

Cardinal's Commission for the Protection of Children of the Archdiocese of Boston

**An open letter from the members of the Cardinal's Commission
to the victims and survivors of clerical sexual abuse,
to members of the Catholic community of faith,
and to the people of Boston**

**Re: Draft Recommendations for Policies for the Prevention of Child
Sexual Abuse and Response to Allegations of Sexual Misconduct**

Over the past many months, we have learned about and been saddened by multiple instances of sexual abuse of children and adolescents by clerics and others caring for them under the auspices of the Church. Many of these individuals were abused years ago, and they have only recently been able to communicate their experience to others. As well, we have learned about the harm suffered by these persons, their families, parish communities, and by priests who have remained faithful to the mission and mandate of the Church. Betrayal of trust and abuse of power by those who have sexually abused children have caused enormous pain and damaged the relationship between the leadership of the Archdiocese and many faithful Catholics.

In late January, 2002, the Archdiocese of Boston faced what has proven to be a sustained crisis about clerical sexual misconduct and archdiocesan policy and response to sexual abuse. Bernard Cardinal Law, Archbishop of Boston, began assembling a panel of experts to help him address the protection of children, to assist in reaching out to victims and survivors of clerical sexual abuse in need of treatment, to make recommendations for future action, and to begin healing the relationship between the clerical leadership of the Church and the community of believers.

Initially, the Archdiocese engaged the services of a psychiatrist, a dean of a school of social work and medical school deans to help form a commission. On March 7, 2002, ten additional experts knowledgeable of the effects of sexual abuse and of the needs of persons harmed were appointed to constitute the Cardinal's Commission or were contracted by the Archdiocese to collaborate in its work. Commission membership then reflected a good balance of professional expertise, talent, gender and diversity. Three Commission members have subsequently resigned because of other commitments or conflict of interest, making a total membership, at present, of twelve.

This group, functioning independently, hereby provides the following "Draft Recommendations *for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct.*" These recommendations, which have undergone constant evaluation and development in the past four months, are still being clarified and refined.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

The mandate given to the Commission by the Archdiocese of Boston is to:

- *Review and recommend immediate improvements to policy and protocols with regard to allegations of abuse;*
- *Advise on how responsibly to address persons, parishes, schools, and other communities and groups directly and indirectly affected by child abuse;*
- *Explore ways to further safety and prevention through supplemental outreach, through education and research initiatives, and through the development of screening policies for clerics and non-clerics working under the auspices of the Church.*
- *Advise on appropriate responses to those who have committed abuse or have been accused of abuse.*

Sexual abuse of children and adolescents, whether boys or girls, whether six years old or sixteen years old, is a crime that does great harm both to individuals and society. Specifically, the biological, psychological and social effects of sexual abuse include trauma, anxiety, depression, premature sexualization, increased vulnerability to further abuse, higher risk for substance abuse, inability to trust or to develop satisfactory relationships with others, and failure or delay in achieving healthy emotional development, including the development of self-esteem and a sense of feeling competent to act on one's own behalf. All of these factors often have repercussions that extend well into adulthood.

The members of this Commission are fully aware of the sense of betrayal experienced by both laity and clergy. As well, we have become aware of the Church's past failure to protect children and adolescents due to inadequate policies and/or misadministration of recommended policies and procedures, as well as inappropriate secrecy and lack of strategic channels of accountability and follow-up. These failures resulted in predatory priests having access to children and adolescents long after such access should have been denied. These failures underscore the need for institutional and systemic change compatible both with the changing professional knowledge and technology of our times and with the profound impulse toward love and the works of social justice and mercy in Catholic teaching.

The following document dated June 7, 2002 is the *Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct*. This report outlines the Commission's recommendations on policy submitted to Cardinal Law in anticipation of the United States Catholic Conference of Bishops' meeting scheduled for June 13-15. Much work remains to be done on implementation of specific recommendations of policy and on the development of a manual of procedures, especially in the areas of advocacy, education, and screening.

The work of this Commission is clearly not finished. The next phase of our work is the public circulation of this interim report to victims/survivors advocacy groups, other professionals in the fields of victim advocacy, archdiocesan secretariats, parish councils, other organizations of Catholic laity, the Attorney General and district attorneys and lawyers in the Commonwealth of Massachusetts, and the Commissioner and other members of the Massachusetts Department of Social Services, for feedback on this draft policy. The suggestions we receive will be carefully reviewed prior to the submission of the final report of this Commission. **Please provide written feedback to any one of the Commission members by July 15, 2002.**

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

The Commission will continue to work to refine these draft recommendations and to oversee the timely completion of all of these tasks until the appropriate advisory boards are in place to perform their designated functions.

We urge the Archdiocese to immediately establish an advocacy or outreach program. This program will facilitate reports of suspected abuse by clergy both to civil authorities and to the Archdiocese and help individuals and families harmed by sexual abuse to access needed services. It is our hope that the administration of this program will work in conjunction with other, non-Church affiliated advocacy programs;

We urge that additional personnel and financial resources are made immediately available to comply with state reporting requirements and to protect children and respond to those who have been harmed.

The present circumstances of the community of faith in Boston are neither simple nor ordinary. The situation has presented a new opportunity to open up channels of communication. It has brought together various trained professionals -- some from the Catholic faith and some from other denominations -- to work together with liaisons and consultants to Church leadership to solve certain problems.

It is the hope of this Commission that the Archdiocese of Boston is firmly setting out on the journey of healing.

**The Cardinal's Commission for the Protection of Children
of the Archdiocese of Boston**

June 7, 2002

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Cardinal's Commission for the Protection of Children

CHAIRPERSON: Maureen S. Bateman, Exec. V.P. and General Counsel, State Street Corp.

