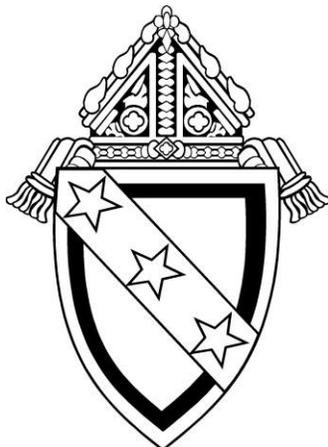


Diocesan Safe Environment Regulations

The Catholic Diocese of Richmond



Policies

Code of Conduct
Background Screening
Safe Environment Training

Procedures

Responding to Claims
of Sexual Abuse of Minors

The Diocesan Review Board Structure

August 2016

(Revised: August 2014)

(Revised: July 2005)

(First Issued: July 2002)

In accord with the *Charter for the Protection of Children and Young People* (June 2011)

Diocese of Richmond

Pastoral Center 7800 Carousel Lane Richmond, VA 23294 • Phone: (804) 359-5661 • Fax: (804) 358-9159



To: All Priests, Deacons, School Personnel, Pastoral Center, Parish Staff,
and Diocesan Volunteers

I wish to thank the Diocesan Review Board for their contributions to this revised edition of the "Diocesan Safe Environment Regulations." Each diocesan location, whether it be a parish or school, is empowered to implement these policies in the best way that protects our children, youth and vulnerable adults.

These policies and procedures are mandatory for all diocesan personnel: clergy, laity, religious communities, seminarians, employees and volunteers. I highly encourage all diocesan personnel to become familiar with them. Our commitment to providing a safe environment throughout the Diocese of Richmond is a priority of utmost importance.

God bless you in your ministry.

A handwritten signature in cursive script that reads "+ Francis X. DiLorenzo".

(Most Rev.) Francis X. DiLorenzo
Bishop of Richmond

May 18, 2016

Table of Contents

I. Introduction.....	1
II. Purpose of the Regulations.....	1
III. Diocesan Policies for Safe Environment Educational Program.....	2
Safe Environment Program	
Safe Environment Initiative “Conduct with Children and Youth”	
Training	
IV. Diocesan Policies for Screening.....	2
Seminarians, Clergy, Religious Lay Employees and Volunteers	
V. Code of Conduct with Minors	4
VI. Reporting Procedure and Diocesan Review Board.....	5
Reporting to and Cooperation with Civil Authorities	
Assistance and Immediate Pastoral Care	
Communication to the Media and to the Public	
Anonymous Allegations	
False Allegations	
Allegations Surfaced by the Media	
Revisions or Modification of the <i>Regulations</i>	
Distribution of the <i>Regulations</i>	
VII. Structures and Functions.....	6-8
The Review Board	
Fact-Finding Committees	
The Role of the Bishop	
VIII. Procedures to Address Claims of Sexual Abuse of Minors & Vulnerable Adults.....	9-11
Reporting a Claim	
Preliminary Actions	
Fact-Finding and Assessment	
Consultation and Subsequent Response	
Appendices	
Appendix “A” Glossary of Terms as Used in this Document.....	12-13
Appendix “B” Reporting Ministry-Related Child Sexual Abuse.....	14
Appendix “C” Rights of the Accused.....	14
Appendix “D” Safe Environment Initiatives – Transportation Policy.....	15
Appendix “E” Safe Environment Committee.....	16

I. Introduction

The Scriptures announce the profound truth that we are all created in the image and likeness of God. Our identity with God endows every person with a sacred dignity. That dignity is a gift that directs all of us to a divine purpose.

We affirm and strengthen the sense of our sacred dignity through the experiences of daily living. We discover, develop and live out our divine purpose in the personal events and relationships that make up our daily life. Sin, selfishness, the misuse of ourselves and the abuse of others are corruptions that obstruct our progress and diminish the vision of our dignity.

Sexual abuse is among the worst of human corruptions. It rapes the human spirit of its God-given dignity, defiles what God cherishes and violates what God's own love protects. Sexual abuse ravages all who are entangled in its damaging consequences, which can affect abusers, the abused and their families for a lifetime.

Sexual abuse of minors is a horror which today infects every quarter of our society. When children or youth are the victims, the effects of sexual abuse take on even more evil and horrendous proportions. Those horrors multiply and expand when a priest, deacon, employee or volunteer of the church inflicts the wounds of sexual abuse on children or youth.

With the publication of these *Regulations*, the personnel/volunteer screening policies, and the diocesan safe environment program, the Diocese of Richmond continues its longstanding commitment to foster the dignity and sacredness of every human person. In the spirit of that commitment, the diocese pledges to continue its efforts to provide within the church an environment of love, respect and care for our children, for our youth and for those vulnerable.

II. The Purpose of these Regulations

The Bishop of Richmond is committed to protecting children and youth from the horrors of sexual abuse. These *Regulations* provide the Diocese of Richmond with an official procedure and structure to address allegations of sexual abuse of minors by clergy and other church personnel. The term "minor" in this document includes "child", "youth", or "vulnerable adult" as defined in Appendix A.

