

Roman Catholic Diocese of Kalamazoo Policy Dealing with Allegations of Sexual Abuse of Minors

MAY, 2003 (Amended December, 2006)

INTRODUCTION

On November 19, 2002, the Bishops of the United States approved *The Charter for the Protection of Children and Young People*. This document, along with *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel*, was approved by Vatican on December 8, 2002. These documents established the manner in which the Catholic Church in the United States will address, in accord with canon law and the approval of the Holy See, the tragic matter of sexual abuse of minors by Priests, Deacons, and other Church personnel.

In order to strengthen the original commitment and the Charter itself, the United States Conference of Catholic Bishops revised the Charter for the Protection of Children and Young People in June, 2005. The diocesan policy has been revised to incorporate the revisions of the Charter.

The Diocese of Kalamazoo established a formal policy to address issues of sexual abuse of minors in 1989. This policy was updated in 1994. With the issuance of the *Charter* and the *Essential Norms*, the Diocese of Kalamazoo is updating its policy, which addresses these matters in order to serve better the needs of the Church and especially the needs of minors and others who have been victims of sexual abuse of minors by clergy, religious, or other Church personnel. Sexual abuse of a minor in this policy is defined as it is stated in the *Charter*⁽¹⁾

The Diocese has also revised its policy because it recognizes the pain, anger and confusion that have been caused in victims of sexual abuse by some priests and other Church personnel. At the same time the Bishop and the Church in Kalamazoo wish to restate, in union with the Bishops of the United States, their “obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.” (*Charter* Preamble). Through this policy the Diocese seeks to attain these goals:

1. Repair the hurt and heal the wounds of pain inflicted upon victims of sexual abuse.
2. Ensure that justice is carried out for all parties including the accused.

3. Assist in a process of healing and reconciliation for any victims and provide such protection as we can to ensure that a perpetrator does not harm anyone else.
4. Assist the parish communities as they grieve the loss of a priest, deacon, member of a religious community or other Church personnel that arises from an allegation of sexual abuse.
5. Provide through Diocesan structures a program of broad-based education in order that clergy, administrators, staff, and volunteers of the Diocese or its parishes, institutions, and entities, are acquainted with the policy and its requirements.
6. Educate through Diocesan structures clergy, administrators, staff, parents and volunteers about prevention of sexual abuse of minors so that they may help create safe environments for children who come under their care.
7. Define the actions to be taken when a complaint of sexual abuse of a minor is received and ensure a prompt response to each complaint.

Responding to Allegations of Abuse:

- A. To carry out this policy, the Bishop shall appoint: a Delegate to coordinate and implement this policy and a Review Board as contemplated by the *Essential Norms*. In addition, on a case by case basis, the Bishop or his delegate shall appoint a Diocesan Liaison who will be responsible for insuring that the accusing person's and related individuals' emotional, psychological, and spiritual needs are being met during the course of the investigation. The Delegate shall coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons and shall assist the Diocesan Liaison in obtaining those services for the accusing person and related individuals. The Delegate is to be provided with access to professional consultants for assistance in receiving allegations, obtaining the necessary preliminary information, responding to all appropriate parties, and otherwise performing his/her functions.
- B. In accord with the *Charter*, the Delegate shall report an allegation of sexual abuse of a person who is a minor to the public authorities in accordance with the law. The Diocese shall comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in any investigations in accordance with the law of the jurisdiction in question. The Diocese shall cooperate with public

authorities about reporting in cases when the alleged abused person is no longer a minor. In every instance, the Diocese shall advise an accuser of his or her right to make a report to public authorities.

- C. The Review Board, appointed by the Bishop, shall serve as a confidential consultative body to the Bishop. This Review Board shall consist of a maximum of 15 members, the majority to be lay members who are not in the employ of the Diocese, who are of good integrity and reputation, and are in full communion with the Church. The Bishop shall appoint the chairperson of the Review Board.
- 1) Terms for members of the Board shall be five years and renewable.
 - 2) Diocesan staff who are not members of the Review Board, shall serve in a consultative role as needed.
 - 3) At least one member of the Review Board shall be a priest. At least one member shall have a particular expertise in the treatment of the sexual abuse of minors.
- D. The functions of the Board shall include:
- a) Advising the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. This will include the initial assessment of allegations and recommendations to the Bishop as to the merit of the allegations. The alleged victim, the accused, and others determined by the Board may meet with the Review Board.
 - b) Reviewing regularly the Diocesan policy and procedures for addressing allegations of sexual abuse of minors and making appropriate recommendations to the Bishop for change or modification.
 - c) At his request, offering advice to the Bishop on all aspects of cases, whether retrospectively or prospectively.
 - d) The Board may adopt written guidelines for carrying out its functions.

Actions to be taken:

- A. When an allegation of sexual abuse of a minor against a priest, deacon or other Church personnel is brought forward, the Delegate of the Bishop shall:
- a. Contact the individual making the complaint and/or other appropriate parties without delay to obtain the basic information needed to make the report to civil authorities.
 - b. Initiate a preliminary investigation, in harmony with canon law, promptly and objectively. All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused shall be encouraged to retain the assistance of civil and canonical counsel and shall be notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The Bishop shall apply appropriate measures in accordance with Canon Law. These measures may include: removal of the accused from sacred ministry or from ecclesiastical office or function; imposing or prohibiting residence in a given place or territory; and prohibiting public celebration of the Most Holy Eucharist, pending the outcome of the investigation process.
 - c. Either concomitantly with or immediately following initial contact with the person who alleges sexual abuse select a Diocesan Liaison who shall act as the primary source of ongoing communication with the person who alleges sexual abuse, family members, and other related persons affected by the abuse. The Diocesan Liaison shall offer or suggest counseling or other appropriate assistance to the accuser.
 - d. Offer or suggest counseling or other appropriate assistance to the accused, and the parish community.
 - e. Refer the matter to the Review Board.
- B. When an allegation of sexual abuse of a minor by a member of a religious community residing or serving in the Diocese is made, the appropriate religious superior shall be informed, the person placed on leave, and removed from public participation in activities on behalf of the Church in any Diocesan parish or institution.

