

DIOCESE OF OWENSBORO



REVISED SEXUAL ABUSE POLICY AND PROCEDURES

Effective
July 1, 2014

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**DIOCESE OF OWENSBORO
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ARTICLE 1—GENERAL PROVISIONS

1.1 INTRODUCTION

INTRODUCTION. The Diocese of Owensboro commits itself, as a policy of paramount importance, to make every reasonable effort within its power to prevent the occurrence of sexual abuse by anyone acting in the name of the Church and to deal promptly and effectively with any such allegations which may arise. Sexual abuse by anyone acting in the name of the Church is contrary to Christian morals, is a grievous sin, and may be criminal under civil law. All personnel of the Diocese of Owensboro, whether clergy, religious, or lay, must comply with applicable state and local laws regarding incidents of actual or suspected sexual abuse and with the following policies of the Diocese. This document is intended to establish procedures to address sexual abuse and its harm caused by anyone acting in the name of the Church and to provide guidance in responding to allegations of sexual abuse.

1.2 GOALS

- 1.2.1 In any and all cases of substantiated sexual abuse, the Diocese will seek to move quickly and with compassion to attend to the spiritual and emotional needs of victims and their families and to protect against any further abuse. Concern for the alleged victim(s) and prevention of any further harm are the priorities of first importance in any such investigation.
- 1.2.2 Every reasonable effort will be made to afford the accused the opportunity to defend him/herself, since even the allegation of such misconduct, founded or unfounded, can have catastrophic consequences. (For incardinated clergy, ref. “Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons” [“Essential Norms”], no. 13.)
- 1.2.3 Any allegation of sexual abuse involving minors or vulnerable persons will be treated with the utmost seriousness and will be investigated thoroughly.
- 1.2.4 All legal and canonical¹ requirements regarding notification of such charges will be carefully observed.
- 1.2.5 The Diocese will strive to balance transparency with the rights of the alleged victim(s) and the accused.

1.3 POLICY DISTRIBUTION AND ACKNOWLEDGMENT

- 1.3.1 This policy is to be made readily available throughout the Diocese, and anyone acting in the name of the Church should become familiar with its contents.

- 1.3.2 Every employee and any volunteer ministering with minors or vulnerable adults is required to: (1) read this policy, (2) acknowledge an understanding and acceptance of it, and (3) agree to abide by it (See Appendix for “Acknowledgment of Receipt...” form.) Documentation of this signed “Acknowledgment of Receipt...” must be sent to the Diocesan Office of Safe Environment.

ARTICLE 2—DESCRIPTIONS (for purposes of this policy only)

- 2.1 **BISHOP** refers to the current ecclesiastical head of the Diocese of Owensboro.
- 2.2 **ANYONE ACTING IN THE NAME OF THE CHURCH** refers to any incardinated or non-incardinated priest or deacon, or any religious, or any deacon candidate, seminarian, lay employee, or volunteer, who is either authorized by the Bishop or his delegate to act on behalf of the Diocese of Owensboro or permitted by the Bishop or his delegate to serve or minister in any of the parishes, schools, agencies, or other entities which are subject to the jurisdiction of the Bishop of the Diocese of Owensboro.²
- 2.3 **BISHOP’S LIAISON TO THE DIOCESAN REVIEW BOARD** refers to an individual appointed by the Bishop to collaborate closely with him and the Review Board Chair in all necessary actions for the functioning of the Diocesan Review Board.
- 2.4 **DELEGATE** refers to a person whom the Bishop of the Diocese of Owensboro explicitly authorizes to act on his behalf. Formal canonical delegates include the Vicar General, Judicial Vicar, Vicar for Clergy, and Chancellor.
- 2.5 **DIOCESE** or **DIOCESAN** refers to the Diocese of Owensboro, Kentucky, including all its parishes, all its Diocesan schools, and all Diocesan agencies in the Diocese of Owensboro (CIC,³ cc. 369, 370, 372).
- 2.6 **DIOCESAN REVIEW BOARD** refers to a panel of individuals from various and relevant professions appointed by the Bishop to act as a consultative body regarding cases of sexual abuse. (See Article 3 below.)
- 2.7 **MINOR/CHILD(REN)**, refers to any person who has not yet reached his or her eighteenth birthday (CIC, cc 97§1, 97§2) and vulnerable persons (as defined below). This description is consistent with applicable Kentucky civil and criminal law.
- 2.8 **PASTORAL ASSISTANCE COORDINATOR** refers to the individual(s) appointed by the Bishop to respond to the pastoral needs of those reporting injury from sexual abuse.
- 2.9 **PROMOTER OF JUSTICE** refers to the person appointed by the Bishop in each diocese, usually a cleric with a degree in Canon Law, who has the responsibility to prosecute violations of canon law that harm the common good.

- 2.10 **VULNERABLE PERSON** refers to (a) any person under 18 years of age; (b) any person 18 years of age or older who habitually lacks the use of reason (CIC, cc. 97§2, 99; 2011 revision of *Charter for the Protection of Children and Young People* [*Charter*]); or (c) any other adult whose impairments place him/her under the protection of Kentucky Revised Statutes (K.R.S.) 209, which covers abuse and neglect of adults.
- 2.11 **SEXUAL ABUSE** refers to any sexual conduct against a minor or vulnerable person, as defined above, which is unlawful under applicable canon law and/or secular law, both physical and non-physical contact offenses, including child pornography. It includes but is not limited to sexual offenses as defined in chapters 510, 530, and 531 of the Kentucky Revised Statutes, and/or violative of canon 1395§2, as interpreted in the “Essential Norms.”
- 2.11.1 *Sacramentorum sanctitatis tutela* (SST), article 6, and the Circular Letter from the Congregation for the Doctrine of the Faith (per *Charter* revisions of June 2011) provide further clarification regarding the Church’s definition of child sexual abuse. See Article 12.3.3.
- 2.11.2 Sexual misconduct that does not meet the definition of sexual abuse may still need to be evaluated to determine an appropriate response.