MEMBERS:

Suzin Bartley, LICSW, Executive Director, Children's Trust Fund

Fred Berlin, MD, Assoc. Prof., Department of Psychiatry, Johns Hopkins Univ. School of Medicine*

Ann Wolbert Burgess, RN, DNSc, Professor, Boston College School of Nursing

Edwin Cassem, SJ, MD, Professor of Psychiatry, Mass General Hospital, Harvard Medical School

Mary Jane England, MD, President, Regis College, former Commissioner, Mass. Dept. of Social Services

David Finkelhor, PhD, Professor of Sociology and Director, Crimes against Children Research Center,
Univ. of New Hampshire

Alberto Godenzi, PhD, Dean, Graduate School of Social Work, Boston College

John Harrington, MD, Dean, Tufts University School of Medicine

Sara McLeod, PhD, Children and Law Program, Mass General Hospital

Catalina Montes, EdD, Principal, Thomas Gardner Extended Services School, Boston

Donna Norris, MD, Asst. Clinical Professor, Department of Psychiatry, Harvard Medical School and private
practice in Child, Adolescent and Adult Forensic Psychiatry

Technical Writing Consultant: Sharon Doty, J.D., The VIRTUS Program, The National Catholic Risk Retention
Group *

SUB-COMMITTEES: On Policy Development
 On Screening and Formation
 On Education
 On Implementation of the Office for Healing and Assistance Ministry

We gratefully acknowledge several persons harmed by sexual abuse who have asked to remain anonymous but who have generously consulted with members of the Commission in the past four months. Commission members have also received consultation from other experts in education, law, health care and communications during the creation of these recommendations.

Thanks to the hospitality of Dr. Mary Jane England, President of Regis College, we were able to conduct our meetings in April and May in a peaceful setting. The Commission is also grateful to those individuals who have provided administrative staff support for the Commission proceedings.

*These members received remuneration from the RCAB for their participation on the Commission.

Cardinal's Commission for the Protection of Children

***Draft Recommendations for Policies for the Prevention of Child Sexual Abuse
and Response to Allegations of Sexual Misconduct***

***Draft Recommendations for Policies for the
Prevention of Child Sexual Abuse
and Response to Allegations of Sexual Misconduct***

June 7, 2002

The Commission is releasing this draft report of its recommendations with the hope that all interested parties will provide written comments and suggestions by July 15, 2002 for review and consideration prior to the preparation of a final draft.

**Please forward comments to :
C/o Cardinal's Commission for the Protection of
Children
736 Cambridge Street
CAR/CHR (EX)
Brighton, MA 02135**

Cardinal’s Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Table of Contents

Guidelines and Principles	1
Section 1: Sexual Abuse Reporting Mandates and Responsibilities	2
Section 2: Response to Complaints and Allegations	4
Section 3: Support for Persons Harmed by Sexual Misconduct of Clergy and Other Church Personnel—Complainants, Families, and Faith Communities	8
Section 4: The Foundation for Prevention	10
Section 5: Response to Clergy Accused of Sexual Misconduct	13
Section 6: Response to False or Unsubstantiated Allegations	15
Section 7: Screening and Selection—Clergy, Staff, and Volunteers	18
Section 8: Canon Law Considerations	20
Section 9: Response to Other Church Personnel Accused of Sexual Misconduct	21
Section 10: Employment and Volunteer References	22
Section 11: Implementation, Review, and Revision	22

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Guidelines and Principles

Each and every instance of sexual abuse¹ and sexual misconduct² in the Archdiocese of Boston (Archdiocese) is a matter of the gravest concern. The public and private conduct of clergy, staff, and volunteers can inspire and motivate people or it can scandalize and undermine the people's faith. Clergy, staff, and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

We must protect and promote the safety of children, respond with compassion to those who have been harmed, take action to redress the wrongs, and extend God's healing love to all those injured. The actions of the Archdiocese and its clergy, staff, and volunteers must be grounded in a commitment to justice, accountability, and mercy. We must maintain the right of the people to a safe and secure environment in which to worship and pray together.

The Archdiocese therefore commits itself to four fundamental principles in these policies³:

1. The Archdiocese will deal openly and straightforwardly with the issue of sexual abuse by clergy, staff, and volunteers.
2. The Archdiocese will take all necessary actions to assure the safety of the faith community around clergy, staff, volunteers, facilities, and programs.
3. The Archdiocese will actively encourage complainants to come forward and will assure that justice, fairness, compassion, and respect are the hallmark of all services to those harmed by sexual abuse committed by clergy and other Church personnel.
4. The Archdiocese will comply with all civil reporting laws and will cooperate with civil authorities investigating sexual abuse allegations; and, when the accused is clergy, the Archdiocese will follow canon law directives.

With God's love as the foundation, and Christ as the incarnation of that love and His compassion, the Archdiocese and the entire Church community can make a powerful difference. Together we can have a profound effect on the way adults in the Church and in society deal with the issue of child sexual abuse.

¹ For purposes of this document, "sexual abuse" is defined as: Any sexual activity with a child—whether in the home by a caretaker, in a daycare situation, a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child.

² For purposes of this document, "sexual misconduct" is defined as: Any of three forms of sexual transgression including 1) *sexual abuse* (defined above), 2) *sexual exploitation* – sexual conduct between clergy and anyone else in a pastoral relationship with the clergyman, and sexual conduct between any Church personnel and a person receiving pastoral counseling or spiritual direction, or 3) *sexual harassment* – unwelcome sexual conduct or words that are so pervasive or severe that an intimidating, hostile, or offensive work or professional environment is created.

³ An accompanying procedure manual outlines the specific steps necessary to implement, retain, and monitor compliance with these policies.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 1: Sexual Abuse Reporting Mandates and Responsibilities

The Archdiocese will comply with all civil requirements for reporting suspected child abuse. State law mandates that certain persons report suspected incidents of child sexual abuse to civil authorities. All clergy, staff, and volunteers—even those not mandated by state law—*must* report knowledge or suspicion that a child is or has been the victim of abuse to child protection or law enforcement authorities as well as Church officials. The only exception is disclosures made to a priest during the sacrament of reconciliation. (See Section 1.1)

- 1.1 Clergy, staff, volunteers or other agents of the Church or religious institution shall report to appropriate state, local, and Church officials within 24 hours if he or she:
 - a. Has actual knowledge that a child is the victim of abuse.
 - b. Has reasonable cause to suspect that a child has been abused.
 - c. Has reason to suspect that an adult complainant (over the age of 18) was the victim of child sexual abuse.

The only exception to this policy is disclosures made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

“Reasonable cause” means a reason that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations that a child has been or is being abused.