In following these *Regulations*, the diocese undertakes its own internal process to discover, gather and assess the facts of a claim. The goal is to assist the Bishop of Richmond in determining appropriate pastoral or personnel responses with regard to the accused and the accuser. This process does not mirror civil or criminal proceedings conducted by public authorities. It does not contend with or replace the actions of public authorities.

These *Regulations* are part of a broad endeavor to ensure that diocesan institutions and ministries provide a safe environment from the sexual abuse of minors. Also included here are *Diocesan Policies for Screening Seminarians and Clergy and Lay Employees and Volunteers*. In addition to these methods of prevention and the implementation of safe environment training, the Bishop will put into effect pastoral outreach to the victim or survivor of sexual abuse, to family members and to any institutions or other persons affected by the abuse and, as appropriate, to the abuser.

Because the diocese does not act in the place of public authorities, the diocese will cooperate fully with those authorities as required by law and as defined below under the heading "*Reporting to and Cooperating with Civil Authorities*".

III. Diocesan Policies for Safe Environment Educational Program for Employees and Volunteers

Safe Environment Program: *In accordance with the Charter for the Protection of Children and Young People, “ARTICLE 12. Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.*

1. The Diocese, through its Office of Human Resources, has established a Safe Environment Educational Program which details ways by which Church entities may create and maintain a safe environment for children.
2. The Office of Human Resources has issued the “**Code of Conduct with Minors**” which will make clear to all clergy, religious, employees and volunteers their obligations as persons in positions of trust with regard to sexual abuse.
3. The Office of Human Resources provides a diocesan safe environment training program, with monthly follow ups, to all clergy; employees as well as volunteers who are regularly working with minors. Information can be obtained at www.richmonddiocese.org/safe.htm. The program approved for use in the diocese is VIRTUS: *Protecting God’s Children for Adults*.

**The Diocese recognizes the Commonwealth of Virginia Family Life Education program as required by the Code of Virginia. Additionally, the Diocese utilizes the VIRTUS *Protecting God’s Children Teaching Touching Safety* program.

IV. Diocesan Policies for Screening Seminarians, Clergy, Religious Lay Employees and Volunteers Working with Minors

In accordance with the Charter for the Protection of Children and Young People, Article 13, Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

1. **Lay and Religious Employees, Clergy, Seminarians and Volunteers working with minors:** All lay and religious employees and volunteers must be screened on or before the first day of employment or service. Re-screening will take place every three or five years thereafter depending on role.
2. **Screening information and forms:** All forms and information are available on the Richmond Diocese website, www.richmonddiocese.org; on the employee extranet; or by contacting any parish/school location.
3. Additional screening procedures, such as reference checks and face to face interviews, are encouraged.

* Clergy coming into the Diocese of Richmond for service must have completed the approved safe environment training. Assistance can be provided by the Office of Human Resources.

A. Screening Employees and Volunteers

1. **Lay and Religious Employees and Volunteers:** All lay and religious employees and volunteers must be screened at the time they are hired or at the time they begin their service.
2. **Parish and Non-School Employees:** All lay and religious parish employees of the Diocese shall be screened every five years. Screening forms and information can be obtained on the employee extranet under Human Resources. Applicants must agree to the screening procedures specified above at the time they submit an Employment Application.
3. **School Employees:** All school employees shall be fingerprinted at point of hire through the **FBI Criminal Records Exchange** and **Virginia Central Criminal Records Exchange** and screened every five (5) years thereafter using the diocesan approved employee national criminal search. Additionally, school employees will complete the **CPS** search every five years.
4. **School / Church Day and Child Care Employees:** All Day and Child Care employees shall be fingerprinted and screened every three (3) years through the **FBI Criminal Records** and the **Virginia Central Criminal Records Exchange** of the Virginia State Police at the time they are hired and thereafter complete the diocesan approved employee criminal search. Additionally, employees will complete the **CPS** search every three years.
5. **School and Parish Volunteers:** All school volunteers shall be screened every five (5) years using the approved diocesan volunteer national search.

