

Diocesan policy: Report and inform

The Diocese of Evansville has in place a policy that requires that any allegation of child abuse must be reported to civil authorities. If an allegation involves the sexual abuse of a minor by diocesan personnel, the Victims Assistance Coordinator must also be informed.

Sexual misconduct violates human dignity and the mission of the church. The spiritual well-being of all victims, their families, and others in the community is of particular concern to the church.

Report child abuse

Every allegation of child abuse must be reported to Child Protection Services, an agency of Indiana state government.

CPS Toll-free: (800) 800-5556

Local law enforcement: 9-1-1

Report and inform

In the event of an allegation of sexual abuse of a minor (a person under 18) by diocesan personnel, report the allegation to authorities, and inform the Victims Assistance Coordinator for the diocese:

Toll-free: (866) 200-3004

Local: (812) 490-9565

CREATING A SAFE ENVIRONMENT FOR OUR CHILDREN

Fr. Gene Schroeder, Pastor

Recently, after a long day, I was flipping through the TV channels and came upon an episode from Leave it to Beaver—one of my favorites as a young boy. In this particular episode, Wally and a bunch of his friends were going on a camping trip. The scoutmaster (the only adult in the group) was taking a number of boys to this adventure, which, as we learned from June Cleaver, was about fifty miles away. And how were they going? They all were standing in the back of a pick-up truck for this 50 mile trip! Ward and June Cleaver, always sticklers for doing things the right way, were at the door waving good by. Their only concern—would the boys get wet from sleeping outside in the rain that was predicted for the area.

I couldn't help but think to myself: well that kind of thing would not work these days! First, which parent would send their kid to an outing at which there was only one adult for supervision? Then too, who would be comfortable with boys riding in the back of a pick-up truck!

Times have changed. I can remember riding the backseat of our 55 Chevy with my brother and sisters. There were no seatbelts. I'm sure, even as a baby I was carried in the arms of my mother or some other adult whenever I traveled in the car. There were no car seats! Or how about those who played baseball some years ago. Can you remember wearing a batting helmet? Yet who would think about a child going to bat at a T-Ball games or softball game without a batting helmet today?

Today we are aware of safety features on lawn mowers and other power equipment. Cars now come with seat belts and even air bags. While we might quibble with the value of every safety feature, I think we could all agree that there is great merit in most of them. Does this mean that parents were less concerned in previous times about the safety of their children or even their own safety than parents are today? I think not. Today we hear lots of concern expressed for the safety of the youth entrusted to our care. And this is a good thing. In fact, being concerned about the safety of children has always been of paramount importance not just to their parents but to

teachers and other parish personnel entrusted with their care. As a parish we have always placed the protection and care of youth at the top of the priority list.

Our efforts to implement this policy here at St. Joe begin with two starting points. First, creating a safe environment for our children has always been important in the things we have done and continue to do at St. Joe. Secondly, creating a safe environment involves doing things which involve a lot of common sense.

BEST PRACTICES FOR WORKING WITH CHILDREN

Central to these efforts is helping all of us be aware of the best practices we all need to follow if we are working with youth. (Actually these practices are things we would want to follow regardless of the age of the people we are working with.) Here's what we are talking about:

TWO-DEEP LEADERSHIP: Each time the parish sponsors events in which youth are involved, it is important to have at least two adult leaders (21 years of age or older) to provide sufficient leadership for these activities.

ONE-ON-ONE CONTACT: When working with youth, it is important that the leaders of the group do not meet one-on-one (privately) with a young person. In the rare situations that require personal conferences, the meeting is to be conducted in view of other adults and youths.

RESPECT FOR PRIVACY: Adults leaders must respect the privacy of youth and intrude only to the extent that health and safety require. Adults must protect their own privacy in similar situations.

SEPARATE ACCOMMODATIONS: When staying overnight, no youth is permitted to sleep in the room of an adult other than his own parent or guardian.

PROPER PREPARATION: (especially for high adventure activities) Activities with elements of risk should never be undertaken without proper preparation, equipment, clothing, competent supervision and safety measures.

NO SECRET ORGANIZATIONS: The Diocese of Evansville does not recognize any secret organizations as part of its programs. All aspects of the youth program are open to observations by pastors, parents and leaders. Even in cases of closed membership (i.e. TEC, Knights of Columbus Squire Circles, etc.) parents and pastors must be admitted at any time to observe the program.

APPROPRIATE ATTIRE: Proper clothing for activities is required. Modest dress is always required. Guidelines for appropriate attire for a given activities should be written and stated before all youth functions.

CONSTRUCTIVE DISCIPLINE: Discipline used in youth ministry, educational and catechetical ministry should be constructive and reflect the Church's values. Corporal punishments is never permitted.

