

**Policy for the Protection of Minors
Archdiocese of Dubuque**

The Archdiocese of Dubuque – for the sake of protecting minors, promoting healing, and restoring trust – will not attempt to cover up allegations of sexual abuse of a minor, will cooperate with civil authorities, and will not allow anyone guilty of even one instance of this sin and crime to continue in ministry or Church employment.

We are therefore committed to do all that is humanly possible to be in full compliance with the *Charter for the Protection of Children and Young People* and *The Essential Norms* of the United States Conference of Catholic Bishops (USCCB), as well as *Sacramentum sanctitatis tutela* of the Congregation for the Doctrine of the Faith (CDF).

This policy statement will not repeat what is already published in the above-mentioned documents, but adapts their content to local circumstances in the Archdiocese of Dubuque, and when necessary to offer clarifications.

The promulgation of this policy is based on the recommendation of the Review Board for the Protection of Minors, the Office of Protection of Children and Young People, the Priest's Council, the Diaconal Community Council, the Archdiocesan Pastoral Council, the Archdiocesan Faith Formation Commission and Catholic School Board, as well as the leadership of the Religious communities present in the Archdiocese of Dubuque.

Revised and Promulgated this 30th day of June 2015.

+ Michael O. Jackels

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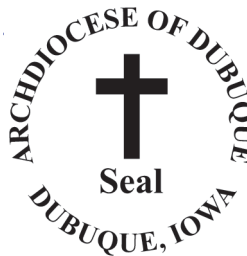


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Definitions

Minor: A person who at the time of the offense is below 18 years of age, or a person 18 years of age or older who habitually lacks the use of reason.

Sexual abuse: The exploitation, molestation, or any other behavior whereby an adult uses a minor as an object for sexual gratification, even if the offense does not involve force, physical contact, a complete act of intercourse, or a discernible harmful outcome. Sexual abuse also includes the acquisition, possession, or distribution of pornographic images of minors.

Sexual abuse is defined in compliance with the laws of the State of Iowa, and with the current laws of the Catholic Church, especially in those areas that are more far-reaching than Iowa law.

The Catholic Church understands sexual abuse as an external, objectively grave violation of the Sixth Commandment.

This definition applies to all reports of the sexual abuse of a minor, regardless of when the offense took place, or the civil and canonical definitions of minor and sexual abuse at the time of the offense.

It is the responsibility of the archbishop, with the advice of the Archdiocesan Review Board, to determine the gravity of the alleged act.

If there is doubt about whether an act constitutes an external, objectively grave violation of the Sixth Commandment, the bishop should consult the writings of recognized theologians and the opinions of recognized experts.

Those to whom this Policy Applies

This policy applies to the following categories of persons:

- Clergy who reside in the Archdiocese of Dubuque and who have been granted its faculties, whether incardinated or not;
- Clergy visiting the Archdiocese of Dubuque for ministry, who must supply a letter of suitability from their Ordinary;
- Non-clerical religious who are employed by or who volunteer in the Archdiocese of Dubuque or its corporate entities (that is, those listed in the Official Catholic Directory or the Directory of the Archdiocese of Dubuque that have the Archbishop of Dubuque as President);
- Laity who are employed by or who volunteer in the Archdiocese of Dubuque or its corporate entities (see above), including any seminarian enrolled in St. Pius X Seminary, whether sponsored by the Archdiocese of Dubuque or another diocese.

It is the responsibility of the above-mentioned persons to be familiar with and in compliance with this policy.

Prevention and Education

Everyone in the Church community has a role to play and must be aware of the causes and signs of sexual abuse, the steps to take to protect minors, and the procedures to follow if abuse is suspected or observed.

All archdiocesan personnel to whom this policy applies will sign a verification form indicating that they have received, read, and understood the Archdiocese of Dubuque Standards of Conduct and agree to adhere to those requirements.

The Standards of Conduct will be included in all personnel handbooks used in archdiocesan entities.

Personnel must participate in an initial educational program that includes safe environment program training and that incorporates information about sexual abuse.

Catholic schools and religious education programs are to develop and incorporate curricula for the prevention of sexual abuse of minors into the educational programs for early childhood through Grade 12. The curricula reflecting the best current practices will be used, and will be reviewed as necessary by the Office of Protection of Children and Young People.