B. Screening Seminarians and Clergy:

1. **Applicants for the seminary or for the permanent diaconate:** All applicants for the seminary or for the permanent diaconate shall be, as part of the admission process, fingerprinted and screened through the **FBI Criminal Records** and the **Virginia Central Criminal Records Exchange** of the Virginia State Police and through the **Central Registry of Child Protective Services** of the Virginia Department of Social Services.
2. **All seminarians and clergy, to include Bishops and all religious order priests, assigned to the diocese:** All seminarians and clergy, to include Bishops and all religious order priests, assigned to the diocese (in addition to the testimony of their major superiors) shall be fingerprinted and screened at point of service to the diocese through the **FBI Criminal Records** and the **Virginia Central Criminal Records Exchange** of the Virginia State Police and every five years thereafter screened using the approved diocesan screening. Additionally, clergy will be screened through the **Central Registry of Child Protective Services** of the Virginia Department of Social Services every five years.
3. **Clergy from other dioceses:** All clergy coming for service in the diocese from other dioceses, in addition to the testimony of their bishops or major superiors, shall be, as part of the admission process, fingerprinted and screened through the **FBI Criminal Records** and the **Virginia Central Criminal Records Exchange** of the Virginia State Police and thereafter screened using the approved diocesan screening. Additionally, clergy will be screened through the **Central Registry of Child Protective Services** of the Virginia Department of Social Services.
4. **Clergy visiting the Diocese on a temporary status from other dioceses:** All clergy coming into the Diocese of Richmond from other dioceses must provide the parish/diocese with a letter (Celbret) from their diocese indicating that they are a priest/deacon in good standing and that they have been cleared through the screening process used in their home diocese. This letter is good for 30 days per visit.
5. **Military Priests / Deacons, Chaplains from the Military Archdiocese:** All clergy temporarily stationed in Virginia and in the Diocese of Richmond, will submit a letter (Celebret) from their home diocese indicating that they are a priest in good standing and that they have been cleared through the military. This document is good for their tour of duty in Virginia. This letter would be renewable every time clergy is reassigned duty in Virginia.
6. **Clergy from a diocese outside the country:** All clergy coming for service in the diocese from outside the country in addition to the testimony of their bishops or superiors, shall complete, as a part of the admission process, an international screening and every five years thereafter complete the diocesan approved screening

V. Code of Conduct with Minors

The purpose of the Code of Conduct is to provide a safe environment for the children, youth and vulnerable adults in the faith communities in the Diocese of Richmond. All Church personnel as well as volunteers routinely working with minors and vulnerable adults should attend a safe environment training session and complete the diocesan background screening process. Church, school personnel, and all volunteers who work with or routinely have access to minors and vulnerable adults must be aware of their own as well as others' vulnerability when working alone with minors and vulnerable adults. For this reason, the Diocese of Richmond will utilize a team approach.

1. Monitor facilities during any parish, school or diocesan events, particularly any restroom facilities used by children and youth and any secluded areas.
2. Two unrelated adults who have completed safe environment training and background screening must be present during parish, school or diocesan activities, whether it is a residence, meeting hall, rectory, or any other closed or private location.
3. Programs for children/youth shall be approved by parish, school, or diocesan administration and staffed by at least two unrelated adults. Any off-site event must be chaperoned by at least two unrelated adults.
4. Transportation provided while on parish- school- or diocesan-sponsored events, require the presence of two adults, unrelated, in the vehicle while children or youth are being transported. When it is not possible to provide two adults for each vehicle, the minimum requirement is one adult with two or more youth members, never one adult to one child.
5. Overnight retreats/events require the presence of two unrelated adults. Staff and volunteers should not provide shared, private, overnight accommodations for individual young people in a Church –owned facility, private residence or hotel room where there is no other adult supervision present. All adults must respect the privacy of minors in situations such as changing clothes and taking showers, intruding only the extent that health and safety requires.
6. Adults should be aware that physical contact with minors can be easily misconstrued, especially in private settings. Physical contact with minors should be public, appropriate and nonsexual.
7. Parents have a right to observe programs and activities in which their children are involved. Parents, who desire to participate in or have continuous contact with their child's programs at school or the parish, must fulfill the requirements of the volunteer background screening process and safe environment training.
8. In those rare emergency situations, when accommodation is necessary for the health and well-being of the child, youth or vulnerable adult; extraordinary care should be taken by the cleric, employee or volunteer to protect all parties from the appearance of impropriety and from all harm. When possible, a team approach should be used to deal with emergency situations.
9. No form of physical discipline is acceptable. Church personnel and volunteers should never engage in physical discipline for behavior management of a minor/vulnerable adult. Moreover, church personnel and volunteers should not humiliate, ridicule or degrade minors or the vulnerable.
10. Exposing a minor to sexually oriented or morally inappropriate materials is prohibited.
11. Church personnel and volunteers should never offer alcohol, tobacco or illegal drugs to a minor nor should church personnel use, possess or be under the influence of illegal drugs or alcohol or smoke or use tobacco when ministering to minors or the vulnerable.
12. Caution should be exercised in communication with minors through emails or the internet.
13. Church/school personnel and volunteers will report suspected abuse to the civil authorities and, in cases involving a church official, then to the 24 Hour Reporting Line at 877-887-9603.

Church/school personnel and volunteers working with minors and vulnerable adults should review the Diocesan Safe Environment Regulations to include reporting policies before beginning ministry. Any action inconsistent with Diocesan policies for the protection of children and vulnerable adults or failure to take action mandated by the Diocesan Safe Environment Regulations may result in the removal from position.