HAZING IS PROHIBITED: Physical hazing and initiations are prohibited and may not be included as part of any activity. Adult leaders must monitor and guide the leadership techniques used by youth leaders and ensure that diocesan policies are followed.

No doubt one of the biggest issues we face in ensuring that our children have a safe environment in which to live and grow is to make sure that parents and all adults model appropriate and healthy

behaviors when alcohol is involved. It goes with out saying that we do not tolerate any behaviors surrounding the use of alcohol that are illegal. Beyond this, especially when youth are involved, we need to think about when it is appropriate and not appropriate to serve alcohol even if we have every legal right to do so.

In our continual effort to heighten our awareness of the things that make for an safe environment for the youth of our parish and, for that matter, all the people of our parish,

All members of the parish staff who have continual contact with children (Parish Staff, School Faculty, Catechists, Coaches) are required to undergo a criminal background check and sign off on the Best Practices with children Form.

All other members of the parish who do volunteer work for the school, parish, religious education program, youth activities are required to read and sign off on the Best Practices with children Form.

[Click here for Best Practices Form](#)

WHAT DO YOU KNOW ABOUT ABUSE?

It is likely that today we hear the term “abuse” more and more frequently. What do we mean by “abuse” and, specifically, what do we mean by “child abuse?” Here are some definitions:

WHAT IS CHILD ABUSE?

Child abuse is the physical or mental injury, sexual abuse, exploitation, negligent treatment or maltreatment of a child under the age of 18 (except in the case of sexual abuse, where age is specified by the child protection aw of the State) by a person who is responsible for the child’s welfare. There are three types of child abuse:

1. PHYSICAL ABUSE : a physical injury which is caused as the result of discipline. It is non-accidental and can be caused in a variety of ways, including, but not limited to striking with a hand, fist or instrument; throwing, shaking, burning, suffocating, or drowning.

CHARACTERISTICS OF ABUSIVE PARENTS

- Seem unconcerned about the child
- See the child as “bad,” “evil,” a “monster” or “witch”
- Offer illogical, unconvincing, contradictory explanations
- or have no explanation of the child’s injury
- Attempt to conceal the child’s injury or to protect the identity of the person (s) responsible
- Routinely employ hard, unreasonable discipline which is inappropriate to the child’s age, transgressions and condition
- Were often abused as children
- Were expected to meet high demands of their parents
- Were unable to depend on their parents for love and nurturance
- Cannot provide emotionally for themselves as adults

Expect their children to fill their emotional need

Have poor impulse control

Expect rejection

Have low self-esteem

Are emotionally immature

Are isolated, have no support system

Marry a non-emotionally supportive spouse and the spouse passively supports the abuse.

2. **NEGLECT:** the chronic failure to meet the basic needs of a child in regards to food, clothing, shelter, medical care, education and supervision.

CHARACTERISTICS OF NEGLECTFUL PARENTS

May have a chaotic home life

May live in unsafe conditions (no food, garbage and excrement in living areas; exposed wiring; drugs and poisons kept within the reach of children)

May abuse drugs or alcohol

May be mentally retarded, have low IQ or have a flat personality

May be motivated and employed, but unable to find or afford child care.

Generally have not experienced success

Had emotional needs which were not met by parents

Have low self-esteem

Have little motivation or skill to effect changes in their lives

Tend to be passive.

3. **SEXUAL ABUSE:** the utilization of a child for sexual gratification by an adult or older child in which the child is being used for the sexual stimulation of the adult or older child.

CHARACTERISTICS OF SEXUALLY ABUSIVE PARENTS

Most typical type of reported intra-familia sexual abuse occurs between an adults, either the father of the mothers sexual partner and a female child living in the same house. The parents:

Have low self-esteem

Had emotional needs which were not met by their parents

Have inadequate coping skills

May have experienced the loss of their spouse though death or divorce

May be experiencing overcrowding of their homes

May have marital problems causing one spouse to seek physical affection from a child rather than the other spouse (a situation the “denying” husband or wife might find acceptable.)

May abuse alcohol

Lack social and emotional contacts outside the family

Are geographically isolated

Have cultural standards which determine the degree of acceptable body contact.

EMOTIONAL ABUSE: the mental/emotional harm inflicted by a constant pattern of verbal harassment,

threats and systematic destruction of a child’s self-esteem.

CHARACTERISTICS OF EMOTIONALLY ABUSIVE PARENTS

Belittling/criticizing
Little or no interest in child
Threatening child or child's possessions
Cutting off child from normal social expression
Teaching deviant patterns of behavior

SOME FACTS TO PONDER

Sometimes we may think that issues about abuse are limited to just a few individuals in limited areas.

However, you may be surprised to know that:

In 1991, 2.7 million cases of child abuse and neglect were reported in the United States. That's over 7,300 cases reported each day. In 2002, there were 1,502 cases of abuse reported in Vanderburgh County.

