

STUDENTS: Sexual Abuse of Minors

PASTORAL POLICY REGARDING ALLEGED CASES OF SEXUAL ABUSE OF MINORS BY CLERGY OR OTHER CHURCH PERSONNEL OF THE DIOCESE OF JEFFERSON CITY

INTRODUCTION

Since 1990, the Diocese of Jefferson City ("the Diocese") has had a policy and procedures to give guidance to its employees, volunteers, religious and clergy in the Diocese on the subject of child abuse and to address the needs of persons affected by child abuse. The following policy and procedures have been adopted to address the particular situation in which a member of the clergy, or an employee, volunteer or religious working in the Diocese or in any parish, school or agency of the Diocese (the latter hereinafter referred to collectively or individually as "church personnel") is accused of sexual abuse of a minor. (1) For the purpose of this policy, any person under 18 years of age is considered a minor. An allegation of this type of abuse has serious consequences for the person alleged to have been abused and his/her family, for the person accused, and for the larger community.

It is the policy of the Diocese that no person with a substantiated allegation (2) of sexual abuse of a minor will serve as a member of the clergy in active ministry or hold a position working in proximity to children as an employee or volunteer in the Diocese or in any parish, school or agency of the Diocese. All priests, deacons and other church personnel who minister in the Diocese are expected to be familiar with this policy and to comply with the procedures adopted to implement the policy. The Diocese will make available the resources required to implement the policy and procedures. By following this policy, the Diocese hopes to offer spiritual and psychological assistance as needed to any victim/survivor and to respect the civil and canonical rights of the accused while seeking to assist him or her. Proceedings pursuant to this policy shall be conducted in compliance with civil law and in accordance with ecclesiastical law; in particular the *motu proprio*, *Sacramentorum Sanctitatis Tutela* of Pope John Paul II, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* of the USCCB, and the *Code of Canon Law*.

I. PROMOTING HEALING AND RECONCILIATION WITH VICTIMS/SURVIVORS OF SEXUAL ABUSE OF MINORS

In order to respond pastorally and effectively and in keeping with the requirements of ecclesiastical law, the Diocese has adopted a process for addressing allegations of sexual abuse of minors by clergy or other church personnel. This includes four elements:

- (1) a Review Board established by the Bishop whose mission is to assist the Bishop in responding to allegations and regularly reviewing the diocesan policy and procedures for addressing sexual abuse of minors;
- (2) a Review Administrator appointed by the Bishop to serve as the designated contact person for receiving allegations and maintaining the process of addressing allegations;
- (3) Review Teams which are assembled by the Review Administrator and are comprised of members of the Review Board who will conduct a fact-finding investigation regarding specific allegations and forward the results with any appropriate counsel to the Bishop;
- (4) Assistance Coordinators who will aid in the immediate pastoral care of persons who allege that they have been sexually abused as minors by a member of the clergy or other church personnel. The Diocese will provide education and training for the members of the Review Board,

the Review Administrator, and the Assistance Coordinators to enable them to understand and appropriately respond to the issue of sexual abuse of minors. Each of these four elements will be discussed below.

A. REVIEW BOARD

1. The Bishop has established a Review Board whose mission is to assist him in responding to allegations of sexual abuse of minors by clergy or other church personnel. The membership of the Review Board will be comprised of at least five persons who are in full communion with the Church. At least one member will be a diocesan priest who is an experienced and respected pastor. The majority of the members will be lay persons not in the employ of the Diocese. At least one member will have particular expertise in the treatment of sexual abuse of minors. Members of the Review Board may include permanent deacons, as well as women and men religious. Members will be appointed to five year terms which may be renewed. The diocesan Promoter of Justice is to be a participant in the meetings of the Review Board.
2. Duties of the Review Board include:
 - Providing counsel to the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry;
 - Reviewing diocesan policies for addressing sexual abuse of minors;
 - Providing counsel to the Diocese on all aspects of these cases whether retrospectively or prospectively;
 - Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by clergy or other church personnel; and
 - Maintaining an ongoing review of unresolved cases.
3. If the allegation of sexual abuse of a minor involves a cleric, in addition to the aforementioned duties, the duties of the Review Board will also include:
 - Providing counsel to the Bishop regarding any further action which may appear needed when a cleric has had a psychiatric or psychological evaluation;
 - Providing counsel to the Bishop regarding any further action which may appear needed and, where appropriate, regarding return to ministry when a cleric has received treatment; and
 - Maintaining an ongoing review of clerics who are in treatment and who have either returned to ministry or who are on temporary or indefinite administrative leave.