- 1.2 The person who has knowledge of suspected abuse must report to *[name and phone number(s) of the appropriate civil authority or agency]* if the victim is a minor and the suspected abuser is the child's custodian or caretaker, or to *[name and phone number(s) of the appropriate civil authority or agency]* if the victim is a minor and the suspected abuser is another adult.

Clergy,⁴ staff, volunteers, and all mandated reporters⁵ must also report disclosures made by adult survivors of child sexual abuse to the District Attorney of the district where the alleged abuse occurred. The alleged victim shall be advised of the mandate for reporting at the time of disclosure.

In addition, any person who has knowledge of suspected abuse must report to the Office of the Delegate for the Archdiocese of Boston at (617) 746-5755. If additional information or assistance is needed before reporting suspected abuse, contact the parish “Child Protection Team” immediately. The opinion or recommendation of the Child Protection Team should not supercede the individual's concerns about possible abuse. Consultation with a Child Protection Team does not relieve any individual's obligation to report suspected child abuse to civil authorities.

Each parish shall establish a “Child Protection Team.” The team shall advise people in the parish who need assistance in determining the appropriate avenue for reporting or in completing the report. *(Guidelines for establishing this Team may be found at Appendix F).*

- 1.3 Any person who fails to report knowledge of suspected abuse is subject to prosecution and fines as set forth in *Section 51A, Chapter 119, Massachusetts General Laws*.

⁴ Except disclosures made to a priest in the sacrament of reconciliation.

⁵ The statutory definition of “mandated reporter” is found in Revised Massachusetts Statute Chapter 119, § 51A at Appendix B.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- 1.4 Reporting to Church officials or supervisors does not relieve any individual of the obligation to report suspected child abuse to civil authorities.
- 1.5 The Congregation for the Doctrine of the Faith has established mandated reporting procedures for notifying the Holy See about allegations and complaints of sexual abuse by clergy. The Archdiocese will strictly adhere to these procedures.
- 1.6 Upon receipt of an allegation—from anyone—of child sexual abuse by its clergy, staff, or volunteers, or a child's disclosure to clergy, staff, or a volunteer about a possible abuse situation, the Archdiocese will:
 - a. Refer the matter to civil authorities within 24 hours.
 - b. Begin an internal investigation to discover any relevant facts (See Section 2, Section 5.6, and Section 8).
- 1.7 Records of all allegations of sexual misconduct shall be permanently maintained under the supervision of the Office of the Delegate. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct.

Files maintained on the case are confidential and may contain both privileged and non-privileged information. "Privileged" documents include records protected from disclosure by state or federal statute such as medical records, citizenship status, etc. Access to privileged documents is limited to the Delegate or his designee, diocesan counsel, other necessary Archdiocesan personnel, and those authorized through appropriate Court Order.

Documents shall include:

- a. The Intake Form.
- b. The complainant's detailed description of the allegations.
- c. The "Rights of the Complainant" and "Rights of the Accused" forms.
- d. The Investigation Report, including the accompanying witness affidavits and documentation.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 2: Response to Complaints and Allegations

The response of the Archdiocese must be prompt, compassionate, and comprehensive. Response to people harmed by sexual abuse committed by clergy or other Church personnel will include an open process that welcomes and encourages all complainants to come forward, referral resources for competent mental health services, various additional support services, and pastoral care. The Archdiocese will also conduct a thorough, fair, and objective investigation, attend to the well-being of the faith communities impacted by allegations of abuse, and oversee the assessment, treatment, and disposition of the accused/offender. All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice.

The words, actions, and attitudes of Church officials and victim advocacy personnel profoundly affect the course of healing for those harmed by sexual misconduct and the re-establishment of their trust in the Church. Therefore, we must and will put the needs of the persons harmed by sexual abuse by clergy or other Church personnel first. We urge the Archbishop to offer to meet with and listen to the concerns of persons who have been abused and members of their family.

The Archdiocese shall establish an independently incorporated, outreach and advocacy program⁶, geographically separate from any Church-identified institution. The purpose of this program will be to serve those (including families and parishes) harmed by Church-related sexual abuse. Advocacy professionals will staff the program. A board that includes experts in victim advocacy and victim needs and services will oversee the program. The victim outreach and advocacy program also will train volunteer advocates and make them available to work with and support those harmed by sexual abuse committed by clergy and other Church personnel. The program will help victims identify options, create solutions, and take actions to restore their mental, emotional, and spiritual health. The victim outreach and advocacy program will also be the resource for available updates and other information regarding the status of allegations made by those harmed by sexual abuse of clergy and other Church personnel. In addition, the victim outreach and advocacy program shall be a vehicle for addressing wrongs in the Archdiocese and preventing wrongdoing in the future.

- 2.1 The Archdiocese shall establish a separate, independently incorporated program to serve those harmed by sexual abuse committed by clergy and other Church personnel.⁷ The program shall be staffed and managed by qualified professional lay staff with particular expertise in addressing the needs of persons harmed by sexual abuse committed by clergy or other Church personnel. An independent board will oversee and review the program and staff and report their findings and recommendations to the Archdiocese. The board will meet at least quarterly and review the implementation of their recommendations. Board members will include experts in victim advocacy and those familiar with victim needs and services including those harmed by sexual abuse committed by clergy and other Church personnel.

The primary responsibility of the program is to identify and serve the needs of those harmed by sexual abuse committed by clergy and other Church personnel. The program shall provide a support structure for people harmed by sexual misconduct. That support structure includes:

- a. Trained staff professional who:
 - Advocates on behalf of persons harmed by sexual abuse by clergy or other Church personnel.

⁶ Victims of abuse committed by clergy and other Church personnel will consult and collaborate with the Archdiocese in selecting a name for the program.

