USA only); five years after the victim has completed the eighteenth year.

- for offenses committed on or after April 25, 1994 (USA); as long as the denunciation was made before the one who suffered the injury had completed the twenty-eighth year.
- for offenses committed since April 30, 2001 (Universal Church); until the one who suffered the injury has completed the twenty-eighth year.

7. Errors: The Congregation of the Doctrine of the Faith has the faculty, in cases legitimately brought to the Congregation, to sanate acts, if procedural laws have been violated by inferior tribunals acting on the mandate of the same Congregation or under article 13 of the motu proprio *Sacramentorum sanctitatis tutela*. (CDF, February 7, 2003).

8. Appeals against administrative acts of the Congregation of the Doctrine of the Faith and all other recourses against such acts must be referred to the FERIA IV of the Congregation for the Doctrine of the Faith. No other recourse is permitted for these cases. (CDF, February 14, 2003)

Proceeding, Without Sufficient Evidence

1. If the proofs gathered are insufficient in the estimation of the diocesan bishop to establish the probability of a canonical crime, the bishop will
 - Promptly notify the accused of the results of the investigation (Norm 6)
 - Have the option of consulting the Congregation of the Doctrine of the Faith for assistance.
 - Consult the Diocesan Review Board about suitability for ministry (Norms 4A)
 - If necessary, take the appropriate administrative action described in Norm 9 (See above, Preliminary Investigation, #6)
2. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused (Norms 6, 13).

Transfer for Ministry or Residence

“No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward in a confidential manner to local bishop/eparch and religious ordinary (if applicable) 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. This shall apply even if the priest or deacon will reside in the local community of institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary 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.” (Norm 12).

Appendix H. Statement of Episcopal Commitment

U.S. Bishops

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

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

While bishops are ordained primarily for their diocese or eparchy, we are called as well to protect the unity and to promote the common discipline of the whole church (Code of Canon Law; Canon 392; Code of Canons for the Eastern Churches, Canon 201).

Participating in the college of bishops, we are responsible to act in a manner that reflects both effective and affective collegiality.

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

1. Within each of our provinces we will assist each other to interpret correctly and implement within our respective jurisdictions the "Charter for the Protection of Children and Young People," always respecting church law and striving to reflect the Gospel.
2. In cases of an allegation of sexual abuse of minors by bishops, we will apply the requirements of the charter also to ourselves, respecting always church law as it applies to bishops. In such cases we will inform the apostolic nuncio.
3. In cases of financial demands for settlements involving allegations of any sexual misconduct by bishops, we will inform the apostolic nuncio.
4. Within each of our provinces, as an expression of collegiality, including fraternal support, fraternal challenge and fraternal correction, we will engage in ongoing mutual reflection upon our commitment to holiness of life and upon the exercise of our Episcopal ministry.

In making this statement, we firmly uphold the dignity of every human being and renew our commitment to live and promote the chastity required of all followers of Christ and especially of deacons, priests and bishops.

After five years, this statement of Episcopal commitment will be reviewed by the Ad Hoc Committee on Bishops' Life and Ministry.

Appendix I*

**DIOCESE OF SAN ANGELO, TX
CHILDREN / YOUTH BEHAVIOR
INCIDENT REPORT**

(To be completed by Adult Supervisor)

I. Identification of the Incident:

Name of Injured/Minor _____ Date of Incident _____

Address: _____

City: _____ Phone: _____

Time of Incident _____ Location of Incident _____

Parish / City / Phone _____

II. Nature of the Incident *(i.e. physical injury, verbal abuse, etc.):*

Describe in detail the incident involved in this report: *(How and Why Incident Occurred)*

Name(s) of witnesses: _____

III. Action(s) Taken:

Adult Supervisor _____

Signed

Date

Appendix J*

<p>Parish Input Form Completed by DRE / CRE / CYM / Staff</p>

Date Incident Reported To DRE / CRE / CYM : _____

Results of Investigation by DRE / CRE / CYM: _____

Conclusion(s): _____

Action(s) Taken: _____

DRE / CRE / CYM Signature: _____ **Date:** _____

Date Sent to Pastor: _____

Date Sent to Office of Education and Formation: _____

Date Sent to Diocesan Safe Environment Coordinator: _____

* Change #2, June 1, 2009.

Appendix K. Diocesan Guidelines for Expected Peer Behavior for Children and Youth

1. Students will strive to ensure that their behavior maintains a safe environment for themselves and others (children, youth, adults) and witnesses in word and deed their discipleship in Jesus Christ.
2. Students are to respect one another and not engage in any type of bullying or intimidation. Bullying and intimidation include engaging in written, electronic, or verbal expressions or conduct that has the effect of physically harming a student, damaging a student's property, or placing a student in fear of harm to one's self or property severe enough to create an intimidating, threatening or abusive educational environment for a student.
3. Students are to act in a Christian manner that will not cause physical injury to another student.
4. Students are to respect each other by not touching other students in an inappropriate or immoral way.
5. Students will not damage the property of another student.

Students enrolled in the Catholic Schools, Parish Religious Education and Youth Programs, and other Church sponsored programs must be made aware that they should report abuse involving either themselves or peers to: Teachers, Principals, DRE or CRE, Youth Coordinator, Pastor, or the Diocesan Safe Environment Coordinator.