More than 1,10 cases of sexual child abuse are reported every day, which translates into over 400,000 cases each year.

On average, at least four children die each day from maltreatment. The majority of these children are under the age of five.

It costs over 5.3 billion dollars just to investigate all reports of child abuse and neglect each year.

In 88% of all abuse cases, the perpetrator is a family member.

Studies have proven that abused children are more likely to become juvenile delinquent than non-abused children.

According to one study, 70% of all fathers who had sexually abusive relationships with children had been sexually abused when they were a child.

In a study of teenage mothers, 61% reported having been sexually abused as children.

Two-thirds of the estimated 1 million children who run away each year were physically or sexually abused by a parent

THE CATHOLIC DIOCESE OF EVANSVILLE: POLICIES AND PROCEDURES REGARDING SEXUAL MISCONDUCT WITH MINORS

ARTICLE 1

GENERAL PROVISIONS

1.1. Establishment of policy and definitions. Sexual misconduct by Diocesan Personnel with a minor violates human dignity and the mission of the Catholic Diocese of Evansville, Indiana ("Diocese") and of the Roman Catholic Church (the "Church").

The term "clergy" or "cleric", as used herein, means any bishop, priest or deacon of the Diocese under the Canons of the Church.

The term "Diocesan Personnel", as used herein, means all ordained and non-ordained ministers, employees and volunteers who provide services, paid or unpaid, for the Diocese or any of its entities.

The term "minor," as used herein, means any person under the age of eighteen (18) years.

The term "sexual misconduct," as used herein, means any act which involves sexual molestation or sexual exploitation of a minor for the gratification of an adult; and includes, without limitation of the foregoing, any act that would constitute a sex-related criminal offense as set forth from time to time by the laws of the state of Indiana, or by the laws of the United States of America.

The Bishop of this Diocese establishes these policies and procedures to assist him in determining the fitness for ministry or employment of any Diocesan Personnel accused of sexual misconduct with a minor. These policies and procedures are intended and designed to involve the people of the Church in substantive roles of review, consultation and recommendation.

The primary purpose of these policies and procedures is to assure the safety of children, the well-being of the entire community, the integrity of the Diocese and the Church. The policies and procedures are intended to be fair and responsive to the pastoral needs of victims, victims' families, the Church community and the accused. The policies and procedures are intended and designed to facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual misconduct.

The Diocese shall publish these policies and procedures so that those affected can readily seek and receive the assistance afforded by them.

1.2. Funding. The Diocese shall provide sufficient funding and support at the Diocesan level to assure the effective implementation of these policies and procedures.

1.3 Education of Diocesan Personnel. The Diocese shall establish continuing education programs about the nature and effect of sexual misconduct for its Diocesan Personnel. The employing entity shall be responsible for implementing these programs at the local level.

1.4. Review and amendment. At least once annually, the review board established in Article 4 hereinafter, shall review these policies and procedures and make any recommendations for amendment to the Bishop. The Bishop may amend these policies and procedures at any time upon consultation with the review board. This consultation process is intended to continue after the adoption of these policies and procedures, which is expected to result in revisions and adaptations from time to time.

1.5 Disclosure of Sexual Misconduct. In the case of any allegation of sexual misconduct by Diocesan Personnel with a minor which is communicated to the Bishop or his delegate, the Bishop or his delegate, as the case may be, shall report such allegation forthwith to the Review Administrator, defined by Paragraph 4.4 herein, who will act in accordance with Paragraph 4.4(c) of these policies. The Bishop or his delegate shall advise the person making the accusation of his/her obligation under the law to contact the local Child Protection Services or other office responsible for investigation of such accusation.

ARTICLE 2

ASSISTANCE TO THOSE AFFECTED

2.1. Assistance to those affected. The Diocese shall make appropriate assistance available to all those who may be affected by sexual misconduct of Diocesan Personnel with a minor.

2.2. Assistance to victim. The Diocese may designate a victim assistance coordinator, whose role it shall be to assist a victim of sexual misconduct by Diocesan Personnel with a minor, the victim's family or other persons affected. Such coordinator shall identify professional and other resources available to aid in the care of a victim or other persons affected.

2.3. Assistance to community. The Diocese shall endeavor to develop and maintain programs for outreach throughout the Diocesan community. The programs shall endeavor to promote education, understanding and healing.

2.4. Assistance to clerics. In the event of an allegation of sexual misconduct against a cleric involving a minor, the Bishop shall appoint a priest representative or representatives who shall minister to such clerics, by providing assistance, advice and support and by facilitating referrals to resource persons and other professionals. Due to the Canonical relationship of a bishop with his priests, this particular assistance shall be provided to clerics only.