⁷ The protocols, structures, and guidelines for this program are addressed more fully in the victim advocacy program manual.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- Develops, manages, and coordinates comprehensive services for persons harmed by sexual abuse by clergy or other Church personnel.
 - Receives, reviews, and responds to complaints.
 - Generates and maintains a list of available resources for persons harmed by sexual abuse by clergy or other Church personnel.
 - Trains, maintains, and supervises a pool of volunteer advocates.
 - Provides available information regarding the status of the Church's response to allegations.
- b. Creating opportunities for all who have suffered abuse at the hands of clergy and other Church personnel to come forward including, but not limited to, accepting anonymous reports, and providing opportunities for those living outside the Boston area to report at no cost to the complainant.
- c. Trained volunteer advocates⁸ providing compassionate support through the healing process.
- d. A structure for identifying options to address the needs and concerns of those harmed by sexual abuse by clergy and other Church personnel and making these options available to those who request services from the victim outreach and advocacy program.
- e. Procedures for making referrals and gaining access to resources available in the community and within the Archdiocese. (See Section 2.3)
- f. Collaborate with other entities involved in the investigation and resolution of allegations of sexual misconduct to create literature for distribution to those harmed by sexual abuse by clergy and other Church personnel that outline the civil and Church processes for responding to and investigating complaints.
- g. Training for Archdiocesan staff to respond appropriately to calls reporting allegations of abuse. Clergy, staff and volunteers must be trained to listen compassionately, respectfully, and without judgment, and to gather essential information, prepare intake report forms, and pass the reports on to the appropriate Archdiocesan staff person.
- 2.2 Separate guidelines shall be established for handling:
- a. Allegations of current, ongoing abuse.
 - b. Allegations of past abuse.
 - c. Allegations of past abuse with concerns about present risks.
 - d. Allegations of abuse in another diocese, a religious community/institute, or a Church-related organization.
 - e. Complaints without merit.

⁸ Requirements for volunteer advocates are outlined specifically in the victim advocacy program manual and include rigorous screening procedures, a personal interview process, and an intensive training program before an Advocate begins providing services to those harmed by sexual abuse.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- f. Allegations against a member of a religious community/institute that is providing services in the Archdiocese.
- 2.3 The Archdiocese shall maintain a list of available competent trained professionals in the following disciplines as resources for complainants, faith communities, and those accused of abuse:
- a. Pastoral counseling
 - b. Psychotherapy
 - c. Medicine
 - d. Law
 - e. Spiritual direction
 - f. Victim support groups
 - g. Treatment facilities
- Criteria for therapists and counselors in the referral list shall include:
- a. At minimum of 5 years experience in treating sexual abuse victims.
 - b. A minimum of 20 hours of continuing education within the last 24 months on the treatment of victims of sexual abuse or related issues.
 - c. Access to supervision for client caseload.
 - d. An advanced practice degree, e.g. psychology, psychiatry, psychiatric nursing, social work.
 - e. A credible reputation in the field as noted by quality letters of reference.
- 2.4 The Archdiocese shall establish an independent Review Board⁹. Board members will be selected based on their expertise. The Review Board shall:
- a. Report directly to the Archbishop or his designee.
 - b. Consist of a minimum of nine members including:
 - Two members that are clergy or religious.
 - Four non-clergy members from the professional community with knowledge and experience in the area of child abuse—including at least one psychiatrist, one psychologist, one licensed social worker, and one attorney or other person experienced in law enforcement matters.
 - Three at-large members—including one victim or family member.
 - Establish its own rules and procedures for operation.

⁹ See Section 6 below for additional responsibilities and duties of the Archdiocesan Review Board.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

The Review Board shall examine and make recommendations regarding:

- a. Reports of child abuse.
- b. Actions taken in response to reports.
- c. The effectiveness of existing policies.

The board shall also make recommendations to the Archdiocese regarding:

- a. Revisions to policies and procedures.
 - b. Monitoring aftercare for offending clergy.
- 2.5 No Archdiocesan clergy, staff, or volunteer will interview children about allegations. The Archdiocese will cooperate fully with civil authorities, District Attorneys, and the Sexual Abuse Interview Network to minimize the trauma to complainants and their families resulting from disclosure and investigation.
 - 2.6 The Archdiocese will promptly and fairly investigate allegations of wrongdoing by employees, staff, and volunteers. It will train qualified clergy, staff, and volunteers to conduct effective investigations and will establish criteria for retaining third-party investigators in appropriate circumstances.
 - 2.7 Actions taken by the Archdiocese when an allegation is made are not necessarily an expression of judgment concerning the validity of the complaint or the credibility of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.
 - 2.8 Any person may secure legal representation to pursue claims. All complaints will receive prompt, respectful, and just treatment.
 - 2.9 Retaliation or discrimination against a person who complains or who reports sexual abuse is strictly prohibited and will not be tolerated.
 - 2.10 Anonymous complaints will be investigated to the fullest extent possible. All complaints, including anonymous complaints will be recorded, trended and reviewed.
 - 2.11 All variances from these guidelines will occur only after consultation with the Review Board. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the action taken in place of those prescribed in these guidelines.
 - 2.12 Procedures established by the Congregation for the Doctrine of the Faith for reporting allegations and complaints against clergy will be strictly followed (See Section 5 and Section 8).
 - 2.13 When complainants bring legal action for damages due to the harm of sexual abuse committed by clergy and other Church personnel, the Archdiocese will attempt to resolve these claims promptly and fairly while maintaining an attitude of respect for those bringing the complaints.
 - 2.14 The Archdiocese will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint as part of an agreement to provide services, support, treatment, or in settlement of financial claims.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 3: Support for Persons Harmed by Sexual Misconduct of Clergy and Other Church Personnel—Complainants, Families, and Faith Communities

The relationship between the Church and its members is sacred. The Church will honor that connection by providing compassion, healing, and justice for everyone affected by sexual misconduct committed by clergy or other Church personnel. The Archdiocese will respond fairly, compassionately, and in a timely manner to those harmed by sexual abuse by clergy or other Church personnel, intervene effectively in abusive situations, and promote safe, healthy communities of faith.

The Archdiocese makes services available to persons directly harmed by sexual misconduct and to “secondary victims” of sexual misconduct. “Secondary victims” include spouses, parents, other family members, friends, and faith communities who are close to and affected by the abuse. Persons harmed by sexual abuse committed by clergy or other Church personnel may access services provided through referral to competent professionals or through available Archdiocesan services.

