



## **DIOCESE OF ALLENTOWN**

**POLICY REGARDING ALLEGED SEXUAL ABUSE OF MINORS  
BY DIOCESAN CLERGY,  
LAY EMPLOYEES OF THE DIOCESE,  
LAY EMPLOYEES OF PARISHES,  
LAY VOLUNTEERS OF THE DIOCESE AND  
LAY VOLUNTEERS OF PARISHES**

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(Revised 29 November 2012)**

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## **SECTION I**

### **INTRODUCTION**

This policy of the Diocese of Allentown focuses specifically on sexual abuse of minors (persons under 18 years of age) by diocesan clergy, lay employees of the Diocese, lay employees of Parishes, lay volunteers of the Diocese and lay volunteers of Parishes. The Diocese considers any allegation of sexual abuse or exploitation of a minor<sup>1</sup> by a cleric or a layperson an extremely serious matter. The purpose of this policy is to respond to such allegations in a way that is effective in its application and fully compliant with applicable law.

This policy applies to all priests and deacons incardinated in the Diocese of Allentown, to all lay employees of the Diocese, to all lay employees of Parishes (who are not diocesan employees), to all lay volunteers of the Diocese and to all lay volunteers of Parishes. Religious clerics and extern clerics employed by institutions within the Diocese are subject to the direction, authority and supervision of the superiors of their respective religious order, or Bishop of their respective diocese and not the Diocese of Allentown. The Diocese will cooperate with those religious superiors and bishops and the appropriate governmental authorities to address particular situations.

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<sup>1</sup>The term “Sexual abuse or exploitation” is defined as follows: “The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.” (See Pennsylvania Child Protection Services Act, at 23 Pa. C.S.A. §6303)

## **SECTION II**

### **POLICY REGARDING DIOCESAN CLERICS**

#### **INITIAL RESPONSE TO ALLEGATIONS**

When an allegation is made regarding sexual abuse or exploitation of a minor by a cleric, the person reporting the allegation (which is understood to include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. A copy of this policy should be made available to the person reporting the allegation. The person reporting the complaint is to be referred immediately to the Diocese's Victim Assistance Coordinator and the diocesan procedures set forth herein will be initiated. The appropriate diocesan representative, as determined below, will make any report required by law to the appropriate governmental authorities.

The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the immediate pastoral care of any person who claims to have been sexually abused as a minor by priests or deacons of the Diocese.

The Victim Assistance Coordinator will maintain contact with any person reporting the complaint (and/or family) to provide updates of actions taken by the Diocese and provide outreach to assist in the healing process through the Catholic Charities. When deemed appropriate, the Victim Assistance Coordinator may offer outreach assistance with the services of a Diocesan recommended qualified psychologist, psychiatrist or counselor.

The Secretary for Clergy will:

- Inform the Diocesan Bishop of the allegation.
- Cooperate with governmental authorities to report the allegation as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Secretary for Clergy will advise and support a person's right to make a report to governmental authorities.

- Make himself available to those closest to the cleric's official assignment, as needed and where appropriate, to help initiate a healing process for the benefit of those effected by the allegations.

### **PRELIMINARY INVESTIGATION PHASE**

This procedure will be in full accord with the *Essential Norms* implementing the *Charter for the Protection of Children and Young People* promulgated December 12, 2002 and revised on 15 May 2006.

If an allegation is made against a cleric of the Diocese of Allentown, the Secretary for Clergy shall work with an independent private investigator, employed by the Diocese, to investigate the allegations. The investigation shall include interviews of the persons involved, including the accused, the accuser, and family, but shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. The accuser and the accused are to be advised of their right to civil and canonical legal counsel, at their own expense. Others who may have some knowledge of the particular situation may be interviewed as advisable. The accusation being brought forward should be made under oath, be in writing, be signed by the accuser, and be notarized. The delegates will exercise discretion and pastoral care in recommending immediate, necessary action to be taken including, where the allegation is deemed credible, immediate administrative leave. They are also to make a recommendation as to the need for further investigation.

During the investigation, the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. Care must be taken lest anyone's good name be endangered by this investigation. The accused cleric's other canonical and legal rights must be respected. The accuser's legal rights are also to be respected.

The delegates will complete the investigation expeditiously. They are to prepare a written report of their findings and recommendations for the Bishop. In preparing this report, the delegates should consult as needed with appropriate professionals for guidance and insight; however, they must respect legitimate rights to confidentiality.