B. REVIEW ADMINISTRATOR

1. A Review Administrator appointed by the Bishop will serve as a point of contact and will ensure that the process is followed. An Alternate will also be appointed to serve in case of the unavailability or a conflict of interest on the part of the Review Administrator.
2. Duties of the Review Administrator include:
 - Interviewing those bringing an allegation of sexual abuse of a minor and preparing an initial report for the diocesan attorney and the Bishop;
 - Appointing an Assistance Coordinator for the person bringing the allegation;

- Appointing Review Teams to investigate allegations which are deemed by the Bishop to have a semblance of truth (3) and coordinating the activities of the Review Teams;
- Maintaining ongoing communication with persons alleged to have been abused and their Assistance Coordinators throughout the process of implementation of this policy;
- Attending Review Board meetings, preparing reports, answering questions and assisting the Review Board as needed;
- Receiving information about other possible victims/survivors; and
- Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.

C. REVIEW TEAMS

1. A Review Team will be established for each allegation which is to be investigated under these policies. It shall be comprised of members from the Review Board chosen by the Review Administrator for each case, provided that in certain cases as determined by the Review Administrator the entire Review Board may be designated to serve as a Review Team. It shall have a consultative role to the Bishop.
2. The Bishop, the Vicar General and the diocesan attorney may meet with the Review Team, but shall not be members.
3. Duties of the Review Team include:
 - Investigating and gathering facts regarding allegations referred to it by the Review Administrator, reporting its findings to the Bishop, and providing him any appropriate counsel;
 - Conducting, if necessary, a further investigation of those allegations which the Bishop deems to be serious, thereafter providing him any additional appropriate counsel as to whether the allegation bears the semblance of truth;
 - Meeting as needed for specific cases;
 - Taking all appropriate steps to protect the reputation of the accused during the review process;
 - Providing counsel to the Bishop regarding notification of parishioners about allegations against their parish priest, deacon, or other church personnel; and
 - Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.

D. ASSISTANCE COORDINATORS

1. An Assistance Coordinator shall be appointed for each alleged victim. The Assistance Coordinator will assist persons who allege that as minors they were sexually abused by a member of the clergy or other church personnel in making their claims known to the proper diocesan personnel.
2. Duties of the Assistance Coordinator include:
 - Listening to the individual and his or her allegations, treating the individual with respect;
 - Being present during meetings between the person alleged to have been abused and diocesan personnel, as requested by the individual;

- Explaining the diocesan response to the specific allegations raised by the individual in order to allow the individual to select the options for assistance;
 - Assisting with referrals to therapists and/or support groups;
 - Assisting the individual with information about how to follow-up on the options chosen by the individual; and
 - Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.
3. The Assistance Coordinator shall maintain a professional relationship with the individual and will not act as a therapist, attorney or spiritual director for the individual. A person shall not serve as the Assistance Coordinator for an individual with whom he or she has a family relationship or to whom he or she is a personal friend, or where there is any other potential conflict of interest.

II. ENSURING AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

The Diocese has adopted a process to address allegations of sexual abuse of a minor by a member of the clergy or other church personnel. By following the steps outlined below and by working with the person alleged to have been abused, his or her family members, and appropriate civil authorities, this process will help to ensure an effective response to allegations of sexual abuse of minors.

A. BRINGING AN ALLEGATION

1. A person may bring an allegation of sexual abuse of a minor by a member of the clergy or other church personnel by calling the Chancery Office and asking to speak with the Review Administrator or by writing to the Chancery Office. The address and telephone number are as follows:
- Mr. Mike Berendzen
Review Administrator
Diocese of Jefferson City
Alphonse J. Schwartze Memorial Catholic Center
2207 W. Main
P.O. Box 104900
Jefferson City, Missouri 65110-4900
Telephone: 573-635-9127 (ext. 224)