VI. Reporting Procedure

General Considerations

1. **Reporting to and Cooperating with Civil Authorities:** Since the diocese does not act in the place of civil authorities, when addressing a claim of sexual abuse of a minor, the diocese will cooperate with those authorities as required by law and as follows:
 - a. **When the alleged victim is currently a minor:** The diocese will report the allegation to civil authorities and will cooperate in their investigation.
 - b. **When the credible allegation involves an alleged survivor, who claims to have been abused as a minor, but is no longer a minor:** The diocese will cooperate with the survivor and with civil authorities in reporting the allegation.
 - c. **In all cases:** The diocese will advise alleged survivors or victims, or their family, of their right to report claims of sexual abuse to civil authorities.
2. **Assistance and immediate pastoral care** of persons who report having been sexually abused as minors by clergy or church personnel will be coordinated by the Victim Assistance Coordinator. Response to allegations of sexual abuse will be made within 72 hours of report to the Diocesan Office, Victim Assistance email or Reporting Number. Documentation must be maintained of the response date, time and explanation for any delay in responding.
3. **Communication to the Media and the Public:** Only the Bishop of Richmond or his appointed delegate is to issue statements to the media about allegation(s) of sexual abuse of a minor or about the related proceedings. Likewise, statements are not issued to a parish or other institution except at the direction of the Bishop.
4. **Anonymous Allegations or Information:** Because of the consequences of false allegations, when the source of a claim (or of information related to a claim) cannot be identified or contacted, the claim will not be considered. Likewise, when the person making an allegation or offering information will not identify himself or herself to the diocese, the claim or the information will not be considered. Any exceptions for special circumstances are made only by the Bishop of Richmond and to the extent he imposes.
5. **False Allegations:** False accusations against an innocent person are a matter of serious consequence. Where appropriate, the diocese may recommend that the person falsely accused consider taking legal action against the accuser.
6. **Allegations Surfaced by the Media:** If an allegation surfaces in the media, attempts will be made to identify the original source of the allegation. If the source can be contacted, the allegation will be addressed as provided in these *Regulations*.
7. **Revisions or Modifications to the *Regulations*:** At least once a year, the Review Board shall review and propose revisions of these policies and procedures for the Bishop's review and approval. Likewise, a Fact-Finding Committee may propose modifications of the fact-finding process to the Review Board. No revisions or modifications are to be incorporated into these policies and procedures without the review and approval of the Bishop of Richmond.
8. **Distribution of *Regulations*:** The *Regulations* shall be available on the Diocesan Website. Priests, deacons, seminarians and lay employees and volunteers will be required to read these *Regulations*. *Regulations* will be available at parish/school locations.

VII. Structures and Functions to Address Claims of Sexual Abuse of Minors and Vulnerable Adults

A. The Review Board

1. **Purpose of the Review Board:** The Review Board assists the Bishop in examining and assessing allegations of sexual abuse of minors by clergy and other church personnel and in determining the fitness for ministry of an alleged offender.
2. **Board Membership:** The Review Board is composed of no more than seven regular members. All the regular members are persons recognized for their integrity, good judgment and full communion with the Church. The majority of regular members are lay persons not in the employ of the diocese. One member must have professional experience in the area of sexual abuse of minors. One member is an experienced and respected priest of the diocese. For just cause, the Bishop can rescind membership of an individual. *(The inclusion of experts cannot exceed the seven-member limitation; when necessary, the Review Board consults with outside persons who have pertinent expertise).*

The Bishop appoints the members of the Review Board for a three-year term that can be renewed, and a priest as his Representative to the Review Board and a Secretary for the Review Board who are not voting members of the Board.

The Bishop may appoint a Promoter of Justice for individual cases. The Promoter of Justice participates in the meetings of the Review Board to help ensure and safeguard the integrity of the process followed by the Review Board in fulfilling its duties, specifically in regard to canon law. The Promoter of Justice is not a member of the Review Board but offers suggestions to the Review Board in its review and making final recommendations.

3. **Board Meetings:** The Review Board meets:
 - a. Whenever necessary to initiate review and/or fact-finding and assessment of an allegation.
 - b. At suitable intervals to direct and monitor fact-finding and to examine and assess the facts of an allegation.
 - c. As required to assist the Bishop in formulating a response to an allegation.
 - d. At least once a year to review policies and procedures for handling allegations.

The Chairperson of the Review Board convenes and conducts all meetings and serves as liaison for the Review Board with the Bishop, other diocesan officials and any expert consultants as necessary. The full membership of the Review Board elects a Chairperson from among the lay members who are not in the employ of the diocese.

All proceedings of the Review Board and of any Fact-Finding Committee along with all supporting documentation are strictly confidential to be released only at the direction of the Bishop.

The Secretary for the Review Board records the minutes of Review Board meetings and assembles a record of all proceedings for each allegation. Records of meetings and other proceedings, including reports and all supporting documentation from a Fact-Finding Committee, are strictly confidential and stored in the Bishop's archives to be released only by the Bishop.