The Secretary for Clergy is to keep the Victim Assistance Coordinator informed of the progress of the investigation and of the nature of the

recommendation that has been made to the Bishop. The Victim Assistance Coordinator is to relay the information to the person reporting the accusation as part of the Diocese's outreach.

The findings and recommendations of the delegates as reported to the Diocesan Bishop are submitted to the Diocesan Review Board, an advisory body to the Bishop.

The Diocesan Review Board advises the Bishop as to:

1. whether the findings which are gathered are sufficient to support the probable nature of the allegation, and
2. the cleric's suitability for ministry.

After the Review Board has presented its confidential advice to the Diocesan Bishop, he then brings the Preliminary Investigation to a close.

The Diocesan Bishop reserves the right to refer other cases to the Review Board involving clerics, regardless of the age of the alleged victim of abuse.

### **ACTION PHASE**

Once the Preliminary Investigation Phase has been concluded, the Diocesan Bishop must himself determine whether the allegation that has been investigated is probable. If so, he is then obligated by Article 13 of *Sacramentorum sanctitatis tutela* to transmit this matter to the Congregation for the Doctrine of the Faith which will advise the Diocesan Bishop how to proceed.

If the proofs gathered are sufficient in the estimation of the Diocesan Bishop, the following actions are to be undertaken:

1. The accused cleric is to be "promptly notified of the results of the investigation." (*Essential Norms* no. 6);
2. The Diocesan Bishop will then apply the precautionary measures mentioned in Canon 1722 of the *Code of Canon Law*. Canon 1722 calls for the withdrawal of the accused from

exercising sacred ministry or from ecclesiastical office or function, imposition or prohibition of residence in a given place or territory, and the prohibition from public participation in the Most Holy Eucharist pending the outcome of the process;

3. The Diocesan Bishop will then transmit the acts of the Preliminary Investigation with his *votum* to the Congregation for the Doctrine of the Faith.

If after the Preliminary Investigation Phase, or after recommendation by the Review Board the Bishop determines that there is no probable cause to believe that the cleric has engaged in sexual abuse or exploitation of a minor and that the claim is not a valid one, the Bishop may terminate the process. The acts of the Preliminary Investigation and the *votum* of the Diocesan Bishop explaining the insufficiency or doubtful nature of the proofs are transmitted to the Congregation for the Doctrine of the Faith (*Essential Norms* no. 8A) If deemed necessary, appropriate administrative actions can be taken. (*Essential Norms* no. 9) The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

If the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law.

If after the inquiry, investigation, or recommendation by the Review Board the Bishop determines that a claim of sexual misconduct against a cleric is unfounded, but it is determined that the cleric has acted imprudently, the Bishop may specify that the activities of the accused be restricted and that he be supervised, monitored and/or counseled. (cfr. *Essential Norms* no. 9) The Bishop makes all final decisions regarding the cleric, and recognizes that the accused's canonical and legal rights are to be protected. The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

If, at any time, a cleric admits to the Secretary for Clergy or the delegates that he engaged in sexual abuse or exploitation of a minor:

1. The cleric will be removed from his assignment and will not receive an assignment in the Diocese of Allentown. Dismissal from the clerical state is not excluded if the case so warrants.
2. The cleric is subject to all aspects of the civil, criminal and canon law that apply. The cleric will be provided with appropriate spiritual guidance, as well as psychological evaluation and treatment.
3. The Diocese will offer to the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a Diocesan recommended qualified psychologist, psychiatrist or counselor.
4. The accuser will be notified of the results of the Diocesan investigation.

Regardless of the outcome of the Diocesan investigation, and any action taken by the Diocese as a result thereof, full ongoing cooperation will be provided to any investigation being conducted by governmental authorities.

The file of the investigation will be kept in the Archives of the Diocesan Curia according to the norms of Canon Law.



## **SECTION III**

### **POLICY REGARDING LAY DIOCESAN EMPLOYEES**

#### **INITIAL RESPONSE TO ALLEGATIONS**

When an allegation is made regarding the sexual abuse or exploitation of a minor by a lay Diocesan employee, the person reporting the allegation (which is understood to include a parent or guardian in the case of a minor) is to be informed that the Diocese has a policy and procedures to be followed. A copy of this policy should be made available to the person reporting the allegation. The person reporting the complaint is to be referred immediately to the Diocese's Victim Assistance Coordinator and the Diocesan procedure set forth herein will be initiated.

The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the immediate pastoral care of any person who claims to have been sexually abused when they were minors by lay employees of the Diocese.