- a. The Delegate of the Bishop shall contact the major religious superior and arrange for the accused to be returned to the immediate supervision of the superior.
 - b. The religious superior shall be apprised of the necessity to remove the accused from his/her permanent assignment.
 - c. In the case of a religious priest, the Bishop or his Delegate may immediately remove any faculties of the accused.
- C. When the accused is a layperson, the administrator who has authority over the accused shall place the accused person on leave or suspend the services of a volunteer.
- D. When sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accord with Canon Law, the following shall pertain:
 - a. For even a single act of sexual abuse of a minor, past or present, the offending priest or deacon is to be permanently removed from ministry, and if warranted, dismissed from the clerical state. In keeping with the stated purpose of the Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.
 - b. In every case involving canonical penalties, the processes provided for in Canon Law shall be observed (Cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation of the Doctrine of the Faith, May 18, 2001).
 - c. If the penalty of dismissal from the clerical state is not applied, the priest offender is to lead a life of prayer and penance. He shall not be permitted to celebrate Mass publicly or to publicly administer the sacraments. He is to be instructed not to wear clerical garb or to present himself publicly as a priest.
 - d. At all times, the Diocesan Bishop has the power of governance, through an administrative act, to exclude an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of ministry. Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good and observing Canon Law, the Diocesan Bishop shall exercise this power of governance to ensure that any priest or deacon

who has committed even one act of sexual abuse of a minor shall not continue in active ministry.

Addendum:

1. The Diocese is committed to continue to reach out to victims of sexual abuse for healing and reconciliation through the Delegate, and in individual cases, the Diocesan Liaison. This outreach shall include provisions for counseling, spiritual assistance or support groups where appropriate.
2. The Diocese is committed to establishing “safe environment” programs which the Bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, teachers, and community members to provide education and training to all children, youth, parents, ministers, educators, volunteers and other interested parties about ways to make and maintain a safe environment for children and young people. The Diocese shall endeavor to make clear to its clergy and members of the community the standards of conduct for clergy and other persons in positions of trust.
3. Utilizing the resources of law enforcement and other public agencies, the Diocese and its parishes and institutions will evaluate the background of all Diocesan and parish personnel and volunteers who have regular contact with minors.
4. The Vocations Director of the Diocese, rectors of seminaries at which men of the Diocese study for the priesthood, and the Director of the Permanent Diaconate shall provide for comment and review the screening process that is utilized for candidates for priestly and diaconal ministry. This shall be provided to the Review Board upon its request.
5. Whenever a priest or deacon from another (Arch) diocese or religious community is proposed for an assignment or residence in the Diocese, his Bishop or major superior shall be requested to forward to the Diocese for review, before such an assignment is made, an accurate description of the individual’s record, including anything in his background or service that would raise any questions about his fitness for ministry. A report form shall be developed and furnished regularly to the Review Board by the Delegate, indicating the names of those appointed and verifying that background information was obtained.

6. Respecting the individuals involved, the Diocese shall deal openly with the media and those parishes and institutions involved in any case of alleged abuse of a minor. Care shall always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom a charge has been made. The Director of Communications or his/her delegate shall be the spokesperson to the media. The Bishop's Delegate shall assist parishes in dealing with issues of sexual abuse of minors by clergy. Where schools and religious education programs are involved, the assistance of the Diocesan Office of Schools and the Office of Evangelization, Catechesis, and Initiation will be expected and will be coordinated through the Bishop's Delegate.
7. The Diocese through the office of the Chancellor shall maintain an up-to-date listing of priests who may help minister in parishes and institutions as well as a list of those without faculties or with limited faculties. Any priest not having a current assignment in the Diocese of Kalamazoo must be approved through the Chancellor's office before providing ministerial assistance in the diocese.
8. All persons employed by or associated with the Diocese shall cooperate with civil authorities and shall comply with reporting requirements established by law regarding alleged sexual abuse of minors. Any clergy, administrator, staff person or volunteer of the Diocese receiving or becoming aware of a complaint or allegation of sexual abuse of a minor by a priest, deacon or other church personnel shall also:
 - a. Inform the person making the complaint that the Diocese has a policy for addressing these matters;
 - b. Report the matter immediately to the Bishop's Delegate providing any details known so that appropriate contact and outreach can be made with alleged victims and the necessary civil reporting can take place.
9. After the recommendation of The Presbyteral Council of the Diocese to the Bishop has adopted a Code of Professional Conduct for clergy.
10. A designated representative of the Bishop shall maintain regular contact with priests and deacons who have been accused of sexual abuse of a minor, and shall provide fraternal support and facilitate referrals to resource persons and other professionals.

Notes:

- (1) In accord with *Sacramentorum sanctitatis tutela* (which is an Apostolic Letter issued by Pope John Paul II) for the purposes of the *Charter*, any offense by a cleric against the Sixth commandment of the Decalogue with a minor below the age of eighteen years is to be punished with just penalties, including dismissal from the clerical state if the case so warrants. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6) Ultimately, it is the responsibility of the diocesan Bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.