The Archdiocese offers pastoral and spiritual support to complainants, their families, and the faith community and provides resources, referrals, and financial support for professional mental health services. This support is a manifestation of the Archdiocese’s commitment to address the pain and harm that results when clergy and other Church personnel sexually abuse children.

3.1 The Archdiocese will:

- a. Be respectful of all persons bringing a complaint.
- b. Provide an advocate/advisor upon request.
- c. Help those harmed by sexual abuse committed by clergy and other Church personnel to obtain counseling support.
- d. Provide information about support groups.
- e. Help all involved obtain spiritual direction.
- f. Help bring concerns to the proper civil and Church officials.
- g. Help bring complaints and concerns to Church officials outside the Archdiocese as appropriate.

3.2 The Archdiocese will give the complainant as much information as possible about:

- a. Results of the Archdiocesan investigation.
- b. Restrictions and limitations on ministry imposed on the accused.
- c. Supervision, counseling, or treatment recommendations for the accused.
- d. Any other appropriate or necessary information that does not violate the accused party’s right to privacy or other legal rights.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- 3.3 While reconciliation remains desirable as a part of the healing process for persons harmed by sexual abuse committed by clergy or other Church personnel, the Archdiocese will not attempt reconciliation between the offender and the victim unless or until the victim makes a request. Any involvement in non-authorized reconciliation efforts by Archdiocesan staff or agents will be considered a violation of these policies.
- 3.4 Families and others harmed by sexual abuse committed by clergy or other Church personnel require the same consideration, compassion, and sensitivity in the healing process as the person directly harmed by the sexual misconduct. Spouses, parents, other family members, and significant others may request support services from the Archdiocese at any time during the healing process. Support for secondary victims may include:
- a. Pastoral counseling.
 - b. Referral for mental health or psychosocial services.
 - c. An advocate to provide support through the process.
 - d. Other identified special needs—upon request.
- 3.5 Parishes, organizations, and religious communities/institutes are also harmed when clergy or other Church personnel abuse a child. The Archdiocese is guided by the following principles in its response to affected communities:
- a. Faith communities and organizations and institutions undergo a complex process of grieving when they learn a trusted and respected leader has been accused of child sexual abuse.
 - b. A critical element in healing is providing accurate information regarding the facts of the allegations and investigations.
 - c. Communication may be limited by the concern for privacy of the victim and the victim's family and the need to protect the rights of the accused, particularly when criminal charges are pending.
 - d. The healing of a parish, organization, or religious community/institute is a multidisciplinary challenge requiring expertise from professionals from various fields.
 - e. An official voice of the Archdiocese must speak directly to the community.

The healing process for communities may include any or all of the following elements:

- a. A meeting between Archdiocesan officials and the entire faith community.
- b. An opportunity for those in the community to express their thoughts, opinions, feelings, and fears in a confidential and safe environment.
- c. Accurate information about abuse, the nature of healing, and the pending legal process.
- d. An inquiry into the next steps in the community's healing process.
- e. Working with the Child Protection Team to facilitate the ongoing process of healing.
- f. Dealing with possible recriminations or retaliation against complainants and their families.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 4: The Foundation for Prevention

Preventing sexual abuse before it occurs is the ultimate objective of the Archdiocese. Prevention requires a long-term commitment to alter the way the Church has dealt with the issue of child sexual abuse in the past. Prevention involves raising awareness of the nature of child sexual abuse and its prevalence in all segments of society, training adults to recognize the symptoms of child sexual abuse, and teaching them how to intervene when children are at risk.

Parents can have a profound effect on the education and awareness of children and the community. The Church in collaboration with dedicated parents can become the foundation for a society where there is no longer a risk of children being sexually abused, where those who have been victimized can find the resources and courage to heal, and where all people live together in loving, supportive relationships.

The Archdiocese's commitment to preventing child sexual abuse includes utilizing school and religious education programs to educate children and parents about inappropriate touching. The Church can implement programs that teach children basic personal safety skills and provide an atmosphere of open communication allowing children and parents the freedom to discuss any subject comfortably.

It shall be the policy of the Archdiocese to educate clergy, staff, volunteers, parents, and other adults about the nature of the problem, what to watch for, and the appropriate responsive actions. The Archdiocese will retain qualified, knowledgeable professionals to conduct training on sexual abuse and sexual misconduct issues. All such training will include an evaluation and quality assurance component.

4.1 Educating Priests, Deacons, and Religious

Priests, permanent deacons, and religious educated in and by the Archdiocese shall be required to attend annual training sessions that include the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of child sexual abuse¹⁰.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy and other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property and at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of sexual abuse.
- g. Types of disclosures by children and how to respond appropriately.
- h. FOR PRIESTS AND RELIGIOUS: Formation for celibate chastity.(further detail under development)

¹⁰ "Sexual abuse" is defined in footnote 1.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

4.2 Educating staff and volunteers

Every employee of the Archdiocese and its local parishes and every Archdiocesan or parish volunteer shall be required to attend scheduled training sessions that include, but are not limited to, the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of child sexual abuse.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy and other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property and at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of sexual abuse.
- g. Types of disclosures by children and how to respond.

Deadline for completing training:

- a. Before assuming duties: New staff and volunteers who will work with or have direct contact with children.
- b. Within 30 days of assuming duties: Staff and volunteers who do not work directly with or have regular contact with children and youth.

Availability of training: Training shall be available at both the local and Archdiocesan level. New staff and volunteers must:

- a. Attend a regular scheduled training session in the parish or Archdiocese.
- b. Arrange for individual training if no training is available in the area.
- c. In certain circumstances, complete training through online, web-based coursework.
- d. All staff and volunteers shall receive annual training updates.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

4.3 Educating Parents and Other Adults

Each parish shall provide an opportunity for parents and other adults to attend an onsite instructor-led training session and/or to receive training via a web-based training or awareness course. The material provided shall include, but is not limited to, the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of sexual abuse with children.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy and other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property and at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of sexual abuse.
- g. Types of disclosures by children and how to respond.
- h. Parent education that encourages dialogue between parents and children regarding a child's personal safety.