The Victim Assistance Coordinator will maintain contact with the person reporting the complaint (and/or family) to provide updates of actions taken by the Diocese and provide outreach to assist in their healing process through the Catholic Charities. When deemed appropriate, the Victim Assistance Coordinator may offer outreach assistance with the services of a Diocesan recommended qualified psychologist, psychiatrist or counselor.

The Secretary of the Diocesan Secretariat to whom the accused reports, in cooperation with the Diocesan Office of Human Resources will:

- Inform the Vicar General of the allegation. The Vicar General will then immediately inform the Diocesan Bishop.
- Cooperate with governmental authorities to report the allegation as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Victim Assistance Coordinator will advise and support a person's right to make a report to governmental authorities.

- Make himself/herself available to those closest to the accused's employment, as needed and where appropriate, to help initiate a healing process for the benefit of those effected by the allegations.

## **INVESTIGATION PHASE**

The Secretary of the Diocesan Secretariat to whom the accused person reports, in cooperation with the Diocesan Office of Human Resources, is to review the allegations and exercise discretion in recommending necessary action to be taken including, where the allegation is deemed credible, immediate administrative leave. They are also to make a recommendation as to the need for further investigation. These recommendations shall be made expeditiously in writing.

If it is determined that further investigation is called for, the Secretary of the Diocesan Secretariat to whom the accused reports, in cooperation with the Office of Human Resources will organize the investigation as the particular circumstances demand. The investigation shall include interviews of the persons involved, including the accused, the accuser and family, but shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. The accuser and the accused are to be advised of their right to legal counsel, at their own expense. It is advisable to interview others who may have some knowledge of the particular situation. The accuser should be requested to present the accusation in writing, signed by the accuser.

Care must be taken lest anyone's good name be endangered by this investigation and care must also be taken not to interfere with and to allow a full and complete investigation by governmental authorities. The accused's legal rights must be respected. The accuser's legal rights are also to be respected.

The Secretary will complete the investigation expeditiously. He/she is to prepare a written report of the findings and recommendations for the Bishop. In preparing this report, the Secretary should consult as needed with appropriate professionals for guidance and insight; however, he/she must respect legitimate rights to confidentiality.

The Secretary is to keep the Victim Assistance Coordinator informed of the progress of the investigation and of the nature of the recommendation that has been made to the Bishop. The Victim Assistance Coordinator is also to relay the information to the person reporting the accusation.

### **ACTION PHASE**

If after the investigation, the Bishop determines that there is no probable cause to believe that the employee has engaged in sexual abuse or exploitation of a minor and that the claim is not a valid one, the Bishop may terminate the process. However, if the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

If after the investigation, the Bishop determines that a claim of sexual abuse or exploitation of a minor against an employee is unfounded, but it is determined that the employee has acted imprudently, the Bishop may specify that the activities of the accused be restricted and he/she be supervised, monitored and/or counseled. The Bishop makes all final decisions regarding the employee and recognizes that the accused's legal rights are to be protected. The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

A lay employee of the Diocese who admits that he or she engaged in sexual abuse or exploitation of a minor or who is determined after an investigation to have engaged in such conduct is subject to disciplinary action up to and including termination of employment, and will be subject to all aspects of civil and criminal law.

If after the investigation, the employee has not admitted guilt, but the Bishop determines the facts indicate that the employee has participated in the sexual abuse or exploitation of a minor, the employee is subject to disciplinary action up to and including termination of employment, and will be subject to all aspects of civil and criminal law.

1. The Diocese will offer the victim pastoral support, and when deemed appropriate, assistance with the services of a Diocesan recommended qualified psychologist, psychiatrist or counselor.

2. The accuser will be notified of the results of the Diocesan investigation.

Regardless of the outcome of the Diocesan investigation and any action taken by the Diocese as a result thereof, full ongoing cooperation will be provided to any investigation being conducted by governmental authorities.

The Diocesan Office of Human Resources shall be consulted for input concerning the case if termination of a lay employee of the Diocese is under consideration.

The lay employee's file will be kept in the Office of Human Resources.

## **SECTION IV**

### **POLICY REGARDING LAY PARISH EMPLOYEES**

#### **INITIAL RESPONSE TO ALLEGATIONS**

When an allegation is made regarding the sexual abuse or exploitation of a minor by a lay parish employee, the person reporting the allegation (which is understood to include a parent or guardian in the case of the minor) is to be informed that the Diocese has a policy and procedures to be followed. The allegation is to be reported immediately to the Vicar Forane by the Pastor of the Parish. Should the report be made to the Parochial Vicar or a lay parish employee, he/she must immediately inform the Pastor, who will contact the Vicar Forane. The Vicar Forane will immediately notify the Chancellor of the Diocese. A copy of this policy should be made available to the person reporting the allegation. The person reporting the complaint is to be referred immediately to the Diocese's Victim Assistance Coordinator and the Diocesan procedure set forth herein will be initiated.