ARTICLE 3—THE DIOCESAN REVIEW BOARD

The Review Board for the Diocese of Owensboro has been in existence since 1995. Its purpose was and is to assist the Bishop of the Diocese in reviewing and handling cases of alleged sexual abuse against persons acting in the name of the Church. The Review Board has its own detailed guidelines to govern its formation, its duties, and the procedures to be followed in carrying out its role as a consultative body to the Bishop (ref. *Charter*, Art. 2).

3.1 COMPOSITION OF THE REVIEW BOARD

The requirements of the *Charter* and “Essential Norms” regarding the makeup of the Diocesan Review Board are reflected herein (ref. “Essential Norms,” no. 5).

- 3.1.1 The members of the Review Board are appointed by the Bishop to a renewable five-year term. The Bishop may remove a member of the Review Board, but must state a serious reason for doing so. The Diocese’s Promoter of Justice is encouraged to participate in the board’s meetings.
- 3.1.2 The minimum number of members is five, and the maximum number is to be set by the Bishop, keeping in mind that it may be necessary for the board to assemble on short notice.
- 3.1.3 Members shall be of outstanding integrity and possess good judgment. At least five members must be in full communion with the Church.

- 3.1.4 “The majority of the review board will be lay persons who are not in the employ of the Diocese” (ref. *Charter*, Art. 2).
- 3.1.5 “At least one member should be a priest who is an experienced and respected pastor of the Diocese.”
- 3.1.6 “At least one member should have particular expertise in the treatment of sexual abuse of minors.”
- 3.1.7 At the discretion of the Bishop membership may include a canon lawyer.
- 3.1.8 Members are volunteers, and no compensation is provided.
- 3.1.9 The Bishop’s liaison is a non-voting member of the Review Board. The liaison represents the Bishop to the Review Board and communicates the workings of the Review Board to the Bishop.
- The liaison oversees all preparations and follow-up of Review Board meetings.
 - The liaison maintains files, records and logs and prepares reports.
 - The liaison collaborates with the Pastoral Assistance Coordinator and the Safe Environment Coordinator as needed.

3.2 RELATIONSHIP OF THE REVIEW BOARD TO THE BISHOP

As the head of the Diocese, the Bishop is entrusted with legislative, executive, and judicial power over his particular church, according to the norm of law (CIC, cc. 381, 391, 393). In accord with canon law and the “Essential Norms,” the Bishop of the Diocese of Owensboro has established the Diocesan Review Board as a consultative body (CIC, cc. 127 §§1, 2, 3; “Essential Norms,” no. 4), from whom he will seek counsel on all issues and situations concerning sexual abuse of minors and vulnerable persons. The Bishop is not a member of the Review Board but attends Review Board meetings as needed.

3.3 FUNCTIONS OF THE REVIEW BOARD

- 3.3.1 The Review Board provides three-fold assistance to the Bishop by:
- **Assessing allegations** of sexual abuse of minors and vulnerable persons in order to advise the Bishop on whether or not the allegations appear to be credible, which assessment will be communicated by the Bishop to both the alleged victim and the accused (ref. *Charter*, Art. 2; “Essential Norms,” no. 4a);
 - **Making recommendations** as to the fitness of the accused to continue in ministry while his/her case is pending (ref. *Charter*, Art. 2; “Essential Norms,” no. 4c); and
 - **Evaluating Diocesan policies and procedures** for dealing with allegations of the sexual abuse of minors and vulnerable persons at appropriate intervals (ref. *Charter*, Art. 2; “Essential Norms,” no. 4b).

- 3.3.2 The Review Board can act retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with these cases (ref. *Charter*, Art. 2; “Essential Norms,” no. 4c).
- 3.3.3 The Review Board may be assisted in its deliberations, assessments, and investigations by the Diocesan Attorney and/or by any outside professional chosen for his/her expertise in cases of sexual abuse. Because of the need to act promptly in these cases, an ongoing relationship with outside experts may be established to assure their prompt availability if a need should arise.

3.4 COMMITTEES OF THE REVIEW BOARD

To assist in implementing the “Revised Sexual Abuse Policy and Procedures,” the Review Board maintains committees with specialized functions. Committee members should also be members of the Review Board. Other resources and expert opinions and knowledge may be sought, but such persons shall not be committee members. Standing committees include:

- 3.4.1 Executive Committee
- 3.4.2 Communications Committee (ref. *Charter*, Art. 7)
- 3.4.3 Outreach Committee (ref. *Charter*, Art. 1)
- 3.4.4 Nominating Committee

ARTICLE 4— PASTORAL ASSISTANCE

- 4.1 The Church’s first obligation with regard to all alleged victims, whether claims are substantiated or unsubstantiated, is for healing and reconciliation. Therefore the Diocese will reach out to every person who alleges that he or she was sexually abused by anyone acting in the name of the Church, whether the alleged abuse was recent or occurred many years in the past. The outreach may include counseling, spiritual assistance, support groups, and other social services (ref. *Charter*, Art. 1).
- 4.2 **PASTORAL ASSISTANCE COORDINATOR(S):** The Bishop will designate an individual or individuals who will coordinate appropriate pastoral care for any person who claims to have been sexually abused when they were minors/vulnerable persons by anyone acting in the name of the Church. This Pastoral Assistance Coordinator will be trained and prepared to welcome the reporting source, seek, obtain and document information, and establish rapport with the alleged victim (ref. *Charter*, Art. 2; “Essential Norms,” no. 3).
 - 4.2.1 Through pastoral outreach to alleged victims and their families, the Pastoral Assistance Coordinator will offer to meet with anyone making an allegation and will listen with compassion and patience to their experiences and concerns. In addition the Pastoral Assistance Coordinator will offer the alleged victim an opportunity to speak with the Bishop and/or the Diocesan Review Board.

- 4.2.2 The Pastoral Assistance Coordinator shall make sure that persons chosen to administer counseling and/or spiritual direction to an alleged victim and his/her family are sufficiently qualified to render such assistance.
- 4.3 If any sexual misconduct involving minors occurs, including that between minors, at any Diocesan location or event, the Pastoral Assistance Coordinator should be contacted for guidance and direction.

ARTICLE 5—CONFIDENTIALITY AGREEMENTS

Only victim-initiated confidentiality agreements will be made and will be noted as such in the text of the agreement (ref. *Charter*, Art. 3).