ARTICLE 3

SCREENING, FORMATION, EDUCATION

AND ASSIGNMENT TO MINISTRY

3.1. Screening and education. The Diocese shall review and augment ongoing programs for the continuing education of its Diocesan Personnel in matters related to sexuality and sexual misconduct. Criminal history checks and, if necessary, full background checks will be done on all Diocesan Personnel.

3.2. Certification. All Diocesan Personnel shall be required to certify in writing that they have read the diocesan policies and procedures regarding sexual misconduct with minors. The certification will be maintained in the personnel files of such Diocesan Personnel at the local level.

3.3. Relationship with religious communities. The Diocese shall establish a protocol applicable to religious communities whose members maintain or seek faculties to work in the Diocese. The protocol shall state:

The community will abide by Diocesan policies and procedures relating to sexual misconduct with minors.

The community must provide a copy of its own policies and procedures to the Bishop.

As to each candidate presented for service in the Diocese, the presenting community shall provide a written statement about such candidate's status, background, character and reputation. In the case of any incident of sexual misconduct with a minor, the presenting community shall include in the written statement a comprehensive report of the allegation and its disposition.

3.4. Extern Clergy. The Diocese shall review and, if necessary, revise its policies affecting extern clerics who seek or maintain faculties in the Diocese. Such policies shall require the extern cleric's proper ordinary to certify that he is unaware of anything in the extern cleric's background which would render him unsuitable to work with minors. In the case of any history of such potential extern cleric involving sexual misconduct with a minor, the extern cleric's proper ordinary shall submit to the Vicar General of this Diocese a comprehensive report of the allegation and its disposition.

3.5. Review by Review Administrator. If any incident of sexual misconduct with a minor is disclosed in connection with the presentation of a cleric or application of a cleric from another diocese, the Bishop, or in his absence, the Vicar General, may refer the matter to the Review Administrator, who shall then apply the standards contained in Articles 4 and 5, herein.

3.6. Clergy Assignment review. The Bishop shall review the names of all candidates who apply for pastoral assignment or reassignment. In each case, the Bishop shall determine whether any such candidate applying for assignment or reassignment has a proceeding pending against him before the Review Board. In the event any such proceeding is pending before the Review Board, the Bishop shall suspend any such assignment or reassignment until the Review Board has concluded its review and renders its recommendations to the Bishop pursuant to Article 4 hereof.

ARTICLE 4

REVIEW PROCESS FOR CONTINUATION OF MINISTRY OR EMPLOYMENT

4.1. Establishment of process. Determinations and recommendations regarding the continuation of ministry or employment of Diocesan Personnel who are the subject of an allegation of sexual misconduct with a minor or

the return to ministry or employment of Diocesan Personnel who have been placed on administrative leave by reason of such an allegation shall be made to the Bishop according to Articles 4 and 5 of these Policies and Procedures.

4.2. Compliance and cooperation. In addressing allegations of sexual misconduct, all Diocesan Personnel are expected to cooperate with civil authorities, comply with legally established reporting requirements and otherwise conduct themselves as good citizens. In addition, all Diocesan Personnel shall comply fully with the letter and spirit of these Policies and Procedures. All Diocesan Personnel are expected to cooperate with the Diocesan review process consistent with their particular role in the Diocese. All people who may be requested to participate in the Diocesan review process are asked to do so with understanding and sensitivity for its goals.

4.3. Review Board. The determinations and recommendations described in Article 4.1 shall be made to the Bishop by a review board (hereinafter "Board"):

Membership. The Board shall be comprised of at least five, but no more than seven, members appointed by the Bishop. At least a majority of the members shall be lay Catholics who are not employees of the diocese, and at least one (1) member shall be a priest of the Diocese.

Term. Each appointed member shall serve on the Board for a term of five years or until a successor is appointed. No member shall be appointed for more than two consecutive five-year terms.

(Officers. The Board shall elect one Board member as chairperson and one Board member as vice chairperson, for two-year terms. The chairperson will ordinarily convene and preside at meetings of the Board. The vice-chairperson will perform these functions when the chairperson is unable to do so.

(Relationship with Bishop. The Board shall serve as the principal agent of the Bishop in making the determinations and recommendations contemplated by these policies and procedures. The Board is not accountable to other officials of the Diocese

except as may be necessary for the efficient administration of its business.

Compensation. The members of the Board shall receive no compensation for their services, but all members shall be reimbursed for their necessary expenses.

(Quorum and majority for doing business. A majority of the members of the Board shall constitute a quorum, and the concurrence of not less than a majority of the members of the Board shall be necessary to make a determination or recommendation. A member who dissents from a majority determination and/or recommendation is expected to prepare and submit a separate, written report to the Bishop for his consideration, together with the majority determination and/or recommendation.