4. **Duties of the Review Board:** In carrying out its responsibility to assist the Bishop with allegations of sexual abuse of minors, the duties assigned to the Review Board include:
 - a. To gather and examine the facts relevant to an allegation.
 - b. To convene a Fact-Finding Committee to assist in gathering the facts.
 - c. To direct and monitor the work of each Fact-Finding Committee.
 - d. To keep the Bishop, the accuser and the accused informed of progress with the allegation.
 - e. To review the facts gathered by a Fact-Finding Committee and other relevant facts.
 - f. To assess the allegation(s) for credibility, substance and gravity based on the facts.
 - g. To report its findings to the Bishop, determining appropriate actions relating to the accused and the accuser.
 - h. To provide the Bishop with advice and consultation in judging the allegations(s) and determining appropriate actions relating to the accused and the accuser.
 - i. To monitor the implementation of actions directed by the Bishop.
 - j. To document and keep a record of all the proceedings related to the allegation(s).
 - k. To maintain, if necessary, an adequate number of persons who are prepared and available to be called upon as part of a Fact-Finding Committee.
 - l. To review and propose revisions of policies and procedures for handling allegations.

B. Fact-Finding Committees

1. **The Purpose of a Fact-Finding Committee:** A Fact-Finding Committee assists the Review Board in gathering facts relevant to an individual case of an allegation or allegation(s) of sexual abuse of minors by a priest, deacon or other church personnel, volunteer.
2. **Committee Personnel:** The Review Board assigns cases of an alleged abuser and victim or survivor to a separate Fact-Finding Committee.

Each Fact-Finding Committee is composed of two or more persons. Those persons are drawn from the Review Board membership or from a group of persons who are prepared and available to be part of a Fact-Finding Committee, and are recognized for their abilities in objective interviewing and fact-finding. (*The Fact-Finding Committee can, with the concurrence of the Review Board, utilize assistance in gathering information; when necessary, the Review Board can appoint additional persons to a Fact-Finding Committee.*)

Diocesan officials or other persons who directly advise the Bishop in matters of clergy or lay personnel do not serve as part of a Fact-Finding Committee.

One of the persons on the Fact-Finding Committee serves as Committee Coordinator. The Committee Coordinator documents and maintains a record of the committee's fact-finding, serves as the committee's liaison to the Review Board and presents the results of the committee's fact-finding to the Review Board. The committee's report is confidential and stored in the Bishop's archives to be released only by the Bishop.
3. **Committee Functions:** A Fact-Finding Committee serves exclusively to assist the Review Board in gathering facts. It does not evaluate or judge the information, but examines the information closely to carry out a comprehensive discovery of the facts.
4. **Duties of a Fact-Finding Committee:** In carrying out its responsibility to assist the Review Board in gathering facts relevant to an individual case of an allegation or allegation(s) of sexual abuse of minors, the duties assigned to a Fact-Finding Committee include:
 - a. To outline, for those taking part, the overall process for handling allegations.
 - b. To conduct a process to discover and collect information relevant to the allegation(s).
 - c. To keep accurate records of all interviews and conversations, and to document fully all other relevant materials or information.
 - d. To keep the Review Board informed throughout the fact-finding process.
 - e. To follow the directions and guidance of the Review Board throughout the process.
 - f. To present a report to the Review Board at the conclusion of the fact-finding process.
 - g. To propose modifications of the fact-finding process to the Review Board.

C. The Role of the Bishop in Addressing a Claim

- 1. Overseeing the Process of Addressing a Claim:** The Bishop of Richmond establishes and oversees procedures to ensure a prompt response both as to the victim or survivor through and as to the accused through the Review Board whenever there is reason to believe that a minor has been sexually abused by a priest, deacon or other personnel of the diocese. The Bishop is to be notified of every allegation and is to be kept informed of the progress of fact-finding. Those who assist the Bishop in responding to an allegation are accountable with him to address claims in a timely, thorough and comprehensive manner.
- 2. Judging and Responding to a Claim:** The Bishop is the final judge of credibility, substance and gravity of an allegation. The Bishop alone determines what actions are to be taken in response to allegations. The Diocese is to provide that even for a single act of sexual abuse of a minor- whenever it occurred- which is admitted or established after appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry, and if warranted, dismissed from the clerical state.
- 3. Working with the Review Board:** The Bishop relies on the work of the Review Board, and its Fact-Finding Committees, while formulating his decisions about allegations. He looks to the Review Board for consultation, advice and insight in handling allegations. He can also seek the assistance of the Review Board to address all aspects of sexual abuse of minors.
- 4. The Role of the Priest Representative:** The Bishop assigns the Priest Representative to represent him on the Review Board in order to facilitate communication between the Bishop and the Review Board and to keep the Bishop informed of progress with allegations. The Priest Representative may also assist the Bishop and the Review Board to coordinate contact with and provide assistance to the accuser(s) and the accused. The Bishop may also meet with the Priest Representative and/or the Chairperson of the Review Board to expedite communication and consultation. At times, the Bishop may meet directly with the Review Board.
- 5. Further Sources of Consultation:** While relying principally on the Review Board for its fact-finding and assessment of facts, the Bishop may turn to other sources to develop and formulate his conclusions in addressing allegations. He may utilize these other sources to supplement the assistance of the Review Board and as part of an ongoing consultative process. He may, for example, consult with professional evaluators, confer with official advisors and converse with any persons who can provide pertinent knowledge, information or insight.
- 6. Professional Assistance:** In the case of clergy accused of sexual abuse of a minor, the Bishop may utilize the assistance of the Clergy Intervention Team. In the case of an accusation of sexual abuse of a minor by a lay employee or volunteer, the Bishop may utilize the assistance of the Diocesan Office of Human Resources and the Employee Assistance Program. In both cases, the Bishop may seek the advice of legal counsel, either civil, canonical or both.