ARTICLE 6—APPLICABLE LAW

- 6.1 This policy is intended to address violations of canon and secular law (CIC, c. 22). For clergy, a violation of canon law can subject the offender to a severe restriction of ministry or the loss of the clerical state. For all, a violation of the criminal law can subject the offender to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.
- 6.2 “In every case involving canonical penalties, the processes provided for in canon law must be observed” (ref. “Essential Norms,” no. 8a).
- 6.3 Because the law changes from time to time by enactment of amendments to statutes and judicial interpretations, it is important that individuals familiarize themselves with such changes that may occur. When possible, citations to relevant civil and canon law are given within this document.
- 6.4 It is not possible to set out all of the pertinent or applicable laws in this document, but upon request, a delegate of the Bishop will assist in answering any questions concerning canon and/or secular law.

ARTICLE 7—OBLIGATION TO REPORT

- 7.1 As required by Kentucky Revised Statutes (K.R.S. 620.030), anyone who obtains information of known or suspected physical or sexual abuse, neglect, or exploitation of a current minor, shall report it immediately to the proper authorities (local law enforcement agency, the Kentucky State Police, the Cabinet for Health and Family Services, local Commonwealth attorney, and/or local county attorney), according to KY Statutes. In the Commonwealth of Kentucky felony crimes, which include sexual abuse, have no statute of limitations.
- 7.2 In addition, anyone who knows or has reason to know of an incident of sexual abuse by anyone acting in the name of the Church shall report the incident as soon as possible by contacting the

Pastoral Assistance Coordinator using the Diocese's dedicated phone line. See appendix for contact information.⁴

- 7.3 This does not require any clergy member to violate the priest/penitent privilege conferred by the Sacrament of Reconciliation (ref. K.R.S. 620.030(4); CIC, cc. 1388§1 and 983§1, §2).
- 7.4 It is imperative for anyone acting in the name of the Church to be open and transparent with the Bishop and/or his delegate regarding any past allegations of sexual abuse, even those deemed false or unsubstantiated.
- 7.5 The Bishop or his delegate regularly reviews clergy personnel files to determine if there are any past allegations that may need further review, evaluation, and possible action.

ARTICLE 8—INVESTIGATIVE RESPONSE TO AN ALLEGATION

In addition to reporting to civil authorities as noted in Article 7.1, additional requirements exist when an allegation arises against anyone acting in the name of the Church.

- 8.1 A high level of Christian care, concern and confidentiality will be demonstrated toward an alleged victim, the family of an alleged victim, the person reporting the incident, and the accused.
- 8.2 Any allegation will be evaluated by considering the alleged facts, the surrounding circumstances, and the internal consistency of the allegation itself.
- 8.3 Anyone acting in the name of the Church who becomes aware of an allegation of sexual abuse must maintain the strictest confidence regarding the matter, except as necessary to make an immediate report of the allegation to civil authorities (ref. K.R.S. 620.030, "Duty to Report").
- 8.4 No investigation of an allegation should be initiated by anyone acting in the name of the Church without the explicit authorization of the Bishop.
- 8.5 Any individual contacting the Diocese to report an allegation of sexual abuse against anyone acting in the name of the Church will be directed to the Pastoral Assistance Coordinator. As soon as the Pastoral Assistance Coordinator can collect the necessary information from the reporting source, he/she will contact civil authorities, then determine that the following are informed: the Bishop (or his delegate), the Bishop's liaison, and the Review Board chairperson. The Review Board chairperson will contact civil authorities (as noted in Article 7.1 above) to ensure the allegation has been reported. A written transcript of the report will be submitted to the Bishop as soon as possible.
- 8.6 If any other person is contacted directly with the allegation, he/she will immediately contact the Pastoral Assistance Coordinator, and the process will continue as stated in Article 8.5 above.

- 8.7 Appropriate records of each incident reported and of the investigation and the results thereof will be kept by the Bishop and/or his liaison.
- 8.8 Each reported incident will be initially evaluated by the Bishop and in consultation with the Review Board chairperson, the Bishop's liaison, and/or other individuals with relevant expertise.
- 8.9 If a reported incident involves a non-incardinated cleric or a member of a religious order, the Bishop (or his delegate) will immediately contact the appropriate Bishop or community's superior.
- 8.10 If the initial evaluation of the allegation determines it to be credible, i.e. has a semblance of truth, a preliminary investigation will be opened. If it is not determined to be credible, the pertinent parties will be notified.
- 8.11 If the initial evaluation of the allegation is deemed credible, the accused will be prevented from functioning in his/her ministry and/or employment and suspended from the exercise of any canonical office during the continuing investigation stage, unless requested otherwise by civil law enforcement officials. Such leave may be with or without pay or benefits as determined by the Bishop or his delegate. A canonical inquiry will promptly be made in accord with canon law (CIC, cc. 1717–1719).
- 8.12 When the initial evaluation proceeds to a preliminary investigation, the allegation and all information from the initial evaluation is entrusted to the Review Board for its consideration. Care will be taken not to interfere with any criminal investigation.
- 8.12.1 The Review Board, following its Guidelines, will make a recommendation to the Bishop.
- 8.12.2 If an allegation is deemed credible, the accused may be asked to undergo a formal mental health assessment at a mental health facility or by a counselor (outside the geographical region of the Diocese of Owensboro) who is a competent sex offender evaluator and treatment provider (ref. "Essential Norms," no. 7).
- 8.13 **SUBSTANTIATED ALLEGATION:** If an allegation is determined to be substantiated, i.e., the accused admits to, does not contest, or is found guilty by a civil court of law or an investigative process, the following shall occur:
- 8.13.1 The canonical preliminary investigation will be concluded.
- 8.13.2 **Employees/clerics/volunteers:** The accused shall be terminated immediately from employment and any position of ministry within the Diocese.
- 8.13.3 **Incardinated clerics:** The Bishop will both notify the Congregation of Doctrine of Faith and apply precautionary measures mentioned in CIC, canon 1722, which relieves the accused immediately of his ministerial duties (ref. *Charter*, Art. 5). No person, once ordained as a bishop, priest or deacon, against whom even a single allegation of sexual abuse of a minor has been substantiated to a degree of moral certitude (CIC, c. 1608§1) will be permitted to return to

public ministry (ref. *Charter*, Art. 5). This penalty applies regardless of whether the incident occurred in the recent or distant past, and regardless of whether the victim was an adult or a minor at the time of reporting. In addition, suspension of canonical faculties, in accord with canon law, is mandatory when the victim was a minor (ref. “Essential Norms,” no. 8a). The offender will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (ref. “Essential Norms,” no. 8).