Meetings:

(1) Generally. The Board shall conduct its business at meetings, which shall be scheduled to occur as often as necessary to perform its duties. The Board ordinarily will meet in person but one or more members may attend any meeting by telephone conference call. The members of the Board shall not discuss the business of the Board or information presented to the Board outside Board meetings, except that the Review Administrator, the Bishop or the Bishop's delegate, may communicate with Board members outside Board meetings as required by this process or as otherwise appears appropriate. Likewise, Board members shall not make independent inquiries or conduct independent investigations about any matters before the Board. All such business and matters shall be reserved by members for meetings of the Board.

(2) Attendance. The Bishop, the Bishop's delegate, other persons designated by the Bishop and the Review Administrator may attend those portions of meetings during which information is presented to the Board and the Board presents its determinations and recommendations. They may attend other portions of the meetings subject to the discretion of the Board. All other persons may attend meetings only upon the invitation or with the consent of the Board and subject to such limitations as the Board might require.

((3) Nature of the meetings. Board meetings shall reflect the pastoral character of this process, which is to be consultative and advisory, not adversary and adjudicative. The meetings, including first stage, second stage and supplementary reviews, are not hearings. They are sessions at which the Board receives and considers information, deliberates and formulates its determinations and recommendations. The Board may, in its discretion, limit the information it receives or considers, and the formal rules of evidence shall not strictly apply. The Board may invite or permit the attendance of any person for the purpose of allowing such person to be heard by the Board.

(h) Right to counsel. Nothing in these policies and procedures shall be interpreted so as to abridge an individual's right to civil legal or canonical counsel. If the Board invites or permits someone to attend a meeting or a portion of a meeting, that person may appear with counsel or, in the Board's discretion, which shall be exercised liberally, such other advisers for whom the person may in advance of the meeting request the Board's consent. The Board shall not permit the participation of counsel or other adviser unduly to delay the review process.

(l) Powers: The Board shall have the power to:

(j) Recommend to the Bishop a candidate or candidates for the position of Review Administrator, and recommend the removal and replacement of the Review Administrator.

(2) Request that the Review Administrator take further investigative actions that are within his or her professional competence.

(3) Review matters brought to its attention by the Review Administrator and make recommendations to the Bishop, after such review, regarding the continuation of ministry or employment of any Diocesan Personnel subject to allegations of sexual misconduct with a minor and regarding the return to ministry or employment of any Diocesan Personnel following any withdrawal from a ministerial or employment assignment arising from an allegation of such misconduct.

(4) Recommend guidelines or special inquiry efforts for the inquiries of the Review Administrator, the proceedings of the Board and programs for treatment, rehabilitation and supervision of clergy consistent with these Policies and Procedures.

(5) Submit, with the assistance of the Review Administrator, an annual budget proposal to the Bishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Diocesan chancery office and must be considered as part of the Diocesan budget process. However, the budget proposal may not be reduced by any Diocesan Personnel without the knowledge and specific approval of the Bishop.

(6) Recommend to the Bishop such amendments to these policies and procedures as the Board believes circumstances require.

4.4 .Review Administrator. The Review Administrator shall assist the Board in the performance of its duties and shall be the primary contact person for the Board with persons making allegations of sexual abuse by any Diocesan Personnel of a minor.

(a) Qualifications. The Review Administrator shall be a lay professional who maintains appropriate qualifications in psychology or

social work and substantial knowledge in investigating and analyzing allegations of sexual abuse of minors. The Review Administrator may be, but need not be, an attorney or a clinical psychologist.

(b) Appointment and conditions of engagement. The Bishop shall appoint and may remove a Review Administrator with or without the advice of the Board. The Review Administrator shall be compensated as an independent contractor according to such schedules as may be agreed upon between the Review Administrator and the Bishop, with

the advice of the Board.

(c) Duties. Under the supervision of the Board, the Review Administrator shall have the following duties:

- (1) Receive and analyze information regarding allegations of sexual misconduct by any Diocesan Personnel with a minor and regarding the return to ministry or employment of any Diocesan Personnel who have been placed on administrative leave from assignment for any reason related to such alleged sexual abuse.
- (2) Comply with all civil law reporting requirements related to sexual misconduct with a minor and to cooperate fully with official investigations into such allegations.
- (3) Conduct such inquiries as may be appropriate regarding allegations of sexual misconduct by Diocesan Personnel with a minor.
- (4) Communicate in an appropriate manner with the victim or person making an allegation, the victim assistance coordinator, the accused, the accused's representative, the Bishop, the Board and such other persons as the Bishop or Board may designate.
- (5) Assist the Board by preparing and submitting reports regarding allegations of sexual misconduct by Diocesan Personnel with a minor and regarding such other matters as may be appropriate for attention and action by the Board.
- (6) Maintain regulate contact with the Bishop or his delegate on the process for treatment, rehabilitation or supervision of clerics and report to the Board about these programs.
- (7) Perform such other duties as may be prescribed by the Bishop or Board from time to time.

