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Policies and Procedures for Response to Allegations of Sexual Abuse¹

General Statement of Guidelines

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The Diocese of Altoona-Johnstown will manage the issue of sexual abuse by clergy, staff, and volunteers in an open and straightforward manner. We must respond with compassion to those who have been harmed, take action to redress the wrongs, extend God's healing love to all those injured, and protect and promote the safety of children. We must strengthen the education program for all clergy and religious, staff, and volunteers on maintaining appropriate boundaries and on the issue of sexual abuse of children.

We must support clergy and religious, staff, and volunteers serving as ministers while maintaining the right of the people to a safe and secure environment in which to worship and pray together. Our actions must be grounded in a commitment to justice, accountability, and mercy.

We are committed to continuously review and refine policies and procedures. We will comply with all laws regarding the reporting of allegations of sexual abuse against children to the proper civil authorities for investigation. When civil authorities are involved with a criminal investigation, the diocese will defer to the civil/criminal process and use every available means to continue the investigation of allegations.

Section 1: Prevention, Education and Reporting

1.1 Educating priests, deacons, and religious.

The clergy and religious of the Diocese of Altoona-Johnstown shall attend scheduled training sessions that include the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of sexual abuse.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy or other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property or at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of sexual abuse, both canonical and civil.
- g. Types of disclosures and how to respond appropriately.
- h. Policies and procedures for responding to allegations of sexual abuse.

1.2 Educating staff and volunteers.

Each staff member and every volunteer who works with or has regular contact with children and young people shall be required to attend scheduled training sessions that include, but are not limited to, the following subjects:

- a. Appropriate boundaries in ministry.

¹For purposes of this document, "sexual abuse" is defined as: Any sexual activity with a child—whether in the home by a caretaker, in a daycare situation, a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim.

- b. Nature of the problem of sexual abuse with children.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy or other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property or at Church-sponsored events and activities.
- f. Reporting allegations of sexual abuse, both civil and canonical.
- g. Types of disclosures and how to respond appropriately.
- h. Policies and procedures for responding to allegations of sexual abuse.

Deadline for completing training:

- a. Before assuming duties: New staff and volunteers who will work with or have direct contact with children.
- b. Within 30 days of assuming duties: Staff and volunteers who do not work directly with or have regular contact with children and youth.

Availability of training:

Training shall be available at both the local and diocesan level. New staff and volunteers may:

- a. Attend a regularly scheduled training session in the parish or other diocesan location conducted by an authorized facilitator.
- b. Complete training through online, web-based training courses.
- c. Arrange for individual training if no training is available.

Section 2: Civil and Canonical Responsibilities (reporting and investigation)

- 2.1 State laws mandate that certain persons report suspected incidents of child sexual abuse to civil authorities. All clergy, staff, and volunteers, even those not mandated by state law, must report suspicion, knowledge or belief that a child is the victim of abuse to Pennsylvania Department of Public Welfare or Childline.
- 2.2 Clergy, staff, volunteers, or other agents of the Church or religious institution must report suspected abuse if he or she:
 - a. Has actual knowledge that a child is the victim of abuse.
 - b. Has reasonable cause to suspect that a child has been sexually abused.

The only exception to this policy is disclosures made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

“Reasonable cause” means a reason that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations that a child has been or is being abused.

- 2.3 The Code of Canon Law governs the relationship between the cleric and the Church. Careful adherence to canon law is the Church’s access to permanently removing offending clergy from ministry. The diocese will follow canon law when making decisions about the accused’s ministry and during all investigations of allegations against clergy.
- 2.4 The diocese will strictly adhere to all procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse by clergy.

- 2.5 Upon receipt of a complaint of child sexual abuse by clergy, staff, or volunteers, the diocese will refer the matter to civil authorities and begin an internal investigation according to established procedures and, if the accused is clergy, in accordance with canon law. When civil authorities are conducting a criminal investigation, the diocese will defer to that investigative process.
- 2.6 The diocese shall retain all records and other materials related to the matter that may be considered evidence. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct.