B. RECEIVING AN ALLEGATION

1. Any person bringing an allegation of current or past sexual abuse of a minor by a member of the clergy or other church personnel of the Diocese will be referred to the Review Administrator. The Review Administrator will then promptly consult with the diocesan attorney and the Bishop upon receiving the allegation. If after such consultation the Bishop determines that the allegation is without any semblance of truth, a decree (4) is to be issued stating such, and no additional action is to be taken other than informing the person bringing the allegation, and making a record of the contact for future reference. If at that time or any other time during the review of the allegation, there is reason to suspect sexual

abuse of a person who is then a minor, a report shall immediately be made to the Missouri Division of Family Services in accordance with the provisions of the laws governing child abuse and neglect. (5)

2. If an allegation of sexual abuse of a minor is received by an employee or volunteer of a parish, school or agency of the Diocese, he or she shall report the allegation to his or her supervisor who shall immediately contact the Review Administrator, who will then contact the diocesan attorney and the Bishop. If the accused is a member of the clergy, the Vicar General will also be contacted. If the alleged victim is then a minor, the supervisor of the staff member receiving the allegation has the obligation of making a report to the Missouri Division of Family Services immediately upon making a determination that there is reasonable cause to suspect that abuse has occurred or is likely to occur.
3. Upon receiving an allegation which has the semblance of truth, the Review Administrator shall arrange a personal interview as soon as possible with the person bringing the allegation and will provide a written report of this meeting to the diocesan attorney and to the Bishop. The Review Administrator will also advise the person bringing the allegation of his or her right to bring the allegation to civil authorities.
4. If an allegation of sexual abuse by a member of the clergy or other church personnel is made first to civil authorities and the civil authorities bring the information to the Diocese, the matter shall be referred to the Review Administrator. The Review Administrator shall immediately contact the diocesan attorney, the Bishop, and the Vicar General, and the information shall then be brought to a Review Team for further investigation. The Review Administrator will be available to assist the person alleged to have been abused, to the extent he or she wishes assistance, in accord with this policy. The Diocese will cooperate with law enforcement officials investigating an allegation of sexual abuse of a minor.

C. REVIEW OF AN ALLEGATION

1. Within 72 hours, or as soon as circumstances permit, after meeting with the person bringing an allegation which has at least the semblance of truth and/or the person alleged to have been abused, the Review Administrator will assemble a Review Team. The Review Team, the Review Administrator, the Vicar General and the diocesan attorney will then meet to discuss the allegation which will be presented by the Review Administrator. This meeting may be held by conference telephone.
The Diocese is deeply committed to protecting children and youth from sexual abuse. After its initial review, the Review Team will take one or more of the following actions as it deems appropriate:
 - When the accused is a member of the clergy, if there is reasonable cause to believe that a minor is presently at risk, a recommendation will be made to the Bishop and Vicar General that the accused be immediately placed on a temporary administrative leave at a place to be determined with the Vicar General. Every effort will be made to protect the good name of the accused. The cleric shall be informed of the identity of his accuser and any information concerning the accusation against him. He shall also be informed of his right to seek civil and canonical legal counsel.
 - When the accused is a member of the church personnel and not a cleric, if there is reasonable cause to believe that a minor is presently at risk, a recommendation will be

- made to the person in charge of the parish, school or agency where the accused is an employee or volunteer, that the accused be immediately placed on a temporary administrative leave pending the inquiry of the Review Team. Every effort will be made to protect the good name of the accused. The employee or volunteer shall be informed of the identity of his or her accuser and any information concerning the accusation against him or her. He or she shall also be informed of his or her right to seek legal counsel.
2. If the allegation bears a semblance of truth, but is lacking in sufficient detail, the Review Administrator may be instructed by the Review Team to meet again with the person bringing the allegation. More information shall be sought or the person bringing the allegation may be referred to a professional for help in clarifying the alleged incident.
 3. If after having heard the Review Team the Bishop finds that the allegation does not bear the semblance of truth, the Bishop will issue a decree to this effect, the Review Administrator will inform the person making the allegation of this conclusion and no further action will be taken.
 4. a. The following procedures shall be followed in cases of allegations involving a member of the clergy if, after hearing the results of the Review Team's investigation, the Bishop judges an allegation to bear the semblance of truth:
 - i. The Review Team will typically meet with the person alleged to have been abused and, if a minor, with his or her parents. The Review Team will listen to the account of the allegation, gathering any additional pertinent facts and information which may be available.
 - ii. The Review Team will typically meet with the cleric who has been accused. In the meeting the Review Team will communicate to the cleric the details of the accusation and the name of the accuser. Prior to the meeting, the cleric is to be informed that he may retain the assistance of civil and canonical counsel.
 - iii. The Review Team will prepare a complete report of the facts of the case and provide it to the Bishop along with any additional appropriate counsel. The Bishop will review the report, make a judgment on the merits of the allegation, and issue that judgment by means of a decree which concludes the preliminary investigation. When there appears to be sufficient evidence that sexual abuse of a minor has occurred, the Bishop is then to make the facts of the case known, along with his *votum*, to the Congregation for the Doctrine of the Faith at the Holy See. The determination of the need for a canonical trial, the venue for such, and the determination of any further definitive action to be taken against the accused cleric are henceforth subject to whatever directive is received from the Holy See.
 - iv. When a report of the allegation has been made to the Holy See, the cleric is to be placed by decree of the Bishop on temporary leave from his present assignment, effective immediately and pending the outcome of a canonical trial or the issuance of any other decree from the Holy See. The Bishop or his designee will make contacts to assure immediate assistance and support for the cleric.