4.4 Educating children

The goal of prevention education is to protect children. The Archdiocese shall provide school-based and religious education curricula that teach children basic personal safety skills that help keep them safe from dangerous and/or abusive situations. The programs will cover:

- a. Safety issues including rules about appropriate and inappropriate forms of physical contact and other interpersonal boundary violations.
- b. Steps to take to deal with inappropriate contact.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 5: Response to Clergy Accused of Sexual Misconduct

No priest or permanent deacon who engages in sexual activities with a minor shall be allowed to return to any ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY. A credible complaint against clergy will result in the immediate administrative removal from all ministry duties. (See Section 5.5 and accompanying footnote.)

The Church is pastorally responsible for clergy unless and until they are laicized. While its first priority is to protect children in the community and to cooperate with civil authorities, the Archdiocese is committed to providing pastoral support and addressing the legitimate mental health needs of clergy who engage in or appear to have engaged in sexual misconduct. Proper care may include engaging qualified experts to provide:

- Extensive assessment of the accused.
 - Supervision, counseling, and/or treatment for the accused.
- 5.1 A team consisting of the Archbishop or his designee and clergy designated by the Archbishop to provide pastoral support¹¹ to the accused (pastoral advocate) meets with the accused within 48 hours of receipt of notice of the complaint. At this meeting, Church officials advise the accused of the nature of the allegations against him and his rights and responsibilities, including his right to representation by a civil and/or canon lawyer.
 - 5.2 The pastoral advocate's role is to advise the cleric of his rights and to listen to the interview in order to provide pastoral counseling to the cleric after the meeting.
 - 5.3 The team shall inform the accused that all information gathered in the interview and investigation process may be used against him in civil and/or canonical proceedings. The accused will have an opportunity to respond to the allegations.
 - 5.4 The accused may have an attorney present during the interview. The accused must read and sign a "Rights and Obligations of the Accused" form.
 - 5.5 The Archbishop or his designee will inform the cleric that he is on administrative leave and inform him of the specific constraints this imposes on him.¹²
 - 5.6 The Archdiocese will conduct a thorough, fair, and objective internal investigation of all allegations of sexual misconduct by clergy. The investigation will be conducted consistent with the requirements of canon law. The accused will have an opportunity to respond to any reports generated by the investigation. The accused will receive copies of all evaluations and assessments and will be informed of the results of the investigation.
 - 5.7 An acquittal in a criminal proceeding or decision not to prosecute by civil authorities will not terminate the process of conducting an assessment and taking actions to protect the safety of children in response to specific allegations.

¹¹ "Pastoral" support may include both pastoral advocacy and pastoral counseling. "Pastoral advocacy" involves pleading, defending, or maintaining the rights of the accused clergy. Pastoral advocates are not legal advisors, therapists, or spiritual directors. "Pastoral counseling" is spiritual guidance through counseling or emotional or psychological support and requires specialized training. Appropriately trained pastoral advocates may also provide pastoral counseling.

¹² "Administrative leave" restricts the accused's right to exercise ecclesiastical office (performing acts on behalf of the Church or Christ) or participate publicly in the celebration of the Eucharist. In addition, the accused may be asked to move to a new residence during the leave. Administrative leave is intended to protect the faith community from further disruption, and restrict the accused's access to witnesses, etc. It is imposed for a specific time by Administrative Decree.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- 5.8 The team will instruct the accused not to contact the complainant or any of the possible witnesses.
- 5.9 Pastoral and psychosocial support will be provided to any cleric or other Church personnel accused of sexual abuse. The Archdiocese will refer clergy accused of, or engaging in, sexual misconduct to appropriate, competent counseling or therapy. The team will provide relevant information to the therapist. The Archdiocese will carefully monitor treatment of accused clergy without compromising the integrity or confidentiality of the patient/therapist relationship.
- 5.10 At the time of the interview, the team, on behalf of the Archbishop, will impose appropriate restrictions on the accused. An accused priest or permanent deacon will be asked to take administrative leave from his assignment based on allegations of sexual abuse. Administrative leave will be planned and imposed consistent with the provisions of Canon 1722. The length of time for leave will be specified along with living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable. At the end of the imposed time limit, Church officials will reevaluate the need for and terms of administrative leave.
- 5.11 The Secretary for Ministerial Personnel will support and assist any priest on administrative leave with finding housing and other pastoral support. The Archdiocese shall be responsible for his financial support pending a permanent resolution of the matter.
- 5.12 The Archbishop or his designee may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused cleric chooses not to cooperate, the Archbishop will be notified about the lack of cooperation. The Archbishop or his designee shall make all decisions regarding the non-cooperating accused's ministry and ministerial status without input from the accused.
- 5.13 The Archdiocese recognizes that if a permanent deacon is accused of sexual misconduct, his family will face enormous strain. The Archdiocese is committed to the emotional, psychosocial, and spiritual support of the deacon's spouse, children, and other family members.
- 5.14 Throughout the investigation, the Priest Delegate or his designee shall monitor compliance with all restrictions on the accused's ministry and other limitations imposed on the accused by the Archbishop or other appropriate supervisory personnel. Failure to comply with the established restrictions or guidelines will subject the accused to further disciplinary action.
- 5.15 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused, including potential witnesses, confidants, or others who may have relevant information regarding the allegations or the accused.
- 5.16 When allegations are substantiated, the Archdiocese may seek restitution from the offender for the services provided to persons harmed by sexual abuse by clergy or other Church personnel. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the Archdiocese including but not limited to attorneys fees, court costs, and judgment.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 6: Response to False or Unsubstantiated Allegations

From time to time, an investigation of allegations will determine that the accusations are false and in some other cases there will be no credible evidence to prove or disprove allegations. Both false claims and unsubstantiated allegations have a profound impact on the accused and can leave the faith community uncertain and fearful.

When allegations are false, the Archdiocese will work closely with the accused and the faith community to restore trust and recreate the pastoral and ministerial relationships. Particular attention will be given to the thoughts, feelings, fears, and concerns of the accused. The Archdiocese will provide a supportive environment and counseling or therapy to the accused to deal with the effects of the false accusation. The Archdiocese, through the Review Board, will work with the falsely accused person to restore his or her good name and reputation and create a workable plan for the future. The Archdiocese will inform the faith community and process results of the investigation.