Files maintained on the case are confidential and may contain both privileged and non-privileged information. "Privileged" documents include records protected from disclosure by state or federal statute such as medical records, citizenship status, etc. Access to privileged documents is limited to the diocesan counsel, other necessary diocesan or organizational personnel, and those authorized through appropriate Court Order.

Section 3: Administrative Guidelines for Dealing With a Complaint

These policies are administrative, not penal, in nature and take into account the rights and duties imposed by civil and canon law. These guidelines are not intended to create any rights in any person, to obligate the diocese to take action, or to establish any responsibility of the diocese.

The diocesan response to complaints and allegations is multi-faceted and includes:

- a. The pastoral care of the victim.
- b. The well-being of the community.
- c. A thorough, fair, and objective investigation.
- d. The assessment and treatment of the offender.

All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice.

3.1 Separate guidelines shall be established for handling:

- a. Allegations of current, ongoing abuse.
- b. Allegations of past abuse.
- c. Allegations of past abuse with concerns about present risks.
- d. Allegations of abuse in another diocese, a religious community/institute, or a Church-related organization.
- e. False allegations.
- f. Unsubstantiated or unverifiable allegations.
- g. Allegations against a member of a religious community/institute that is providing services in the Diocese of Altoona-Johnstown
- h. The diocese shall maintain a list of available resources for victims, faith communities, and those accused of abuse. Those resources shall include the following disciplines:
 - a. Pastoral counseling
 - b. Law
 - c. Psychological counseling
 - d. Sociology
 - e. Medicine
 - f. Victim support groups
 - g. Treatment facilities

3.2 The diocese shall maintain records of all complaints against clergy, staff, or volunteers, including anonymous complaints. However, in the absence of accompanying verifiable facts, anonymous complaints may not be investigated. The accused shall be informed of anonymous complaints.

- 3.3 The Diocesan Bishop shall establish an independent review board, made up primarily of lay people, to examine and make recommendations regarding:
- a. Reports of child abuse.
 - b. Actions taken in response to reports.
 - c. The effectiveness of existing policies.

The board shall also make recommendations to the Diocesan Bishop regarding:

- a. Revisions to policies and procedures.
 - b. Monitoring aftercare for offending clergy.
- 3.4 Actions taken by the diocese when an allegation is made are not an expression of judgment concerning the validity of the complaint or the veracity of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.
- 3.5 Any person may secure legal representation to pursue claims. However, it is not necessary to retain an attorney or file a lawsuit to resolve a complaint with the Diocese of Altoona-Johnstown.
- 3.6 Retaliation or discrimination against a person who complains or who reports sexual abuse is strictly prohibited and will not be tolerated.
- 3.7 Individual circumstances may prescribe a course of action at variance with these guidelines. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these guidelines.

Section 4: Services to Victims

- 4.1 The Diocese of Altoona-Johnstown offers pastoral, psychological, and spiritual support to victims, their families, and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication that the diocese is legally responsible for the actions of the accused clergy, staff, or volunteer.
- 4.2 The diocese will designate a competent victim's advocate to organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to have been sexually abused when they were minors by priest or deacons.
- 4.3 The diocese will:
- a. Be respectful of all persons bringing a complaint.
 - b. Provide an advocate/advisor upon request.
 - c. Help victims obtain counseling support.
 - d. Provide information about support groups.
 - e. Help victims and families obtain spiritual direction.
 - f. Help bring concerns to the proper Church officials outside the diocese when indicated.
 - g. Provide printed material that outlines the services available, procedures for making a complaint, appellate procedures, and civil reporting requirements.
 - h. Make periodic public announcements about the services available and the procedures for making a complaint.
- 4.4 The Diocese of Altoona-Johnstown will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint except at the specific request of the complainant for substantial reasons. The text of the agreement shall contain the reasons for the confidentiality agreement.
- 4.5 While reconciliation remains desirable as a part of the healing process for victims, the diocese will not attempt to force a reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by diocesan staff or agents will be considered a violation of these policies.