8.14 **FALSE OR UNSUBSTANTIATED ALLEGATION:**

8.14.1 **False Allegation:** If, after the investigative process, an allegation is proven false, every reasonable effort will be made to help restore the reputation of the falsely accused and the Church in general. The Bishop shall notify both the accused and the alleged victim of the outcome and continue to offer pastoral assistance, as appropriate. K.R.S. 620.050 provides immunity from civil or criminal liability for anyone acting upon reasonable cause in making a report; however, both civil law and canon law (CIC, cc. 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny.

8.14.2 **Unsubstantiated Allegation:** If, after the investigative process, an allegation is determined to be unsubstantiated (i.e. not proven true), the Bishop shall notify both the accused and the alleged victim of the outcome and continue to offer pastoral assistance, as appropriate.

ARTICLE 9—SPECIAL SITUATIONS INVOLVING ACCUSED CLERIC

9.1 **IF ACCUSED IS DECEASED:** If an allegation of sexual abuse of a minor/vulnerable person is made against a deceased cleric, upon request the Bishop shall fully communicate all available information about the date and place of the death to the alleged victim.

9.1.1 The person making the allegation must present corroborating evidence which will ultimately be evaluated by the Review Board.

9.1.2 The same necessary and supportive services shall be extended to such an alleged victim by the Pastoral Assistance Coordinator as would be provided to other alleged victims when the accused is alive.

9.2 **IF ACCUSED IS NO LONGER IN MINISTRY:** In addition to the standard protocol outlined in Article 8 above, if an accusation of sexual abuse of a minor/vulnerable person is made, and it is determined that the accused cleric was incardinated to this Diocese and is alive but is no longer ministering as a cleric (i.e., is on a leave of absence, has left the active priesthood, or has been returned to the lay state.), a delegate of the Bishop will research and document all available information about the accused.

- 9.3 **IF ACCUSED IS BISHOP OF THE DIOCESE:** Following the standard protocol outlined in Article 8 above, if an accusation of sexual abuse of a minor/vulnerable person is made against the Bishop of the Diocese of Owensboro, the Metropolitan Bishop, i.e. the Archbishop of Louisville, shall assume the tasks designated to the Bishop in the investigative process.

ARTICLE 10—NON-INCARDINATED CLERGY AND RELIGIOUS

- 10.1 Each respective religious order or diocese which sends or permits a priest, deacon or religious member to minister in the Diocese of Owensboro must agree to inform the Diocese of Owensboro of any allegation of sexual abuse by such individual(s) of which the religious order or diocese is or may become aware (ref. *Charter*, Art. 14; “Essential Norms,” no. 12).
- 10.1.1 No religious, priest or deacon will be permitted to serve or minister, for a single event or any length of time, in the Diocese of Owensboro unless a “Testimonial of Suitability for Ministry” is signed by the superior of the religious order or the Bishop of the sending diocese. This must be submitted prior to the arrival of the minister. An executed “Testimonial of Suitability for Ministry” must be filed in the office of the Bishop. (A sample form can be requested from the Office of the Bishop or the Office of Safe Environment.)
- 10.1.2 In turn, the Diocese of Owensboro shall, in writing, inform the incardinating bishop or superior of such personnel of any allegation of sexual abuse which may come to the attention of this Diocese.
- 10.1.3 Clerics from the Diocese of Owensboro seeking to serve or minister, for a single event or any length of time, in another diocese will request that a “Testimonial of Suitability for Ministry” be issued by the Bishop’s office.
- 10.2 The Diocese of Owensboro recognizes that religious orders/congregations and other dioceses whose members serve in the Diocese have their own sexual abuse policies.
- 10.2.1 All members of religious orders/congregations and all clerics and religious from other dioceses must comport with the policies and procedures of the Diocese of Owensboro in addition to those of their own order/congregation or diocese. In the event the two policies conflict, the policy of the Diocese of Owensboro takes precedence.
- 10.2.2 In addition to a “Testimonial of Suitability for Ministry,” an accurate and complete description of the record of the cleric or religious, including anything in his or her background or service that would raise questions about fitness for ministry, shall also be required by this Diocese from the diocese or religious institute which assigns, sends or permits a cleric or religious to transfer to the Diocese of Owensboro. No cleric or member of a religious congregation will be accepted for service in this Diocese without such written documentation being submitted to the office of the Bishop.

ARTICLE 11—MEDIA INQUIRIES

All media inquiries regarding an incident of sexual abuse will be directed to the Bishop or to an individual designated by the Bishop to handle media inquiries.

ARTICLE 12—PREVENTATIVE ACTIONS

12.1 EDUCATION

- 12.1.1 Safe Environment Training for All Clergy (Incardinated and Non-Incardinated), Religious, Employees, and All Volunteers Working with Minors:** At determined intervals the Diocese will require “safe environment” training which the Bishop deems to be in accord with Catholic moral principles. This training will include information about sexual abuse and ways to make and maintain a safe environment for children and young people. It will also make clear the standards of conduct for all persons in positions of trust with regard to children (ref. *Charter*, Art. 12).
- 12.1.2 Seminarians and Deacon Candidates:** In addition to the Safe Environment Training listed in Article 12.1.1, the appropriate supervisor will monitor the activities and educational development during the entire course of studies of seminarians or deacon candidates.
- 12.1.3 Ongoing Education for Clergy:** Ongoing education for clergy shall include professional presentations on psychological development, including periodic programs on deviant sexual behavior and inappropriate clergy-parishioner relationships. The implementation and scheduling of these programs is handled by the Diocesan offices responsible for ongoing formation for priests and permanent deacons. The United States Conference of Catholic Bishops (USCCB) stresses the importance of on-going education for priests and deacons regarding child sexual abuse (ref. *Charter*, Art. 17). Using all available contemporary sources, related education topics should include: church policy, canon and civil laws, moral theology, scientific knowledge, professional ethics, the theology of sexuality, the theology of the body, pastoral care of victims and abusers, and coping with the disclosure of misconduct by a colleague.
- 12.1.4 Training for Those Ministering to Vulnerable Adults in Non-Church Settings:** The Diocese, through the Office of Safe Environment, offers basic training in the areas of elder abuse and safety protocols to assist all individuals who act as (a) home visitors, such as companions, parish nurses, household helpers; (b) Eucharistic ministers who administer the Sacrament in homes, hospitals, nursing facilities, and other non-Church settings; and (c) those who minister to inmates in jails and prisons (if such training is not provided by the facility).