The Archdiocese will establish "safe environment" programs. It will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. The Archdiocese will provide clear directives regarding the Archdiocese of Dubuque Standards of Conduct in regard to sexual abuse to all personnel in positions of trust.

The Director of the Office for the Protection of Children (DOPC) will provide the mechanisms for handling all inquiries about resources related to the sexual abuse of minors. The Archdiocese shall also maintain a library of educational, prevention, and informational materials that shall include: training materials and curricula; lists of support groups, programs, and agencies that work with abused minors; informational material about the use of mental health resources; and lists of mental health professionals with experience in treating victims of sexual abuse.

The procedures for reporting allegations of abuse will be readily available in printed form and will be the subject of periodic public announcements.

Archdiocesan Responsibilities

1) To protect and prevent

The Archdiocese of Dubuque will devote the necessary financial and human resources to implement this policy.

The Archdiocese shall establish the Review Board for the Protection of Minors, the Office for the Protection of Children, and the position of Victim Assistance Coordinator.

The Archdiocese will cooperate, as appropriate, with other churches, religious bodies, institutions of learning, and other interested organizations in promoting research in the area of sexual abuse of minors.

The Archdiocese will work with law enforcement and other community agencies to monitor the background of all pertinent personnel.

The Archdiocese will implement screening and evaluative processes in determining the fitness of potential employees and candidates for ordination, and develop systematic ongoing formation programs.

The Archdiocese will ensure that no priest or deacon who has committed even a single act of sexual abuse of a minor will be transferred or allowed to minister within the Archdiocese of Dubuque or from the Archdiocese of Dubuque to another diocese or religious province.

The Archdiocese will make an annual report to the public assessing the progress made in implementing this policy. This report will reflect a commitment to transparency and openness. Regular reports (at least annual) will also be made to the Review Board. These reports will include data for all activities as well as annual outcome assessment of activities.

The Archdiocese will be audited for compliance to the *Charter* by an independent contractor.

The Archdiocese will establish mechanisms for persons to contact the Archdiocese concerning allegations of sexual abuse, and for the purpose of obtaining information regarding this policy and its application.

2) To promote healing

The archbishop or his representative will offer to meet with victims and their families to listen to their experiences and concerns.

The Archdiocese shall assist in ensuring appropriate services (such as an independent medical examination, counseling, psychotherapy, spiritual assistance, support groups, and/or other social services) for victims and their families as agreed upon by the victim and the Archdiocese. At the request of the victim, the Archdiocese shall provide the opportunity for consultation through an independent medical or psychological examination to ensure appropriate services.

The Archdiocese shall hold offenders accountable for their actions and do all that is humanly possible to ensure that this offense is not repeated in the future.

3) To restore trust

The archbishop or his representative will extend pastoral outreach in parishes where sexual abuse occurred.

The Archdiocese will provide for support, counseling, spiritual direction, and consultation to clergy and other Church personnel who are helping parishioners manage the crisis of sexual abuse in the Church.

The Archdiocese will communicate with openness and respect.

The Archdiocese will not enter into confidentiality agreements for legal settlement unless requested by the victim and noted in the text of the agreement between the victim and the Archdiocese.

If the archbishop determines, with the help of the Review Board, that there is a semblance of truth to the allegation, that is, the accusation is not manifestly false or frivolous, the archbishop will initiate the preliminary investigation. Part of this investigation involves notifying the parishes where the alleged perpetrator was assigned while ministering in the Archdiocese.

The Archdiocese will provide the mechanisms for assessment of the immediate and ongoing needs of the affected parish, development of the response to those needs, and implementation of the response.

The Archdiocese will investigate and resolve allegations against priests or deacons in harmony with canon law.

The Archdiocese will work to restore the good name of someone who is falsely accused.

The Archdiocese will provide pastoral care and spiritual guidance for offenders.

Review Board Responsibilities

1) Membership

The Review Board will be comprised of no fewer than five and no more than twelve members. At least five of these members will be in full communion with the Catholic Church. The majority of the members will be laypersons who are not in the employ of the Archdiocese, as well as one priest, and one person with expertise in the treatment of sexual abuse of minors.

The members will be appointed for a term of five years, which can be renewed once. It is desirable that the DOPC and the Promoter of Justice participate in the meetings of the Review Board.