- 4.6 Families and significant others require the same consideration, compassion, and sensitivity as that for the victim in the healing process.
- 4.7 Parishes and religious communities/institutes are also victims of child sexual abuse by clergy or other Church personnel. The Church is guided by the following principles in its response to affected communities:
- a. Faith communities, organizations, and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader.
 - b. A critical element in healing is providing accurate information regarding the facts of the allegations and investigations.
 - c. Communication may be limited by the concern for privacy of the victim and the victim's family and the need to protect the rights of the accused, particularly when criminal charges are pending. Communication is also limited once the Diocesan Bishop notifies the Congregation for the Doctrine of the Faith of an allegation. Pontifical Secrecy is imposed and excommunication may result from violation.
 - d. The healing of a parish, organization, or religious community/institute is a multidisciplinary challenge requiring expertise from a variety of experts.
 - e. An official voice of the Church and/or the particular religious community/institute, or organization must meet with the community.

Section 5: The Accused

- 5.1 In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the diocese from taking immediate, prudent action to protect the community in response to complaints and before an investigation is complete.
- 5.2 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.
- 5.3 When an allegation of child sexual abuse is made against a priest or permanent deacon, the Church will initiate a prompt, objective, preliminary investigation. During the investigation, the Church will take all appropriate steps to protect the reputation of the accused. When there is sufficient evidence that child sexual abuse has occurred, the Church will take appropriate measures to remove the cleric from ministry and place him on administrative leave. The Church will also notify the Congregation for the Doctrine of the Faith.
- 5.4 Administrative leave will be planned and imposed consistent with the provisions of Canon 1722. The length of time for leave will be specified along with living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable. At the end of the imposed time limit, the need for and terms of administrative leave will be reevaluated pursuant to canon law.
- 5.5 The Vicar General for Pastoral Life and Ministry will support and assist any priest on administrative leave to find housing and other pastoral support.
- 5.6 Accused clergy will be advised to retain civil and canonical counsel. When necessary, the diocese must provide canonical counsel to the accused.
- 5.7 Non-clergy, staff, and volunteers will be placed on administrative leave during an investigation of credible complaints. The length of time for imposed administrative leave will be specified and, upon expiration, will be reevaluated. If the allegation is found to be valid, their employment shall be terminated.
- 5.8 Pastoral and psychological support is essential to the support of any staff member or clergy accused of sexual abuse.

- a. The Diocesan Bishop may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused clergy chooses not to cooperate, the Diocesan Bishop will be notified of the lack of cooperation. The Diocesan Bishop or his designee shall make all decisions regarding the non-cooperating accused's ministry and ministerial status without his input.
 - b. Non-clergy staff and volunteers accused of sexual abuse are required to participate in pastoral and psychological counseling as a condition of further employment or volunteer activities regardless of the outcome of the investigation.
- 5.9 The diocese recognizes that if a permanent deacon is accused of sexual misconduct, his family will face enormous strain. The diocese is committed to the emotional, psychosocial, and spiritual support of the deacon's spouse, children, and other family members.
- 5.10 When allegations are substantiated, the diocese may seek restitution from the offender for the services provided to persons harmed by sexual abuse by clergy or other Church personnel. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the diocese, including but not limited to attorney fees, court costs, and judgments.

Section 6: Legal Representation

- 6.1 The Diocese of Altoona-Johnstown will provide information to accused clergy and other church personnel regarding their civil and canonical rights and obligations. The accused is advised to retain civil and canonical counsel if needed.
- 6.2 The diocese has a right to take action against guilty parties to recover judgments and/or legal expenses it incurs as a result of child sexual abuse by clergy, religious, staff, and/or volunteers.

Section 7: Reassignment of Clergy and Religious, Lay Employees or Volunteers

No priest, permanent deacon, religious, lay employee or volunteer who engages in sexual activities with a minor shall be allowed to return to any ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY.