12.2 BACKGROUND SCREENING

12.2.1 Safe Environment Background Check: According to Article 13 of the *Charter*, Diocesan background checks will be conducted at determined intervals for “all incardinated and all non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese and of all Diocesan and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors.”

Further information regarding individuals who need to undergo background checks can be found in the Diocese’s “Policy Requirements Governing Diocesan, Parish, and School Ministries Involving Minors and Vulnerable Individuals.”

12.2.2 Employees: The completed Safe Environment background check is one condition necessary for those wishing to be employed by any Diocesan entity:

- When a person makes application for prospective employment with the Diocese or a Diocesan facility, all references must be contacted. The reference must be asked for any knowledge regarding allegations of sexual abuse made against the applicant in the past. Documentation must be made of the responses given by each reference.
- Applicants must comply with all other requirements as stated in the Diocese of Owensboro Employee Policy Handbook.
- No one will be hired against whom a prior allegation of sexual abuse of a minor has been substantiated.
- No one will be hired against whom an allegation of sexual abuse against a minor is still pending, unless express written consent is given by the Bishop and the Review Board.

12.2.3 Seminarians and Deacon Candidates: The Director of the Diocesan Vocations Office and the Director of the Permanent Diaconate are responsible for assessing and evaluating men who make application and are considered for admission to study for the priesthood or permanent diaconate for the Diocese of Owensboro. Recommendations must come from a variety of sources. In addition, a full psychological profile of each seminarian or deacon candidate will be obtained. This profile will assist in determining general psychological fitness and emotional health and well-being. All seminarians and deacon candidates are screened and evaluated on a wide variety of issues and factors, including their sexual maturity and the appropriateness of their behavior and background. Efforts will continue to assure that the criteria and techniques utilized in these processes are in conformity with the most up-to-date testing and assessment procedures. A criminal background check is also completed as noted in Article 12.2.1 above.

12.2.4 Screening for Those Ministering to Vulnerable Adults in Non-Church Settings: Background checks will be conducted at determined intervals for individuals who act in the name of the Church as (a) home visitors, such as companions, parish nurses, household helpers; (b) Eucharistic ministers who administer the Sacrament in homes, hospitals, nursing facilities, and other non-Church settings; and (c) those who minister to inmates in jails and prisons.

12.3 STANDARDS OF CONDUCT

- 12.3.1 According to Article 6 of the *Charter*, “there are to be clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church in positions of trust who have regular contact with children and young people.” Anyone acting in the name of the Church needs to be especially careful and conscious of behavior around children and must avoid even the appearance of improper behavior in the volatile area of sexual abuse involving minors.
- 12.3.2 Since the Diocese presents appropriate ministerial standards of conduct within its Safe Environment training, any serious breach of these standards of conduct may result in termination of employment, removal as a volunteer, and/or dismissal from a program. (See Appendix for Supervisory and Non-Supervisory Codes of Conduct).
- 12.3.3 Clergy: In addition to meeting the general standards of conduct required for Safe Environment compliance, pastoral prudence dictates further standards of conduct for clergy:
- All minors are restricted to the public rooms of the clergy’s residences and rectories.
 - Minors, with the exception of blood relatives, who are unaccompanied by a parent or legal guardian may be neither overnight guests in the clergy’s rectories or other houses used by priests for rest and relaxation.
 - Priests of the Diocese may not take overnight trips and vacations with minors who are not blood relatives or who are unaccompanied by a parent or legal guardian unless such trips or vacations are officially sponsored and supervised by a Diocesan institution or some other institution with which the priest is affiliated in his ministry. Any such overnight trip or vacation must be supervised by other adult chaperones.
 - Per *Sacramentorum sanctitatis tutela* (SST), article 6, “the acquisition, possession, or distribution by a cleric of pornographic images of minors...for purposes of sexual gratification, by whatever means or using whatever technology” meets the definition of child sexual abuse and follows the same civil and Church reporting requirements as other sexual abuse allegations.
 - Failure by any cleric to follow these preventative actions can seriously endanger youth, the cleric, and the Diocese. Any cleric who fails to abide by these preventative actions subjects himself to the imposition of canonical sanctions, according to the norms of law (CIC, c. 1312).
- 12.3.4 Both adults and minors involved in Diocesan activities use Codes of Conduct to assist in determining appropriate behavior. If any sexual misconduct involving minors occurs, including that between minors, at any Diocesan location or event, the Pastoral Assistance Coordinator should be contacted for guidance and direction.
- 12.3.5 Adults acting in the name of the Church as (a) home visitors, such as companions, parish nurses, and household helpers; (b) Eucharistic ministers in non-Church settings; and (c) volunteers in jails and prisons, are expected to review and abide by Diocesan safety

protocols for their ministry and actively communicate with their supervisors about safety and boundary concerns.

12.4 POLICIES

12.4.1 All requirements stated in the “Diocese of Owensboro Policy Requirements Governing Diocesan, Parish, and School Ministries Involving Minors and Vulnerable Adults” are incorporated herein by reference.

12.4.2 All requirements stated in the Diocesan “Policy on Acceptable Use of Technology and Social Media” are incorporated herein by reference. In accordance with that policy, anyone acting in the name of the Church should remember that when using technology, all interactions (either ministerial or personal) that can be viewed publicly, are subject to scrutiny and possible discipline. In addition, technology may not be used for any illegal purpose.