When allegations are unsubstantiated, the Archdiocese will exercise extreme caution in reassigning the accused in order to protect both the accused and the faith community from further risk of harm. The Archbishop will consult the Review Board regarding future ministry, staff, or volunteer assignments for the accused and will establish safeguards that protect children from harm.

- 6.1 In addition to the duties set forth in Section 2.4, the Archbishop's independent Review Board shall assist with decisions regarding reassignment of clergy or other Church personnel suspended from ministry, employment, or volunteer duties during an investigation of false or unsubstantiated accusations of sexual abuse. The Board shall:
 - a. Have access to all information in the possession of the Archdiocese, including the reports of the priest advocate (for the accused clergy) or the human resource supervisor (for the accused staff or volunteer), provided that all necessary releases have been secured.
 - b. Review and make recommendations regarding the successful return to ministry of any cleric whose ministry was restricted due to false accusations of misconduct and the return to work or volunteer duties of any non-clergy personnel who are falsely accused.
 - c. Review and make recommendations regarding the continuation of the falsely accused in pastoral ministry, counseling, or other support services.
 - d. Review and make recommendations regarding the return to ministry of any cleric whose ministry was restricted due to unsubstantiated accusations of sexual misconduct or the return to work or volunteer duties of the non-clergy personnel who are the subject of unsubstantiated allegations.
 - e. Review and recommend changes to diocesan policies regarding assignment and reassignment of clergy, staff, and volunteers accused of child sexual abuse.

The Archbishop, with the advice and counsel of the Cabinet, appoints all members of the Review Board. The Archbishop shall also name the chairperson and other Review Board officers. In addition, he shall appoint an administrative staff member to act as liaison to the Review Board.

All information gained by the Review Board shall be considered confidential and may only be disclosed, under certain circumstances, to the parties involved, the Archbishop, and to others as required by civil and/or canon law.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- 6.2 The Archdiocese recognizes that the trauma of being falsely accused can do irreparable harm to the accused's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result of a false accusation. Therefore, when making decisions about the reassignment of clergy who are the subject of false allegations, the Archbishop will consider the following factors:
- a. The completed investigation report.
 - b. The recommendation of the Review Board and Delegate.
 - c. The spiritual, emotional, and psychological well-being of the accused.
 - d. The judgment, recommendation, and advice of trained mental health professionals.
 - e. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
 - f. The ability of the cleric to provide effective ministry in light of the circumstances.
 - g. The best interests of the Archdiocese and all its people.
- 6.3 A priest monitor will be appointed by the Archbishop to serve as a link between a falsely accused priest or permanent deacon returning to ministry and the Archdiocese. The monitor shall provide pastoral support for the priest or permanent deacon to ensure that the accused's ability to minister effectively in the wake of false accusations is fully restored.
- 6.4 The human resource supervisor responsible for staff or volunteers who are falsely accused of child sexual abuse, shall provide continuing moral support to the individuals as they return to work or volunteer services. The Archdiocese will provide necessary mental health services to assist those wrongly accused in dealing with the consequences of the accusations and to be restored to power and effectiveness in their job duties and volunteer services.
- 6.5 Unsubstantiated allegations are difficult to deal with in a manner that protects the rights of all concerned. When it is determined that there is insufficient evidence to determine the veracity of the complaint, the Archbishop will consider the following factors in making decisions about reassignments of the accused:
- a. The completed investigation report.
 - b. The recommendation of the Review Board and Delegate.
 - c. The outcome of proceedings in a civil or criminal court case.
 - d. The judgment, recommendation, and advice of trained mental health professionals.
 - e. The spiritual, emotional, and psychological well-being of the accused.
 - f. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
 - g. The concerns of complainants and their families.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- h. The ability of the Church or religious community/institute to assure the safety of the community or organization to be served.
 - i. The ability of the cleric to provide effective ministry in light of the circumstances.
 - j. The best interests of the Archdiocese and its people.
 - k. The stewardship of the Archdiocese's financial resources.
- 6.6 If the Review Board recommends that, as a result of unsubstantiated allegations, a priest or permanent deacon be denied the opportunity to return to ministry and the Archbishop agrees, the priest or permanent deacon may be offered an opportunity for job training or, as an alternative, when appropriate, he may apply for permanent disability.
- 6.7 If the Review Board recommends that, as a result of unsubstantiated allegations, a priest or permanent deacon be confined to restricted ministry, live in a supervised setting, resign from ministry, or apply for laicization, the Archdiocese may pursue all available courses of action permitted by the Code of Canon Law.
- 6.8 If it is recommended, as a result of unsubstantiated allegations, that the priest or permanent deacon be counseled out of the ministry, and he refuses, canonical procedures for removal from office may be initiated and followed.
- 6.9 The Review Board may, as a result of unsubstantiated allegations, recommend that a staff member or volunteer be transferred to another position or to a different volunteer assignment. The Archdiocese and the accused's human resource supervisor shall take all necessary steps to assure the safety of children and all others when reassigning accused staff and volunteers.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 7: Screening and Selection—Clergy, Staff, and Volunteers

Screening and selection of clergy, staff, and volunteers is an important step in the process of assuring a safe worship environment for the faith community. The Archdiocese, its parishes and other organizations and agencies shall strictly comply with policies and procedures for hiring staff or selecting volunteers, and shall complete all elements of the screening and selection process before the staff person begins work. Failure to take the necessary precautions can result in risks to children.

Applicants for staff and volunteer positions must provide references and be willing to submit to a thorough criminal background check as a part of the screening process. The Archdiocese requires full disclosure from all applicants.