- 7.1 The Diocesan Bishop shall establish a review board to assist with assessing allegations and determining the fitness for ministry of clergy and religious suspended from ministry during an investigation of accusations of sexual abuse. The board shall:
- a. Report directly to the Diocesan Bishop or his designee.
 - b. Establish its own rules and procedures for operation.
 - c. Have access to all information in the possession of the diocese provided that all necessary releases have been secured.
 - d. Retrospectively and prospectively review allegations and advise the Diocesan Bishop as to the credibility of complaints of child sexual abuse. The board shall communicate its assessment to the victim and the accused.
 - e. Review investigation reports and make recommendations to leadership regarding actions necessary to resolve complaints.
 - f. Review and make recommendations regarding the continuation of the cleric in pastoral ministry, counseling, or aftercare.
 - g. Review and make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to false, unsubstantiated, or unverifiable accusations of misconduct.
 - h. At least every two years, review and recommend changes to current diocesan policies regarding the response to allegations of sexual abuse and the assignment of clergy.

All information gained by the review board shall be considered confidential and may only be disclosed, under certain circumstances, to the parties involved, the Diocesan Bishop and as required by civil and/or canon law.

- 7.2 When allegations are unsubstantiated, or unverifiable, the Diocesan Bishop, in consultation with the review board, will consider the following factors in making decisions about ministry reassignment:
- a. The completed investigation report.
 - b. The assessment of the review board.
 - c. The outcome of proceedings in a civil or criminal court case.
 - d. The judgment, recommendation, and advice of professional therapists.
 - e. The well-being of the faith community and all those ministered to by the Church or religious community/institute.
 - f. The concerns of complainants and their families.
 - g. The ability of the Church or religious community/institute to assure the safety of the community or organization to be served.
 - h. The ability of the clergy to provide effective ministry in light of the circumstances.
 - i. The best interests of the Diocese of Altoona-Johnstown and its people.
 - j. The stewardship of the Diocese of Altoona-Johnstown financial resources.
- 7.3 When the review board recommends that an allegation regarding a cleric is credible, it may make recommendations to the bishop regarding the accused's continued ecclesiastical ministry. According to the motu proprio of John Paul II, the final disposition of all allegations of all sexual misconduct cases of clerics with minors are reserved to jurisdiction of the Congregation for the Doctrine of the Faith. Once an allegation is investigated by the Bishop, the matter must be referred to them. They determine whether a trial or dismissal is to take place.
- 7.4 No religious or non-incardinated priest or permanent deacon known to have sexually abused a minor will be accepted for ministry in the Diocese of Altoona-Johnstown. Furthermore, before any priest or permanent deacon transfers to or takes up residence in another diocese for any purpose, his ordinary/hierarchy shall forward an accurate and complete description of the clergy's record to the ordinary/hierarchy in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.
- 7.5 The diocese shall seek advice from the appellate review board as needed. The diocese shall advise the alleged victim and the accused of the availability of the appellate process and the procedures for initiating the process. Any bishop, alleged victim, or accused may request the appellate review board's advice within 15 days of the alleged victim or the accused receiving notification of the review board's assessment of the complaint. The appellate review board will communicate its advice within sixty (60) days of receipt of the request.

Section 8: False Accusations

When allegations are false, the diocese will work closely with the accused and the faith community to restore trust and recreate the pastoral and ministerial relationships. Particular attention will be given to the thoughts, feelings, fears, and concerns of the accused. The diocese will provide a supportive environment and counseling or therapy to the accused to help mitigate the effects of the false accusation. The diocese, through the review board, will work with the falsely accused person to protect or, if necessary, restore his or her good name and reputation and create a workable plan for the future. The diocese will inform the faith community of the results of the investigation.