2) To victims, the accused, and parishes

The Review Board will advise the archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The findings of the Review Board may include:

- The best information available to the Review Board does not support a reasonable belief that the allegation is true.
- The best information available to the Review Board is not sufficient for the Board to form a reasonable belief as to whether the allegation is true or not.
- The best information available to the Review Board supports a reasonable belief that the allegation is true.
- The best information available to the Review Board supports a reasonable belief that an incident did occur, but it does not come under the definition of sexual abuse as defined in this policy.

The Review Board will review archdiocesan policy for dealing with sexual abuse of minors.

The Review Board will offer advice on all aspects of cases of sexual abuse of minors, whether retrospectively or prospectively.

The Review Board will monitor the policy for the Protection of Minors to assure adherence to the protective, preventive, and restorative tenets of this policy and to assure the dignity and rights of the involved parties.

Director of the Office for the Protection of Children Responsibilities

The DOPC shall assist the Review Board in the performance of its duties and carry out tasks designated by the Archdiocese associated with implementing this policy.

The DOPC shall be a lay person who maintains appropriate professional qualifications and has substantial experience in the fields of human services, social work, and mental health.

The DOPC is responsible to perform duties as designated by the Archdiocese, which include, but are not limited to:

- Oversight of the Victim Assistance Coordinator(s).
- Review of all actions taken in each case to ensure that this policy and associated procedures are followed.
- Referral of persons requesting mental health services for clinical consultation to obtain necessary recommendations.

Victim Assistance Coordinator Responsibilities

The Victim Assistance Coordinator (VAC) is responsible to receive reports of allegations of sexual abuse.

The VAC is responsible to the victims and their families to provide an immediate compassionate presence.

The VAC does not provide therapy, counseling, legal services, personal companionship, or spiritual direction.

Parish Responsibilities

Parishes are responsible to:

- Report abuse or suspected abuse.
- Avail themselves of the education offered by the Archdiocese.
- Provide compassionate and non-judgmental response to those who report abuse.
- Protect the rights of all involved parties.
- Pray for all victims and their families, the accused and their families, parishes, and the entire Church.
- Post contact information for the Victim Assistance Coordinator.

The Obligation to Report

Those who are employed by the Archdiocese of Dubuque and its entities, or who volunteer in activities these entities sponsor are obliged to follow Iowa law in reporting allegations of sexual abuse to civil authorities.

Employees and volunteers are also obliged to report to their supervisor any allegation of sexual abuse of a minor committed by a cleric, a non-clerical religious, or a lay person

during employment by or as a volunteer in the Archdiocese of Dubuque or its corporate entities.

The supervisor will report the allegation to the DOPC, documenting the allegation with the forms provided by that Office.

The DOPC will inform the Archbishop, Vicar General, Chair of the Archdiocesan Review Board, and the attorney for the Archdiocese of Dubuque, as well as the Superintendent of Catholic Schools when applicable.

An exception to the obligation to report an allegation of sexual abuse to civil authorities occurs when all of the following are present:

- I. An adult reports that he or she was sexually abused as a minor by Church personnel;
- II. The criminal statute of limitations has expired;
- III. The alleged victim requests that a report to civil authorities not be made; and
- IV. Within 30 days of the request, the alleged victim signs a document acknowledging that he or she has requested that the allegation of sexual abuse not be reported to civil authorities (Note: If the alleged perpetrator is living, a report will be made to civil authorities without regard to the wishes of the alleged victim).

A second exception exists for a priest who learns of the abuse from a penitent, and the priest is bound by the seal of confession. The priest should exhort the penitent to report the offense to civil authorities.

Aside from the above exceptions, a report must be made to civil authorities regardless of when the offense is alleged to have occurred and without regard to whether or not the statute of limitations has expired.

An alleged victim should always be advised of his or her right to report the offense to civil authorities. The alleged victim should be offered help in making the report.

Response to an Allegation against a non-cleric Religious or a Lay Person

Except for the two exceptions noted in the previous section, every allegation will be reported to the civil authorities. The Archdiocese will cooperate with the investigation by civil authorities.

Upon confirmation that criminal charges involving sexual abuse of a minor have been filed by civil authorities against any non-cleric religious or lay person, that person shall be relieved of any and all responsibilities, ministries, or position, volunteer or otherwise, pending the outcome of the criminal proceedings.