4.5. Publication of Telephone Number. To assist the Board and the Review Administrator in implementing the review process, the Diocese shall publicize a telephone number to facilitate receipt of information. A record of all such calls shall be maintained.

4.6. Confidentiality and disclosure of information. Information generated in connection with the review process set forth in Article 4 above shall be maintained in a confidential manner and may only be disclosed in accordance with this section:

(a) The Review Administrator shall be the custodian of all information developed in Article 4 and shall develop an appropriate record-keeping system to ensure accountability for and security of the information. Upon the resignation or other termination of the Review Administrator, all such records shall be delivered by the Review Administrator to the Chairperson of the Review Board.

(b) The Review Administrator shall maintain all such information in a confidential fashion and may not disclose such information except as follows:

- (1) The Review Administrator shall provide any accused Diocesan Personnel with information sufficient to enable that person to respond to the allegation and, if necessary, to defend himself/herself before the Review Board.
- (2) The Review Administrator shall provide the person making the allegation and the accused with appropriate and timely information about the Board's determinations and recommendations and the Bishop's actions, if any.
- (3) The Review Administrator shall provide access to all information accumulated by the Review Administrator to the Board, the Bishop, the Bishop's delegate and other persons the Bishop may designate.
- (4) The Review Administrator shall provide access to all information accumulated by the Review Administrator to the competent superior in connection with allegations about a member of a religious community of another diocese.
- (5) The Review Administrator shall disclose such information accumulated by the Review Administrator as may be required by law, or by enforceable legal process.

(c) The Review Board shall select one of its members to act as spokesperson. All media inquiries regarding matters considered by the Board shall be directed to the acting spokesperson or such other persons as the Bishop or the Vicar General shall from time to time designate.

4.7. Initiating an allegation. Allegations that any Diocesan Personnel engaged in sexual misconduct with a minor must be reported to the local Child Protection Services and should be reported to the Diocese either by communication directly to the Bishop or, in his absence, the Vicar General of the Diocese, or the Bishop's other delegate. The Bishop, Vicar General or Bishop's other delegate

shall notify the Review Administrator who shall contact the victim forthwith.

(a) To the extent possible, the person making the report should provide to the local Child Protection Services and to the Review Administrator the name of the person who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged misconduct, the specific dates, times and circumstances in which the misconduct allegedly occurred and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged misconduct.

(b) If the Review Administrator learns of an allegation in some fashion other than a direct report, the Review Administrator shall make appropriate inquiries and proceed substantially in the same manner as would be followed regarding any other allegation.

(c) The Review Administrator ordinarily will not process anonymous allegations, allegations by persons who will not consent to the use of their names by the Review Administrator, or allegations that do not contain enough information to permit reasonable inquiry but shall comply with all civil law reporting requirements related to sexual misconduct with a minor. The Review Administrator shall report all such allegations to the Board at its next regularly scheduled meeting, and the Board shall review the Review Administrator's action with respect thereto.

4.8. Preliminary action and inquiry by the Review Administrator.

(a) Upon receipt of an allegation of sexual misconduct by any Diocesan Personnel with a minor, the Review Administrator promptly shall comply with all civil law reporting requirements related to sexual misconduct with a minor. The Review Administrator shall also provide the person making the allegation with a written statement containing information about reporting such allegations to public authorities.

(b) Ordinarily, the Review Administrator also shall promptly:

(1) Report the allegation to the victim assistance coordinator unless the victim refuses or waives such assistance.

(2) Report the allegation to the Bishop, his delegate and other persons the Bishop may designate who shall then inform the accused and request his/her response.

(3) Investigate whether the safety of others, particularly a minor or minors, or the quality of the allegation requires immediate administrative leave of the accused from his or her ministerial or employment assignment and promptly communicate a recommendation to the Bishop; in making this recommendation, the Review Administrator may consult with the Bishop, his delegate, or other persons designated by the Bishop.

(4) Schedule and give effective notice to the Board of a first-stage review meeting to occur no later than approximately twenty (20) days after the allegation is received.

(c) Before the first-stage review meeting of the Board, the Review Administrator shall review the accused's personnel file, make all appropriate inquiries about the allegation including, without limitation, conducting a personal interview with the person or persons making the allegation, and prepare a report of all available information for presentation to the Board, at the first-stage review meeting. The Review Administrator shall reduce to writing any oral report made to the Board as soon as practical after the first-stage review meeting. The Review Administrator shall provide copies of this written report at the earliest opportunity to the Board, the Bishop, his delegate, the accused and such other persons that the Bishop may designate.

4.9. First-stage review. The Board shall meet no later than approximately twenty (20) days after an allegation is made to conduct a first-stage review.