VIII. Procedure to Address Claims of Sexual Abuse of Minors and Vulnerable Adults

A. Reporting a Claim

1. **Reporting to the Diocese:** All clergy, seminarians or other personnel of the diocese are obliged to report immediately to the Bishop any allegation or suspicion that a priest, deacon, or other church personnel has sexually abused a minor, either in the past or currently. No clergy, seminarian, or diocesan personnel are to interact with the accused before or after reporting a claim to the Bishop, unless and until otherwise instructed by the Bishop. Likewise, after making an immediate report to the Bishop, no diocesan personnel are to interact with an accuser, unless and until otherwise instructed by the Bishop.

Preferably, a claim should be presented to the Bishop in writing. Whether given in writing or orally, the report should include:

- a. The name, address and telephone number(s) of the reporter.
 - b. The name, address and telephone number(s) of the accused.
 - c. The name(s), address(es) and telephone number(s) of the alleged victim(s) or survivor(s).
 - d. The relevant date(s), time(s) and location(s) of the alleged abuse.
 - e. The nature of the alleged abuse and the setting in which it allegedly occurred.
 - f. The name(s), address(es) and telephone number(s) of any person(s) with knowledge or information about the alleged abuse
2. **Reporting to and Cooperating with Civil Authorities:** Nothing in this eliminates reporting required by civil law see, **VA. CODE ANN. § 63.2-1509**. [See also *above*: **General Considerations**]. See Diocesan document entitled **“Reporting Ministry-Related Child Sexual Abuse” (APPENDIX “B”)**.
 3. **Anonymous Allegations or Information; False Allegations; Allegations Surfaced by the Media:** [See *page 5*: **General Considerations**].

B. Preliminary Actions to Address a Claim

- 1) **Initial Interviews:** When an allegation is received, the Bishop alone will direct the notification of the accused. The Bishop will initiate and conduct a preliminary investigation. The purpose of the Bishop’s preliminary investigation is to allow the Bishop to determine, based on the facts surrounding the allegation, whether or not a canonical crime has been committed, whether the accused was responsible for the crime before the law, and what type of canonical process should be used to resolve the matter. The Bishop may ask for an initial interview of the accused and, if necessary, of the accuser.

The Bishop’s preliminary investigation will not interfere with any civil or criminal investigation at the same time. If necessary, the Bishop may prudently delay his investigation until it is suitable to process so as not to obstruct the civil or criminal investigation.

2. **Intervention and Administrative Leave:** When there is a credible allegation, and in accord with the precautions set out in canon law, the Bishop will order that the accused priest, deacon or other church personnel be placed on administrative leave. The accused enjoys the presumption of innocence and all appropriate steps will be taken to protect the accused’s reputation. The accused will be encouraged to retain the assistance of civil and/or canonical counsel.

In the case of a cleric, the Bishop may utilize the Crisis Intervention Team to arrange intervention and appropriate mental health evaluation for the accused as necessary. In the case of a lay employee or volunteer, the Diocesan Office of Human Resources may, at the direction of the Bishop, utilize the Employee Assistance Program to arrange for appropriate intervention.

3. **Notifying the Review Board:** When the Bishop receives any allegation of sexual abuse of a minor, then he will notify the Review Board. He will provide the details of the allegation and of any preliminary actions taken. The Bishop will instruct the Review Board to initiate the process for reviewing and/or gathering information and assessing the claim.

C. Fact-Finding and Assessment of the Claim

1. **Assigning the Claim to a Fact-Finding Committee:** After its initial review of a claim and in consultation with the Bishop, the Review Board may begin the fact-finding phase by convening a Fact-Finding Committee. The Chairperson of the Review Board must convene the Fact-Finding Committee within 7 business days of the Review Board receiving the claim.
2. **Notifications and Progress Reports:** The Chairperson of the Review Board will notify the Bishop, the accused and the accuser that the fact-finding phase has begun. He will see to it that the Bishop, the accused and the accuser are kept informed of progress with the fact-finding process.
3. **The Fact-Finding Phase:** Once convened, the Fact-Finding Committee shall:
 - a. Select a Committee Coordinator.
 - b. Outline the overall process for those taking part in the fact-finding phase.
 - c. Discover and collect information relevant to the allegation(s) through interviews with the accuser, the accused and other persons who come forward, or are identified, with information pertinent to the allegation(s). Obtain additional relevant information by other means or from other sources. Ordinarily, the Fact Finding Committee should complete its work within 30 calendar days of being convened by the Review Board.
 - d. Examine all information to discover additional forms or sources of relevant facts.
 - e. Keep accurate records of all interviews and conversations, and document fully all other relevant materials or information.
 - f. Keep the Review Board informed of the committee's progress and follow the directions and guidance of the Review Board throughout the process. The Fact-Finding Committee shall prohibit legal counsel or mental health professionals (who are retained by others than the Fact-Finding Committee or the Review Board) from taking part in interviews or conversations. If they are present, they should participate only as observers, or in the case of a mental health professional, to provide personal care, and only upon request and with advance notice. The committee shall also refer to the Review Board any exceptional requests from the accuser, the accused or other persons.