Response to an Allegation against a Priest or Deacon

When an allegation of sexual abuse of a minor is made against a priest or deacon the following response is followed:

Except for the two exceptions noted in the previous section, every allegation will be reported to the civil authorities. The Archdiocese will cooperate with the investigation by civil authorities.

The allegation is reported to the Archbishop, Vicar General, Chair of the Archdiocesan Review Board, and the attorney for the Archdiocese of Dubuque. If the accused is living, he should also be informed.

If the cleric is deceased, the following procedures are not applicable.

In the case of a priest or deacon who is still living, the archbishop determines, with the help of the Review Board, whether or not the accusation has the *semblance of truth*.

The USCCB explains “semblance of truth” to mean that the accusation is not manifestly false or frivolous.

If the accusation is determined to have the semblance of truth, then the archbishop initiates a preliminary investigation. If civil authorities are conducting an investigation of the accusation, the Archdiocese of Dubuque will defer the preliminary investigation to them.

The preliminary investigation determines whether or not there is *sufficient evidence* that the allegation of sexual abuse of a minor by a cleric likely did occur, and thus whether a penal process should be initiated.

“Sufficient evidence” is understood to mean probable cause, that is, there are reasonable grounds to believe that the incident more than likely did occur.

For the preliminary investigation, the archbishop appoints an independent investigator, who reports findings back to the archbishop. The Review Board is once again engaged to advise the archbishop.

During the preliminary investigation the accused is presumed innocent and continues exercising ministry (the archbishop may determine that it is advisable at this time to place restrictions on the cleric’s public exercise of ministry).

If there is sufficient evidence that an instance of sexual abuse of a minor by a priest or deacon likely did occur, then the following steps are taken:

- The accused is notified and is temporarily removed from ministry.
- The Congregation for the Doctrine of the Faith (CDF) is informed of the outcome of the preliminary investigation.
- A residence other than his assignment is imposed on the accused.
- The accused is prohibited to participate in a public celebration of Mass.
- The accused may be asked (but not coerced) to seek a medical and psychological evaluation (but not if this would in any way interfere with an investigation by civil authorities).
- The accused is encouraged to retain civil and canonical counsel.

The CDF can respond in a number of ways:

- Conclude that there is not sufficient evidence that the alleged abuse occurred, and so request more evidence in the case.
- Authorize the archbishop to hold a penal trial.
- Authorize the archbishop to carry out an administrative penal process.
- Conduct the trial itself, at the CDF, or elsewhere under its direction.

- Refer the matter to the Pope for the perpetrator's dismissal from the clerical state.

When even a single act of sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will apply:

- The offending priest or deacon will be removed permanently from ministry.
- The priest or deacon may request dispensation from the obligations of the clerical state. In exceptional cases, the archbishop may petition the Holy Father to dismiss the priest or deacon from the clerical state *ex officio* without the consent of the priest or deacon.
- If the penalty of dismissal from the clerical state has not been applied, the offender will lead a life of prayer and penance. He will not be permitted to celebrate Mass or administer the sacraments publicly, or to present himself publicly as a priest or deacon. He can be dispensed, and in certain cases he may be prohibited, from wearing clerical attire.

The archbishop must apply the *Charter* to himself and to any other bishops who are incardinated in or who reside in the Archdiocese of Dubuque, always respecting Church law as it applies to bishops.

If a bishop is accused of the sexual abuse of a minor, he is obliged to inform the Apostolic Nuncio of the accusation.

Any bishop is obliged to inform the Apostolic Nuncio, and to comply with applicable civil laws, when he becomes aware that another bishop has committed sexual abuse of a minor, or that an allegation has been made against another bishop, or that another bishop has failed to report to proper authorities an allegation of sexual abuse of a minor. The Apostolic Nuncio will take the lead in the application of the laws of the Church as they apply to bishops.

Conclusion

Please God, with these efforts, supported by God's grace, it is hoped that no minor or adult, male or female, will be or feel at risk of being victims of sexual abuse by clergy or Church employees and volunteers.

Any and all of the above-mentioned measures are not hoops to jump through in order to conform to the letter of the law. It is rather the best way to say to everyone that we are committed to do all that is humanly possible to protect people, promote healing, restore trust, and create a safe environment for involvement in Church activities.

Many people have already done so much to protect people, promote healing, and restore trust – they deserve our gratitude. There is still much to be done. All need to remain vigilant in this matter ... until Jesus comes again.