- v. The Bishop or his designee may encourage the accused cleric to undergo a comprehensive evaluation. The accused cleric is free not to undergo an evaluation. If the cleric agrees to undergo an evaluation, the Bishop or his designee will arrange for the evaluation. Information resulting from such an evaluation is the property of the accused cleric. He may agree to make it available to the Bishop or he may decline to do so. He may further agree to have the information made available to the Review Team. Any such information shall be kept confidential by those receiving it, except as it may be required by law to be revealed.

- b. The following procedures shall be followed in the case of an allegation involving a member of church personnel who is not a cleric if after due consultation with the Review Team the Bishop finds an allegation to bear the semblance of truth:
 - i. The Review Team will typically meet with the person alleged to have been abused and, if he or she is a minor, with his or her parents. The Review Team will listen to the account of the allegation and may inquire as to whether others are alleged to have been abused.
 - ii. The pastor, Superintendent of Schools or agency director, as applicable, will be informed and the accused will be placed on temporary administrative leave in accordance with the personnel policy for the parish, school or agency, as applicable.
 - iii. The Review Team will typically meet with the person against whom the allegation has been made and present him or her with the details of the allegation. He or she shall be advised of his or her right to legal counsel. This shall be done in coordination with the pastor, Superintendent of Schools, or his or her designee, or agency director to assure that applicable personnel policies are followed.
 - iv. The accused may be provided immediate assistance and support as determined to be appropriate, consistent with applicable personnel policies and benefit plans.

- c. The Bishop may direct the formation of a task force to communicate with the parish and/or school community and to offer help in dealing with the alleged abuse and its effects on the community at large. Spiritual and pastoral care will always be offered.

- 5. If an accused cleric is from another diocese or is a member of a religious community, the Review Administrator will make a report of the allegation to the Bishop or his designee and to the diocesan attorney. The diocesan bishop or major superior of the accused cleric will be informed of the pending investigation and the diocesan protocol in response to such allegations. The diocesan bishop or major superior of the accused cleric will be asked to provide full cooperation throughout the process. With the permission of the Bishop, the Review Administrator will make a full report to the diocesan bishop or major superior when necessary.

D. REVIEW OUTCOME

1. If the allegation is against a cleric and has, according to the process outlined above, been referred to the Holy See, any eventual outcome, including the determination of penalties to be applied to the cleric, will result wholly from either a canonical trial or from a decree of the Holy See.
2. If, after due consultation, the Bishop has judged that there does not appear to be sufficient evidence that sexual abuse of a minor has occurred, the following shall occur:
 - Every step will be taken to restore the good name of the accused.
 - If the allegation is against a cleric, the Bishop will make a decision regarding the ministry assignment of the cleric.