- 7.1 All applicants to the priesthood and/or permanent diaconate are required to participate in psychological screening and extensive background checks, including but not limited to criminal background checks, to assess their fitness for the ministry and their fitness to work with minors.
- 7.2 Priests and permanent deacons seeking incardination, and priests or religious seeking ministry or residency in the Archdiocese must demonstrate their fitness to work with minors.
 - a. Superiors of religious communities/institutes proposing names of individuals for ministry or residency in a Church institution are required to state in writing that there is nothing in the person's history or behavior that would make him or her unsuitable to work with minors.
 - b. Pastors, parochial vicars, administrators, or directors of Church institutions may not grant permission for full-time, part-time, or regular weekend ministry to an external priest or permanent deacon without prior written approval of the Archbishop or his designee.
- 7.3 The basic screening program for all staff and volunteers shall include:
 - a. A completed employment/volunteer application.
 - b. A completed screening information form.
 - c. A personal interview with the applicant.
 - d. Reference checks.
- 7.4 The Archdiocese shall screen potential staff members and shall conduct background checks, including but not limited to criminal background checks, of potential staff members prior to extending an offer of employment. Applicants who refuse to grant permission for the background checks and inquiries will not be considered for any staff position in the Archdiocese or its parishes, organizations, or institutions.
- 7.5 Accountability of permanent deacons and priests performance after ordination should include periodic review by the lay community he serves, for example parish, school, hospital or other institution.
- 7.6 All employees and all volunteers who work with or have regular contact with children shall be screened for their fitness to work with minors. This will include but not be limited to criminal background checks. The Archdiocese will specifically ask applicants and their references about any inappropriate physical and/or sexual contact with children. Applicants who refuse to grant permission for the background checks and inquiries will not be considered for any position in the Archdiocese or its parishes, organizations, or institutions.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

- 7.7 No religious or non-incardinated priest or permanent deacon known to have sexually abused a minor will be accepted for ministry in the Archdiocese. The Archdiocese will immediately terminate the services of any incardinated clergy or religious if it discovers evidence of previous child sexual abuse by the person.
- 7.8 No individual who has sexually abused a minor will be employed or engaged as a volunteer for the Archdiocese. The Archdiocese will immediately terminate any staff member or volunteer if it discovers evidence of previous child sexual abuse by the person.
- 7.9 The Archdiocese will adopt a Code of Conduct for clergy, staff, and volunteers. The Code of Conduct will establish guidelines for appropriate interactions between Church personnel and those that they serve and will establish disciplinary consequences for violations of the Code.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 8: Canon Law Considerations

When the accused is clergy, the Church must also comply with canon law and the procedures established by the Congregation for the Doctrine of the Faith. The Code of Canon Law governs the relationship between the priest and the Church. This shall, in no event, preempt the procedures outlined in this document.

When the accused is clergy, canon law requires that the Archbishop conduct an independent investigation or appoint a member of the clergy to investigate the allegations in addition to the civil investigation. The Archbishop will appoint the most objective and independent clergy to conduct the investigation on his behalf. Those selected to conduct such investigations should disclose to the Archbishop, and disclose in the written investigation report, all prior involvements or contacts with parties involved in the allegation or incident— involvements or contacts that might give the appearance of a conflict of interest.

In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the Archdiocese from taking prudent action in response to complaints before an investigation is complete. Careful adherence to canonical necessities is the Church's mechanism for permanently removing offending clergy from ministry.

- 8.1 The Archdiocese will follow mandated reporting procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse committed by clergy.
- 8.2 The Archdiocese will act in accordance with canon law when making decisions about the accused's ministry and during all investigations of allegations against clergy. Canon law shall govern all aspects of the Church's response to allegations of sexual abuse committed by clergy and religious. This shall, in no event, preempt the procedures outlined in this document.
- 8.3 The Office of the Delegate shall retain all records and other materials related to the matter.

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 9: Response to Other Church Personnel Accused of Sexual Misconduct

Staff members or volunteers who engage in sexual activities with a minor shall not be allowed to work for the Church in any capacity or to participate in ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY. A credible complaint¹³ against a member of the staff or a volunteer will result in the person being placed on administrative leave and/or prohibited from performing any Church-related duties pending investigation of the allegations.

- 9.1 The Office of the Delegate or the Outreach and Advocacy program makes the allegations known to the Human Resource supervisor for the accused staff or volunteer. The Human Resource supervisor notifies the accused within 48 hours and schedules an appointment for an interview.
- 9.2 The Human Resource supervisor and a representative from the Office of the Delegate, or his designee, meet with the accused and advise him or her:
 - a. Of the nature of the allegations.
 - b. Of the rights and obligations of the accused.
 - c. That any information gathered during the interview and investigation may be used against the accused in civil or criminal proceedings.
 - d. The accused must sign the "Rights and Obligations of the Accused" form at the initial meeting.
- 9.3 The accused may bring legal counsel to the meeting.
- 9.4 The Archdiocese is aware of the profound impact an accusation of sexual misconduct has on the lives of people who are falsely accused. The Archdiocese is committed to providing pastoral, emotional, and psychological support to staff and volunteers who are wrongly accused. In order to assure the well-being of everyone, staff and volunteers who are falsely accused of sexual misconduct are encouraged to participate in pastoral and psychological counseling.
- 9.5 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.

¹³ A "credible complaint" is an allegation of wrongdoing that is plausible, one that appears to merit belief or acceptance."

Cardinal's Commission for the Protection of Children

Draft Recommendations for Policies for the Prevention of Child Sexual Abuse and Response to Allegations of Sexual Misconduct

Section 10: Employment and Volunteer References

Pursuant to Massachusetts's law, (REFER TO APPROPRIATE SECTION OF MASSACHUSETTS LAW) the Archdiocese, upon request from a potential future employer or volunteer service organization, must disclose relevant information regarding former clergy, staff, or volunteers who sexually abused children while working for or volunteering for the Church. Relevant information that will be provided to potential employers or prospective volunteer service organizations includes the number of substantiated allegations against the individual, the ages and genders of victims, the types of offenses, and all disciplinary and other punitive actions taken by civil or Church authorities as a result of the investigation of the allegations.

Section 11: Implementation, Review, and Revision

- 11.1 The Archbishop will establish a specialized, five to 10 member advisory committee¹⁴ to oversee implementation of these policies. (i.e., education, victim advocacy, etc.)
- 11.2 These policies will be reviewed and revised every three (3) years by a team of experts including a lawyer, a canon lawyer, a psychiatrist, a social worker, a nurse or a psychologist with expertise in child sexual abuse issues, a victim's advocate, a victim or member of a victim's family, a cleric, any other necessary consultants, and a representative of the Archbishop.
- 11.3 Recommendations for revisions shall be presented to the Archbishop.

¹⁴ Committee membership shall include experts in the respective area of specialization.