(a) Questions for review. At the meeting for first-stage review, the Board shall determine: (1) whether the Review Administrator's original recommendation regarding possible administrative leave of the accused from his/her ministerial or employment assignment, or the modification of such assignment, adequately provides for the safety of others, particularly minors; (2) whether other preliminary actions taken by the Bishop or his delegate were appropriate; and (3) what further action, if any, should be taken with respect to the allegation.

(b) Information to be considered. At the meeting for first-stage review, the Board shall consider the Review Administrator's report, information provided by the accused, the Bishop's delegate or other persons identified by the Bishop and any other available information which the Board believes to be helpful. In this process, no formal rules of evidence shall apply; but the members of the Board may take such rules into consideration to the extent each member deems appropriate.

(c) Determination and recommendations. At the meeting for first-stage review, the Board shall determine whether there is reasonable cause to believe that the accused engaged in sexual misconduct with a minor, and on the basis of this determination shall make recommendations to the Bishop about the following:

(1) If the accused has already been placed on administrative leave from ministry or employment pending inquiry, whether such administrative leave should continue; or if the administrative leave should not continue, whether any restrictions should be imposed

on the accused as conditions to returning to ministry or employment.

- (2) If the accused has not been placed on administrative leave from ministry or employment, whether he/she should be placed on administrative leave, or whether he/she should continue in his/her assignment, and, if so, whether any restrictions should be imposed upon him/her as conditions to his/her continuation in ministry or employment.
 - (3) Whether the preliminary investigative actions taken by the Review Administrator were sufficient and appropriate, and whether further action by the Review Administrator is required.
 - (4) Whether the file should be closed at that stage of the proceedings or held open pending action by civil authorities, further inquiry by the Review Administrator or possible further action by the Board.
 - (5) If the accused's conduct does not constitute sexual misconduct with a minor but is otherwise inappropriate, whether further action is warranted and, if so, the formulation of suggestions as to such further action.
- (d) False Accusations. The Review Administrator and the Board shall recognize and consider the possibility of false accusations or unsubstantiated claims. Neither the Review Administrator nor the Board shall hesitate to issue an opinion so describing any such allegation where circumstances warrant such action.

4.10 Action where guilt determined. Any Diocesan Personnel who, at or after the first-stage review, admits to, does not contest, or is determined by the Board, and confirmed by the Bishop, to be guilty of an incident of sexual misconduct following an investigation under this policy shall be immediately removed from his/her assignment.

(a) A cleric placed on administrative leave pursuant to this Section 4.10 shall receive diagnostic evaluation, if required, at the expense of the Diocese. The cleric shall provide the Bishop, or his designee, with an authorization for the release of diagnostic information to carry out the purposes of these Policies and Procedures. This release is limited to the purposes of these Policies and Procedures and shall not be deemed a waiver of any statutory privilege of confidentiality.

(b) A cleric placed on administrative leave pursuant to this Section 4.10 may be required to undergo such treatment as is determined necessary by the Bishop. When the cleric has completed such treatment, he may be required to take part in an appropriate supervised aftercare program approved by the Bishop, having received the recommendations of the treatment center or professional.

4.11. Additional inquiry and action by Review Administrator following the first-stage review. After the first-stage review, the Review Administrator shall conduct such additional inquiry as the Review Administrator believes appropriate or as may be directed by the Board, including interviews of witnesses, review of documents (including documents reflecting action taken by public bodies) and review of the results of diagnostic evaluation of the accused. The Review Administrator shall prepare one or more written reports of these inquiries for the Board and the Bishop. These reports should include descriptions of actions taken by the Review Administrator, such additional inquiry as may be required and identification of information that was not available to the Review Administrator at the time of the first-stage meeting and why any such information was not available.

4.12. Second-stage review. There shall be a second-stage review which, to the extent reasonably possible, shall be initiated and scheduled to occur no earlier than 30 and no later than 120 days after completion of the first-stage review. The Board may delay scheduling the second-stage review for any good cause.

(a) Questions for review. At the second-stage review, the Board shall determine: (1) whether prior actions regarding the continued ministry or employment by the accused should be altered; and (2) what further action, if any, should be taken with respect to the allegation.

(b) Initiation. The second-stage review may be initiated by an accused person who was removed from assignment or returned to assignment on a restricted basis if he/she seeks to change his assignment status, or by the Board in any matter it deems appropriate.

(c) Information to be considered. The Board shall consider the Review Administrator's reports, information provided by the accused, the Bishop's delegate or other persons identified by the Review Administrator, and any other available information which the Board believes to be helpful.

(d) Determinations and recommendations. At the second-stage review, the Board shall determine whether it is reasonable to return the accused person to his/her assignment, or in the case of a cleric retain him in ministry, in view of all the facts and circumstances, giving appropriate consideration to the safety of others and the Canonical rights of the cleric. At the conclusion of the second-stage review, the Board shall make appropriate recommendations to the Bishop regarding:

(1) If the accused has already been placed on administrative leave from assignment pending inquiry, whether such administrative leave should continue; if it should not continue, whether any restrictions should be imposed upon the accused as conditions to returning to assignment.