If further allegations related to the alleged abuser should arise, the Fact-Finding Committee shall immediately inform and seek the direction of the Review Board. Likewise, if any claim should arise against another alleged accused, the Fact-Finding Committee shall refer that allegation immediately to the Review Board for the Review Board's action.

Ordinarily, the Fact-Finding Committee should complete its work within 30 calendar days of being convened by the Review Board.

4. **The Reporting Phase:** At the conclusion of its work, the Fact-Finding Committee presents a written report of its fact-findings, along with all supporting documentation, to the Review Board. After examining the materials presented by the Fact-Finding Committee, the Review Board can direct the Fact-Finding Committee to continue with further fact-finding. Whenever it does so, the Review Board will establish a strict and expeditious timeline for the Fact-Finding Committee to conclude its work.
5. **The Review and Assessment Phase:** The Review Board reviews the facts gathered by the Fact-Finding Committee along with any other facts pertinent to the allegation(s). Based on that information, the Review Board assesses the allegation(s) for credibility, substance and gravity. Ordinarily, the Review Board should complete its assessment within 7 business days of receiving the Fact-Finding Committee's report.

D. Consultation and Subsequent Responses to a Claim

1. **The Consultation Phase:** When it has completed its assessment of the allegation(s), the Review Board reports its findings to the Bishop. The Review Board assists the Bishop, based on their findings, with advice and consultation as he formulates a judgment about the allegation(s). Likewise, the Review Board assists the Bishop as he determines appropriate actions for responding to the accused and the accuser(s).

The Bishop may also turn to other sources to develop and formulate his conclusions, incorporating these resources into a consultative relationship with the Review Board.

2. **The Response Phase:** When the Bishop has arrived at a judgment about the allegation(s) and has determined what the response actions will be, the Review Board serves to monitor the implementation of the Bishop's decisions.

The Review Board, in cooperation with the Bishop, sees to it that the accused and the accuser(s) are informed of the Bishop's decisions before the Bishop makes those decisions public. The accused and the accuser are invited to direct any inquiries into the Bishop's decisions either to the Chairperson of the Review Board or to the Priest Representative who represents the Bishop on the Review Board.

3. **Documentation:** The Review Board shall document and keep a record of all the proceedings related to the allegation(s). The Fact-Finding Committee's report, all supporting documentation and the Review Board's record of proceedings are confidential. They are stored in the Bishop's archives to be released only by the Bishop.
4. **Unfounded Claim:** If an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Glossary of Terms as Used in this Document

1. **Child, Youth, Minor or Vulnerable Adults:** Any person under the age of 18 or an adult considered to be vulnerable. In Virginia, a person is an adult at age 18 and is *sui iuris* unless that adult is vulnerable, that is, unable to perform activities or normal daily living due to a mental, intellectual, emotional, long-term physical or developmental disability or dysfunction, brain damage, the infirmities of aging or other causes.
2. **Victim:** A sexually abused person who is currently a minor.
3. **Survivor:** A person who was sexually abused as a minor but is currently no longer a minor.
4. **Church Personnel:** In addition to seminarians and clergy, lay employees or volunteers involved in the work of the diocese, its parishes, schools and agencies.
5. **Administrative Leave:** The accused is relieved of assigned duties. Placing the accused on administrative leave does not infer guilt or innocence.
6. **The Bishop:** The canonically appointed Bishop of Richmond or, in the case of a vacancy, the Diocesan Administrator. The Bishop (or Diocesan Administrator) may work through an appointed representative.
7. **Civil Authorities:** Child Protective Services of the Department of Social Services of the residence of a victim or survivor as well as that jurisdiction's Commonwealth's Attorney or its Police Department, Sheriff, or State Police Area Office First Sergeant.
8. **Safe Environment Program:** The diocesan approved child sexual abuse training program.
9. **Business:** Monday through Friday, 12 months of the year, exclusive of diocesan closings.
10. **Calendar:** Consecutive days, inclusive of Saturdays and Sundays. If the period of time expires on a Saturday, Sunday or diocesan closing, the period of time is extended to the next day, not Saturday, Sunday or diocesan closing.
11. **Credible Allegation:** Information which has been received relative to an accusation of sexual abuse of Minors by clergy or other church personnel which has the semblance or truth. The information may be assessed as to whether or not:
 - it is believable or plausible;
 - it is reasonable and probable; or,
 - it meets the preponderance of evidence (i.e. more than 50% of the evidence points to something)

Reviews consider the reliability of the statements; that is, the consistency of the witness testimonies, accuracy of details, physical evidence and any other corroborating evidence.