12.5 OTHER PROCEDURES TO REDUCE RISK

12.5.1 The Diocesan Office of Safe Environment serves to coordinate all preventative functions and is a resource in matters regarding child safety throughout the Diocese. Individuals and Diocesan entities should contact the office with any questions or concerns.

12.5.2 When a cleric from this Diocese is proposed for a new assignment or transfer to another diocese, the Bishop will send, in a confidential manner, an accurate and complete description of the cleric’s record.

12.5.3 Before a diocesan priest or deacon can be transferred for residence to another diocese, the Bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children, young people or vulnerable adults. “No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a **ministerial** assignment in another diocese/eparchy” (ref. “Essential Norms,” no. 12).

12.5.4 Each Diocesan location shall maintain and make available current written documentation (names and telephone numbers) of the appropriate law enforcement person(s) to contact in the respective county for reporting allegations of sexual abuse. (See Appendix for sample Regional Reporting Contact Information form.) All staff should be prepared to provide this information to any individual upon request.

12.5.5 No one should be left alone in a supervisory capacity. There should always be a minimum of two Safe Environment-cleared adults even if a teen under the age of 18 is assisting.

- 12.5.6 The Diocese will collaborate and cooperate with the Secretariat for Child and Youth Protection at the national headquarters of the USCCB, including complying with all annual reporting requirements (ref. *Charter*, Art. 8, 9).

ARTICLE 13—CONCLUSION

More than a decade after the United States Conference of Catholic Bishops adopted *the Charter for the Protection of Children and Young People*, the success of these efforts have borne much fruit. Within our culture, the culture of the Catholic Church and the culture of our society, diligence is required to assure that children and young people and vulnerable persons are cherished and protected, as pledged in the original *Charter*.

NOTES: The “*Charter for the Protection of Children and Young People*” and the “*Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*” referenced herein can be accessed on the Diocesan website⁵ or the USCCB website (<http://www.usccb.com>), or by contacting the *United States Conference of Catholic Bishops*, 3211 4th Street, N.E., Washington, D.C. 20017-1194, (202) 541-3000

APPENDIX

ENDNOTES AND OTHER INFORMATION

- 1 “Canon Law” refers to the church order, discipline, structures, rules and procedures of the Roman Catholic Church.
- 2 “Anyone acting in the name of the Church” excludes individuals performing duties for autonomous lay organizations (Knights of Columbus, Legion of Mary, St. Vincent de Paul, etc.) and religious institutes, which may be Catholic in nature but are not under the authority of the Bishop. Those organizations are responsible for developing and following their own policies for prevention and response to issues of child sexual abuse.
- 3 CIC is used to reference the code of canon law for the Catholic Church’s Latin Rite (from the Latin title of the Code: *Codex Iuris Canonici*).
- 4 Dedicated phone line for Diocesan Pastoral Assistance Coordinator: **(270-852-8380)**
- 5 The website for the Diocese of Owensboro Office of Safe Environment can be accessed at www.rcdok.org/safe .

ACKNOWLEDGMENT OF RECEIPT OF
DIOCESE OF OWENSBORO
REVISED SEXUAL ABUSE POLICY AND PROCEDURES

Parish/School/Institution/Agency: _____

Date: _____

I, _____, have read the “Revised Sexual Abuse
(please print)

Policy and Procedures.” I fully understand, accept, and agree to abide by it.

Signature _____

Printed Name _____

Position _____

Date _____

NOTE: This signed form must be sent to the Diocesan Office of Safe Environment (600 Locust Street, Owensboro, KY, 42301) as noted in Article 1.3.2 of this document.

(SAMPLE)

REGIONAL REPORTING CONTACT INFORMATION

Each location in the Diocese should complete the following and have it available in the event a report of suspected abuse needs to be made to local authorities. All staff should be prepared to provide this information to any individual upon request.

Law Enforcement

City Police Department _____

Look under the city entries, e.g., “Owensboro City of-“
There may be a separate phone number for the “Investigation Division,”
and further numbers for “Detectives” or “Juvenile Unit”

Name of Chief of Police _____

Name of an Investigator in Juvenile Unit _____

If the alleged abuse occurred within city limits, call CPD

County Sheriff’s Department _____

Look under the County entries, e.g., “Daviness County of –“

Name of County Sheriff _____

Name of an Investigator _____

If the alleged abuse occurred outside city limits, call CSD

Kentucky State Police _____

Look under “Kentucky, State of / State Police Post #--“

Name of an Investigator at closest KSP Post to your location _____

If alleged abuse occurred outside county limits, or in unknown location, call KSP.

Prosecutor’s Office

County Attorney _____

Look under the County entries, e.g., “Daviness County of –“

Name of County Attorney _____

In most cases, the decision to file criminal charges will originate in this office. It handles misdemeanor cases, and is the starting point for felony cases, before they go to the Grand Jury and the Commonwealth Attorney.

Commonwealth Attorney _____

Look under the County entries, e.g., “Daviness County of –“

Name of Commonwealth Attorney _____

In some notorious cases or when discretion calls for it, the decision to file criminal charges will originate in this office. It handles felonies, which begin with an indictment by the Grand Jury.

Child Protective Services

Central Intake Hotline (for all Kentucky counties): 1-877-597-2331

*If the alleged abuse was inflicted by a parent, relative, or guardian of the child, call **Child Protective Services**.*

Supervisory Adult Code of Conduct

Form D-4 (p. 1 of 2)

The Catholic Diocese of Owensboro is committed to providing a safe environment for minors and vulnerable adults within all activities and ministries of the diocese. All the faithful cooperate in taking every reasonable action to ensure the safety of anyone under their care. The following policies are in effect whenever adults are acting as employees and/or volunteers of diocesan institutions (“Church representatives”).