(2) If the accused has been placed on administrative leave and should remain on administrative leave, whether any additional restrictions should be imposed on the accused.

(3) Whether the file should be closed.

(4) Whether the file should be held open and, if so, for what reason or reasons.

(5) If the accused's conduct does not constitute sexual abuse of a minor but is determined to be otherwise inappropriate, whether further action appears necessary and, if so, suggestions as to possible action.

(6) Such other matters as the Board deems appropriate.

4.13. Supplementary reviews. The Board may conduct such supplementary reviews as may be necessary to discharge its duties:

(a) Questions for review. The Board may consider any new information about a determination or recommendation made in connection with a prior review, exercise its responsibility as described in Article 4 or oversee the work of the Review Administrator, or any other matter within its responsibility.

(b) Initiation. A supplementary review may be initiated by a majority of the Board, the Review Administrator, the Bishop or the Bishop's delegate. In addition, affected Diocesan Personnel, a person who made an allegation, a victim or the family of a victim may apply to the Board in writing for such a review. Such application shall include a statement of the question or point for review, the applicant's position with respect to the matter and any supporting explanation or information.

(c) Information to be considered. In determining the merits of an application for review, the Board may consider the application for review, the Review Administrator's prior reports, information provided by the Bishop, the Bishop's delegate or other persons identified by the Bishop and any other available information which the Board believes helpful.

(d) Determinations and recommendations. After a supplementary review, the Board may make such determinations and recommendations as it deems appropriate.

ARTICLE 5

PERMANENT REMOVAL/RETURN TO MINISTRY OR EMPLOYMENT

5.1. Power of Bishop. The Bishop shall at all times retain the power and authority to remove permanently or not to remove any cleric from ministry, and the power to modify or place conditions upon the ministry of any cleric, subject to the restrictions and provisions of the Code of Canon Law. If warranted by the investigation of the facts, the Bishop shall terminate the canonical assignment and suspend the faculties of the abuser if he is a cleric.

5.2. Return to ministry. Any cleric who was placed on administrative leave from ministry in accordance with Article 4 may not return to ministry except in accordance with the provisions of Articles 4 or 5.

5.3. Removal of Non-Ordained Diocesan Personnel. If warranted by the investigation of the facts, the Bishop shall direct the immediate supervisor of any non-ordained Diocesan Personnel to terminate his/her ministry or employment.

ARTICLE 6

CLERGY PERSONNEL RECORDS

6.1. Personnel record-keeping. The Diocese shall establish and maintain a unified personnel record-keeping system to enable the Bishop and other responsible persons to consider the complete record of a cleric in the making of ministerial assignments. The record of each cleric shall be maintained throughout the period of the cleric's career. The Vicar General shall develop guidelines for the administration of the unified personnel record-keeping system consistent with the law and sound personnel records management. For the purposes enunciated in these policies and procedures, the records shall include records of formation, the record and disposition of any proceedings of the Board and any other information suggesting a propensity for sexual misconduct with minors.

6.2. Transfer of information. As soon as practicable following the effective date of these provisions, at the direction of the Bishop, the Chancellor of the Diocese shall make available for incorporation into the personnel record-keeping system such records as may be allowed by law. The Chancellor, at the direction of the Bishop, may remove or redact from such record any information, record, note, memoranda or other document which was obtained, received or given under promise, perception or expectation of confidentiality.

6.3. Confidentiality of records. All records received, obtained and maintained pursuant to this article shall be kept confidential. Security for all such records shall be provided by the Chancellor and an appropriate file system established. Information contained in a cleric's personnel records may be disclosed by the Chancellor upon authorization by the Bishop in the following instances:

(a) Upon request of the Personnel Board of the Diocese for consideration by the Board in making assignments.

(b) Upon request of the Review Administrator as contemplated in Articles 4 and 5 of these policies and procedures.

(c) Upon request of the cleric subject to conditions and limitations set forth in any applicable Diocesan policies and guidelines.

(d) All such disclosures shall be made in a manner consistent with applicable civil law and sound personnel records management.

ARTICLE 7

NON-ORDAINED PERSONNEL RECORDS

7.1 Personnel record-keeping. The employing Diocesan entity shall maintain a personnel record-keeping system consistent with the law and sound personnel records management.

7.2 Confidentiality of records. All records maintained pursuant to this Article shall be kept confidential. Any disclosures from such records shall be made in a manner consistent with applicable civil law and sound personnel records management.

ADOPTED AND EFFECTIVE: August 20, 2003

Gerald A. Gettelfinger, Bishop of Evansville