E. CARE FOR THE PERSON AFFECTED BY ABUSE

1. From the time an allegation is perceived or determined to be credible, the Review Administrator will encourage the victim/survivor to seek psychological treatment and/or pastoral counseling, or to continue, when useful, if treatment has already begun. The duties of the Review Administrator in working with victims/survivors shall be carried out in coordination with the Assistance Coordinator. The Assistance Coordinator works directly with the victim/survivor in the process of presenting his or her allegation and receiving appropriate assistance. The Review Administrator will maintain a current list of those experienced in the pastoral counseling and psychological treatment of victims/survivors.
2. If a victim/survivor wishes to begin treatment, the Review Administrator will request that he or she obtain a diagnostic evaluation and treatment plan and sign appropriate forms for release of this information to the Review Administrator which will be limited to that which is necessary for the assessment of the needs of the victim. Upon receiving this information, the Review Administrator will refer this information to the Review Team which will make a recommendation to the Bishop regarding an assistance plan.
3. The Review Administrator will communicate with the victim/survivor the details of any assistance plan offered by the Diocese. After having consulted with the Review Team and the Bishop, the Review Administrator will attempt to bring about an agreement between the victim/survivor and the Diocese concerning the assistance plan. When the victim/survivor is represented by legal counsel, the communication will be between the diocesan attorney and the attorney for the victim/survivor. If a written agreement is entered into, it will not contain a confidentiality provision unless one is specifically requested by the victim/survivor.

F. CARE FOR THE CLERIC

When a priest is placed on indefinite administrative leave from his assignment because of a substantiated accusation of sexual abuse of a minor, the Bishop or his designee will assist him in finding housing, arrange for his financial support and encourage him to receive pastoral and psychological support during the time immediately following the accusation. A permanent deacon in this circumstance will be assisted by, the Vicar for the Permanent Diaconate in obtaining appropriate pastoral and psychological support.

G. CLERGY OR OTHER CHURCH PERSONNEL FROM OTHER DIOCESES AND OTHER STATES

1. When a priest or deacon from another diocese or a member of a religious community requests faculties in the Diocese, the Chancellor shall receive from the priest's or deacon's proper ordinary certification that the latter is unaware of anything in the priest's or deacon's background which would render him unsuitable to work with minors. In the case of a report of any previous allegation of sexual abuse of a minor, the Chancellor shall obtain from the proper ordinary a comprehensive report of the allegation and its disposition. If the report indicates that the priest has had a substantiated case of sexual abuse of a minor, he shall not be granted faculties to exercise any ministry in the Diocese. In cases where an allegation of sexual abuse of a minor has not been substantiated, the Bishop shall use his discretion deciding whether to grant faculties to the priest or deacon for the exercise of ministry in the Diocese. The Chancellor shall provide the proper ordinaries of extern priests with a copy of the policy and procedures of the Diocese.
2. When any other church personnel from another diocese or another state are to be employed or are to serve as volunteers, other than on an occasional basis, the Diocese or the parish, school or agency which is to employ them or have them as a volunteer shall check the references given and the agency in the state of their former residence with responsibility for maintenance of child abuse investigation records to verify that the individual does not have a history of sexual abuse of a minor or other history that would indicate that he or she may pose a danger to children.

H. COMMUNICATION

Inquiries from members of the media about this policy and its implementation should be addressed to the Director of Communications of the Diocese. If statements or information are to be released concerning an allegation of sexual abuse of a minor by a member of the clergy or other church personnel, that information shall be made available by the Office of Communications in collaboration with the Bishop, or his designee, and the diocesan attorney.

ADDENDUM

(1) According to the Essential Norms, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.

(2) An allegation is deemed to be substantiated when based upon a preponderance of evidence and, after assessing all available information, the allegation is believed to be true.

(3) The term "semblance of truth" as used herein in the context of an allegation, means that, based on the information provided, the allegation appears that it may be credible.

(4) The term "decree" as used in this document refers to a statement of the disposition of the matter.

(5) See Chapters 210.110-210.192 Revised Statutes of Missouri.

STUDENTS: Grievance

Any serious grievance that cannot be solved through an informal process using the local chain of command (teacher, school administrator/principal, pastor) shall be resolved through the Administrative Recourse Procedure. Since the school advisory board is advisory, it is not part of the process of reconciling differences, unless a pastor decides to consult some or all of the board for advice on a serious issue. The Administrative Recourse Procedure shall constitute the exclusive method for resolving such disputes after informal attempts at reconciliation have failed. The parties are bound by its determination as final and binding. The Administrative Recourse Procedure is specifically limited to "Grievances" as defined within the Administrative Recourse Procedure policy and regulation.

See DSR 1901 for specific regulations regarding the procedure.