- 8.1 The diocese recognizes that the trauma of being falsely accused can do irreparable harm to the accused's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result of a false accusation. Therefore, when making decisions about the

reassignment of clergy who are the subject of false allegations, the Diocesan Bishop will consider the following factors:

- a. The completed investigation report.
 - b. The recommendation of the review board.
 - c. The spiritual, emotional, and psychological well-being of the accused.
 - d. The judgment, recommendation, and advice of trained mental health professionals.
 - e. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
 - f. The ability of the cleric to provide effective ministry in light of the circumstances.
 - g. The best interests of the Diocese of Altoona-Johnstown and all its people.
- 8.2 The Vicar General responsible for staff or volunteers who are falsely accused of child sexual abuse shall provide continuing moral support to the individuals as they return to work or volunteer services. The diocese will provide necessary mental health services to assist falsely accused individuals to overcome the consequences of the accusations and to become restored to power and effectiveness in their job duties and volunteer services.

Section 9: Screening and Selection—Clergy, Staff and Volunteers

- 9.1 All applicants to the priesthood and/or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness to the ministry and their fitness to work with minors.
- 9.2 All priests and permanent deacons seeking incardination, priests or religious seeking ministry or residency in the diocese must demonstrate their fitness to work with minors.
- a. Superiors of religious congregations proposing names of individuals for ministry or residency in a Church institution are required to state in writing that there is nothing in the person's history or behavior that would make him or her unsuitable to work with minors.
 - b. Pastors, associate pastors, administrators, or directors of Church institutions may not grant permission for full-time, part-time, or regular weekend ministry to an external priest or permanent deacon without prior written approval of the bishop or his designee.
- 9.3 All staff and all volunteers who work with or have regular contact with children shall be screened for their fitness to work with minors. The diocese shall screen potential staff and shall conduct background checks of potential staff prior to extending an offer of employment. Applicants who refuse to grant permission for the background checks and other screening will not be considered for any staff position in Diocese of Altoona-Johnstown.
- 9.4 The basic screening program for all staff and volunteers shall include:
- a. A completed employment/volunteer application (*no missing relevant information*).
 - b. A completed screening information form for State Police and Childline clearances.
 - c. A personal interview with the applicant.
 - d. Reference checks.
- 9.5 No individual who has sexually abused a minor will be employed or engaged as a volunteer for the Diocese of Altoona-Johnstown. The Diocese of Altoona-Johnstown will immediately terminate any staff member or volunteer if it discovers evidence of previous child sexual abuse by the person.
- 9.6 The Diocese of Altoona-Johnstown has adopted a code of conduct for clergy, staff, and volunteers. The *Code of Conduct* establishes guidelines for appropriate interactions between Church personnel and those that they serve and will establish disciplinary consequences for violations of the *Code of Conduct*.

Section 10: Media

- 10.1 The Secretary for Communications is the designated spokesperson for Diocese of Altoona-Johnstown. The spokesperson is responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse.
- 10.2 All complaints to the Diocese of Altoona-Johnstown are treated as confidential. The Diocese of Altoona-Johnstown shall neither confirm nor deny:
 - a. That a complaint has been made.
 - b. The identity of any person reporting incidents, concerns, or allegations.
 - c. The identity of any person against whom a complaint is pending (until such time as the allegation becomes public record as a result of charges being filed or the matter is general public knowledge).

Section 11: Insurance

- 11.1 Diocesan insurance covers individuals acting within the scope of their ministry or employment within the Church.
- 11.2 Diocesan insurers shall be notified of incidents, concerns, or allegations in accordance with the terms of applicable insurance contracts.
- 11.3 The Diocesan Bishop designates who shall notify the diocesan attorney and insurance carrier.

Section 12: Conclusion

- 12.1 These policies will be reviewed and revised at least every three (3) years by a team of experts which may include a lawyer, a canon lawyer, a psychiatrist, a social worker or psychologist, a victim or member of a victim's family, a clergy member, and a representative of the Diocesan Bishop
- 12.2 Recommendations for revisions shall be presented to the Diocesan Bishop.

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