I WILL:

- **I will treat everyone with respect, courtesy, and consideration**, performing my work in a manner consistent with the mission of the Catholic Church and the Diocese of Owensboro.
- **I will remember that any minors or vulnerable adults are entrusted into my care; I am not their peer or buddy.** Recognizing that Church representatives must always be aware of their own vulnerability, as well as the vulnerability of any minor or vulnerable adult with whom they may be working, I will always use a team approach to activities.
- **I will avoid situations where I am alone with a minor or vulnerable adult.** I understand that at least two supervising adults should be present when there is only one minor or vulnerable adult, and at least two participants should be present when there is only one supervisory adult.
- **I will ensure that any one-on-one meetings with a minor or vulnerable adult are held in a public area or in a visible area** such as in an office with an interior window or an open door so that another person can be present outside the room as a witness.
- **I will use positive reinforcement** rather than criticism and condemnation when working with minors or vulnerable adults.
- **I will provide only accepted overnight accommodations for minors or vulnerable adults** (as noted in policy requirements).
- **I will maintain appropriate physical and emotional boundaries** with the individuals with whom I work. I understand that any touch must be age-appropriate and based on the need of the minor or vulnerable adult, not the supervisory adult.
- **I will always report any suspected abuse according to Kentucky law.** I understand that the failure to report suspected abuse to civil authorities is punishable by law.

I WILL NOT:

- **I will not maintain inappropriate relationships/ friendships with a minor or vulnerable adult. I will not have exclusive relationships with a minor or vulnerable adult.** If I become aware of a minor/vulnerable adult desiring such a relationship, I will ask for assistance from the supervisor or pastor and exercise extra caution.
- **I will not use, possess, or be under the influence of, any alcoholic beverage or any illegal drugs** when working with minors or vulnerable adults. In addition **I will not inappropriately use any legal drug or mood-altering substance** in this setting.
- **I will not have a weapon in my possession** while acting as a Church representative. (Exception: Active law enforcement officers who are required by law to carry a weapon.—Those individuals must guarantee that weapon is secured at all times from access by any other person.)
- **I will not provide, or allow** any minor to use, any alcoholic beverage, tobacco, or illegal drugs. **Neither will I provide anything prohibited by law to anyone in my care.** Medications of any kind may be administered to minors only with written parental/guardian permission.
- **I will not have any sexually explicit or morally inappropriate materials** on Church property or in the presence of minors or vulnerable adults. Such materials include, but are not limited to: magazines, videos, films, recordings, computer software, computer games, or printed material. I will not engage with minors or vulnerable adults in **topics of conversation** or discussion, vocabulary or any other form of personal interaction or entertainment that could not reasonably be used in the presence of parents or a responsible adult. I will not engage in sexually oriented conversations with anyone except in the context of sharing the Church’s teaching on human sexuality.

I WILL (continued):

- **I will cooperate fully in any investigation of abuse.**
- **I will be available and visible** during the entire event(s), take part in enforcing the rules, and take control of any situation those in my care are unable to handle.
- **I promise to help enforce** the Codes of Conduct for Children and Youth (D 1-3) and Adult Participants (D-5) and to set a good example. I will notify the appropriate supervisor of violations of the codes when necessary.
- **I will treat property with care.** If someone from the group breaks something, I will tell the principal/ priest/ program director. Each school/parish will take full responsibility for any damage done by their members at a program site.
- **I will keep cell phones/pagers off or in silent/vibrate mode** to keep from disrupting or distracting from activities, especially liturgy and prayer.
- **I will behave in a way that respects the rights of all.** I will be cooperative, and do those things that promote a good reputation for the program, school, parish, and/or diocese.
- If I become aware of anyone violating this Supervisory Adult Code of Conduct, **I will take responsibility to report that violation** to the appropriate level of supervisor or to the diocesan Office of Safe Environment so the issue can be addressed and minors can be kept safe.

I WILL NOT (continued):

- **I will not accept expensive gifts** from minors or their parent/guardian without prior written approval from the pastor or administrator. **Neither will I give expensive gifts** to minors without prior written approval from the parent/guardian and the pastor or administrator. Small gifts or privileges are not to be given to minors without the presumed knowledge and permission of a parent/guardian.
- **I will never speak to minors or vulnerable adults in a way that is or could be construed by an observer as derogatory, demeaning, or humiliating.**
- **I will never touch anyone in my care in a sexual or other inappropriate manner.**
- **I will not use physical discipline for the behavior management of minors or vulnerable adults.** No form of physical discipline is acceptable, including physical force as retaliation or correction for inappropriate behavior, except as may be needed to restrain them from inflicting harm on themselves or others.
- **I will avoid posing any health risk to others** (e.g. fevers or other contagious situations).
- **I will not, as a Church representative, provide shared or private overnight accommodations** for individual minors with the exception of blood relatives. This includes, but is not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

As a(n) employee/volunteer of the Church, I promise to strictly follow the rules in this Code of Conduct as a condition of my providing services to the minors and/or vulnerable adults of our diocese. I understand that any illegal behavior may involve legal authorities. I understand that any serious violation of this Code of Conduct may result in my termination of employment, removal as a volunteer, and/or dismissal from a program, and/or financial and physical responsibility for transportation home (in the case of an off-site event).

Name (Please Print) _____

Signature _____

Date _____

I hereby consent to the use of a photograph of me for the purpose of publication. _____ Yes _____ No

Non-Supervisory Adult / Adult Participant Code of Conduct

The Catholic Diocese of Owensboro is committed to providing a safe environment for minors and vulnerable adults within all activities and ministries of the diocese. All the faithful are responsible for taking every reasonable action to ensure everyone’s safety. The following guidelines are in effect for Adult Participants of events in the diocese.

I WILL:

- **I will treat everyone with respect, courtesy, and consideration**, in a manner consistent with the mission of the Catholic Church and the Diocese of Owensboro.
- **I will avoid situations where I am alone with a minor or vulnerable adult.** I understand that at least two adults should be present when there is only one minor or vulnerable adult, and at least two participants should be present when there is only one supervisory adult.
- **I will ensure that any one-on-one meetings with a minor or vulnerable adult are held in a public area or in a visible area** such as in an office with an interior window or an open door so that another person can be present outside the room as a witness.
- **I will maintain appropriate physical and emotional boundaries** with everyone present.
- **I will keep cell phones/pagers off or in silent/vibrate mode** to keep from disrupting or distracting from activities, especially liturgy and prayer.
- **I will treat property with care.** If I break something or see something broken, I will tell a supervisory adult.
- **I will avoid posing any health risk to others** (i.e. fevers or other contagious situations).
- **I understand that the diocesan Search and Seizure policy is in effect.**
- **I will behave in a way that respects the rights of all.** If I am being hurt or if I become aware of another person being hurt verbally/physically, I will notify a supervisory adult.
- If I become aware of anyone violating this Code of Conduct, **I will take responsibility to report that violation** to the appropriate level of supervisor so the issue can be addressed and all can be kept safe.