12. Sexual Abuse: An act committed against a minor with the intent to sexually molest, arouse, or gratify any person that includes, but not limited to the following:

- a. The accused intentionally touches the complaining witness's (accuser or victim) intimate parts of material directly covering such intimate parts;
- b. The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts;
- c. The accused caused or assists the complaining witness to touch the accused's, the witness's own or another person's intimate part of material directly covering such intimate parts;
- d. The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts; or,
- e. The accused solicits information of a sexual nature from the complaining witness.

The definition further includes the acquisition, possession, or distribution by the accused of pornographic images of a child, children, youth(s) or minor(s), for purposes of sexual gratification, by whatever means or using whatever technology.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings or recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained.

Sources: *Essential Norms*, Preamble; *Sacramentorum sanctitatis tutela*, Art. 6, §1.2^o; *Code of Virginia*, §18.2-67.10

APPENDIX B

Reporting Ministry-Related Child Sexual Abuse

In a commitment to support and facilitate healing, individuals who have been sexually abused by a cleric, religious, employee, or volunteer of the Diocese of Richmond are encouraged to contact the **Civil Authorities and the confidential Victim's Assistance Reporting 24 Hour Number 1-877-887-9603 or in writing to the Office of the Bishop**. Response will be made within 72 hours.

To make a report in writing, forward a letter describing the situation to the Office of the Bishop. Correspondence should be signed and provide contact information. Letters should be sent to:

Office of the Bishop
Catholic Diocese of Richmond
7800 Carousel Lane
Richmond, VA 23294

To Report Child Abuse and Neglect in Virginia to Child Protective Services

**Department of Social Services, Child Protective Services 24 Hour State Hotline:
Out of State: (800) 552-7096 In Virginia: (804) 786-8536 Hearing-impaired: (800) 828-1120**

Anyone can report suspected child abuse or neglect to a local department of social services or to the CPS Hotline. Callers will be asked to provide as much information as possible about the child, the alleged abuser and the incident. The caller is not required to give their name when the report is made, but if the caller does identify themselves, the local department of social services will be able to make contact in the event further information is needed. Additionally, CPS will be able to inform the caller of actions that were taken. NOTE: Each report is evaluated by the local department of social services to determine if the report information meets the legal definition of child abuse or neglect and whether CPS has the authority and responsibility to conduct a family assessment or an investigation to determine the child's immediate safety needs and to determine if the family needs services.

**If you are aware that a child is in imminent danger of abuse
or have knowledge that abuse is happening, call 911 immediately**

APPENDIX C

Rights of the Accused

- Additional information is available in the [Handbook for Canonical Process for the Resolution of Complaints of Clerical Sexual Abuse of Minors](#), including the specific provisions of the "Rights of the Accused Cleric."
- The Diocese of Richmond through its Office of Human Resources follows its policies relative to complaints of sexual abuse of minors involving laypersons.

APPENDIX D

Safe Environment Initiatives – Transportation Policy

Transportation provided while on parish-, school-, or diocesan sponsored events, require the presence of two adults, unrelated, in the vehicle while children or youth are being transported. If it is not possible to provide two adults for each vehicle, the minimum required is one adult with two or more youth members –~~never one adult to one child~~. (Policy regarding diocesan school buses transporting children to and from school falls under the Office of Catholic Schools.)

The following standards are intended to assist church, school and volunteers in complying with the policy of having two unrelated adults when transporting minors. This is a “best practice” approach to prevent harm to children and youth as well as to protect adults.

Examples:

1. If two unrelated adults are not feasible during transportation to and from planned diocesan events in multiple vehicles, the following is the minimum requirement:
 - a. Meet for departure at a designated area.
 - b. Prearrange a schedule for periodic checkpoint stops as a group or safely communicate between vehicles.
 - c. Plan stop or break destination points.
2. When working outside of church ministry, hours of diocesan employment or fulfilling volunteer commitment, parents/ guardians can transport others’ children/ youth with the permission of the child’s parents. (The key is outside of ministry or hours of employment, i.e. carpooling.)
3. In the case of a church/ school coach transporting a group of minors to or from a church or school sponsored game, scrimmage or practice, the transportation policy would apply. When an event is sponsored by the church or school the transportation guidelines must be followed for the protection of the child as well as the adult. This includes chaperones transporting minors.
4. Boy Scouts should follow the National BSA Youth Protection Policy of two deep and follow the Guide to Safe Scouting. Troop leaders using facilities associated with the Diocese must complete the Protecting God’s Children (VIRTUS) Awareness Session and have up-to-date background screening.

APPENDIX E

Safe Environment Committee

Parishes and schools will create a “Safe Environment Committee”, on a local level, to insure compliance with the Diocesan policies, regulations, and procedures.

1. Depending on the size of the parish or school, committees should consist of 3 – 7 members.
2. Committee membership should be changed on an annual or bi- annual basis so as to allow others to participate. Membership transitions should be staggered so there remains some continuity of service within the committee.
3. Committee membership should be representative of the locations diverse population (employees and volunteers).
4. The Office of Human Resources will ensure that local committees receive all documents pertinent to our Diocesan Safe Environment Initiative.
5. Committee members should have attended safe environment training prior to becoming a member of the committee.
6. The committee should review the parish/school background screening and safe environment compliance.