I WILL NOT:

- **I will not use, possess, or be under the influence of, any alcoholic beverage or any illegal drugs** while attending this event. In addition **I will not inappropriately use any legal drug or mood-altering substance** in this setting.
- **I will not have a weapon in my possession.** (Exception: Active law enforcement officers who are required by law to carry a weapon.—those individuals must guarantee that weapon is secured at all times from access by any other person.)
- **I will not have any sexually explicit or morally inappropriate materials** on Church property or at any Church event. Such materials include, but are not limited to: magazines, videos, films, recordings, computer software, computer games, or printed material. I will not engage with minors in **topics of conversation** or discussion, vocabulary or any other form of personal interaction or entertainment that could not reasonably be used in the presence of parents or a responsible adult. I will not engage in sexually oriented conversations with anyone except in the context of sharing the Church’s teaching on human sexuality.
- **I will not speak to others in a way that is or could be construed by an observer as derogatory, demeaning, or humiliating.**

I promise to strictly follow the rules in this Code of Conduct as a condition of my attendance at this event. I understand that any illegal behavior may involve legal authorities. I understand that any serious violation of this Code of Conduct may result in my dismissal from the event, and/or financial and physical responsibility for transportation home (in the case of an off-site event).

Name (Please Print) _____

Date _____

Signature _____

I hereby consent to the use of a photograph of me for the purpose of publication. ____Yes ____No

**DIOCESE OF OWENSBORO
POLICY ON ACCEPTABLE USE OF
TECHNOLOGY AND SOCIAL MEDIA**

In order to serve the needs of the People of God in the Diocese of Owensboro (“the Diocese”) and to be responsible stewards of the gifts given to the Diocese, the Bishop of the Diocese issues the following policy. This policy regulates the use of Technology and Social Media for all employees and volunteers of the Diocese and all diocesan parishes and other diocesan entities (“personnel”).

The goals of the Diocese in using Technology are to improve communication among diocesan and parish personnel; to provide pertinent information to a larger audience; and to allow both parish and diocesan personnel to have access to the wealth of appropriate and necessary information available on Technology.

Technology and social media should be viewed as tools to further the purposes and goals of the Diocese, which purposes and goals must always conform to the mission and work of the universal Roman Catholic Church. It is, therefore, imperative that personnel, whether they are employees or volunteers, conduct themselves in a responsible, ethical, and polite manner while using Technology.

The intent of this Diocesan *Policy on Acceptable Use of Technology and Social Media* is to ensure that all uses of Technology by personnel are consistent with the purposes and mission of the Diocese. This policy does not attempt to articulate all required or proscribed behavior by personnel. Personnel utilizing technology and social media, either for ministerial or personal use, must be vigilant in representing themselves as ministers of the Catholic Church in all interactions that can be viewed publicly. Anything that could cause scandal to the ministry should be avoided. Such may include mention of inappropriate use of alcohol, advocacy of inappropriate music/movies, inappropriate language, inappropriate dress, or the expression of opinions that are contrary to the teachings of the Catholic Church. One’s personal social networking, blog, websites, and other online activities and communications are public in nature, and employees and volunteers give up any expectation of privacy when they engage in public online activity and communication. Employees and volunteers are role models for the faithful and young people of the Church. The Diocese expects employees and volunteers to conduct themselves accordingly both while on-duty and off-duty from an employed or volunteer position. Therefore personnel are to use good judgment and abide by the following:

1. All use of Technology for diocesan or parish ministry, such as a website and e-mail, social networking, video sharing, message board and blog accounts (“diocesan accounts”) must be in support of the work of the church and the diocese.
2. Any use of Technology through diocesan accounts for illegal purposes, or in support of illegal activities, is prohibited.
3. Any use of Technology through diocesan accounts to communicate threatening, abusive, derogatory, sexually oriented/explicit or obscene language or material is prohibited. Communications should be professional and are being rendered on behalf of the parish or Diocese.

4. Each website, social networking, video sharing, message board and blog site used for diocesan or parish ministry must be registered with the Diocesan Communication Office and must have at least two adult administrators who can access and monitor the site. Administrators are to ensure the site complies with this and all Diocesan policies and codes of conduct.
5. Any use of diocesan accounts for commercial purposes is prohibited.
6. Any use of diocesan accounts for partisan political lobbying is prohibited.
7. Any use of Technology in a manner that serves to disrupt the use of the network by other users is prohibited.
8. All material viewed on web sites should be considered copyrighted and not available for reproduction, unless specifically stated otherwise or unless specific permission is granted for reproduction. All parishes, schools and offices operating under the auspices of the Owensboro Diocese may reproduce all original material on the diocesan web site, www.rcdok.org, excluding material that is hyperlinked from an outside URL. Permission should be received before a user posts information released by other individuals or parishes. Users should also make every effort to validate information and sources before posting information, and to list sources when passing along information received.
9. Diocesan accounts should be used only by the personnel who are authorized user(s) of the account, and only for the authorized purpose. Passwords should be used only by authorized personnel.
10. Personnel are required to maintain virus protection software on their computers used for telecommunications, after consulting their respective IT expert.
11. Diocesan entities that allow children to have access to Technology must have safeguards to ensure that children cannot access inappropriate material.

Any violation of this or any other Diocesan policy via technology should be brought to the attention of the Pastor/Parish Life Coordinator or the Diocesan Communications Director immediately. This may be done anonymously. Violators are subject to action, up to and including, termination of employment.

For policy regarding the use of Technology and social media in communications with minors and vulnerable adults, see DIOCESE OF OWENSBORO POLICY REQUIREMENTS GOVERNING DIOCESAN, PARISH, AND SCHOOL MINISTRIES INVOLVING MINORS AND VULNERABLE INDIVIDUALS.

Approved by Priests' Council 5-21-12