The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the immediate pastoral care of any person who claims to have been sexually abused when they were minors by lay parish employees.

The Victim Assistance Coordinator will maintain outreach contact with the person reporting the complaint (and/or family) to provide updates of actions taken by the Parish and/or the Diocese and provide outreach to assist in the healing process through the Catholic Charities. When deemed appropriate, the Victim Assistance Coordinator may offer outreach assistance with the services of a Diocesan recommended qualified psychologist, psychiatrist or counselor.

The Chancellor will:

- Inform the Vicar General of the allegation. The Vicar General will then immediately inform the Diocesan Bishop.
- Cooperate with governmental authorities to ensure that the Parish reports the allegation as the law requires, and to continue

cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Victim Assistance Coordinator will advise and support a person's right to make a report to governmental authorities.

- Make himself/herself available to those closest to the accused's parish employment as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

### **INVESTIGATION PHASE**

The Chancellor, in cooperation with the Pastor of the Parish, is to review the allegations and exercise discretion in recommending necessary parish action to be taken including, where the allegation is deemed credible, a recommendation for immediate administrative leave from parish employment. He is also to make a recommendation as to the need for further investigation. These recommendations shall be made expeditiously in writing.

If it is determined that further investigation is called for, the Chancellor, in cooperation with the Pastor of the Parish, will organize the investigation as the particular circumstances demand. The investigation shall include interviews of the persons involved, including the accused, the accuser and family, but shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. The accuser and the accused are to be advised of their right to legal counsel, at their own expense. It is advisable to interview others who may have some knowledge of the particular situation. The accuser should be requested to present the accusation in writing, signed by the accuser.

Care must be taken lest anyone's good name be endangered by this investigation and care must also be taken not to interfere with and to allow a full and complete investigation by governmental authorities. The accused's legal rights must be respected. The accuser's legal rights are also to be respected. The Parish's legal rights are to be respected, since the accused is an employee of the Parish, and not an employee of the Diocese.

The Chancellor will complete the investigation expeditiously. He is to prepare a written report of the findings and recommendations for the Bishop.

In preparing this report, the Chancellor should consult as needed with appropriate professionals for guidance and insight; however, he must respect legitimate rights to confidentiality.

The Chancellor is to keep the Victim Assistance Coordinator informed of the progress of the investigation and of the nature of the recommendation that has been made to the Bishop. The Victim Assistance Coordinator is also to relay the information to the person reporting the accusation.

### **ACTION PHASE**

If after the investigation, the Bishop determines that there is no probable cause to believe that the lay parish employee has engaged in sexual abuse or exploitation of a minor and that the claim is not a valid one, the Bishop may recommend to the Pastor of the Parish to terminate the process. However, if the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

If after the investigation, the Bishop determines that a claim of sexual abuse or exploitation of a minor against a lay parish employee is unfounded, but it is determined that the lay parish employee has acted imprudently, the Bishop may recommend to the Pastor of the Parish that the activities of the accused be restricted and he/she be supervised, monitored and/or counseled. The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

A lay parish employee who admits that he or she engaged in sexual abuse or exploitation of a minor or who is determined after an investigation to have engaged in such conduct is subject to disciplinary action by the Parish up to and including termination of employment by the Parish, and will be subject to all aspects of civil and criminal law.

If after the investigation, the employee has not admitted guilt, but the Bishop determines the facts indicate that the employee has participated in the sexual abuse or exploitation of a minor, the employee is subject to parish disciplinary action up to and including termination of employment, and will be subject to all aspects of civil and criminal law.

1. The Diocese will offer the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor.
2. The accuser will be notified of the results of the Diocesan investigation.

Regardless of the outcome of the Diocesan investigation and any action taken by the Parish as a result thereof, full ongoing cooperation will be provided to any investigation being conducted by governmental authorities.

The Diocesan Office of Human Resources shall be consulted for input concerning the case if termination of a lay employee of the Diocese is under consideration.

The lay parish employee's file will be kept in the office of the Parish, and a copy will thereafter be kept in the Diocesan Office of Human Resources.



## **SECTION V**

### **POLICY REGARDING LAY DIOCESAN VOLUNTEERS**

#### **INITIAL RESPONSE TO ALLEGATIONS**

When an allegation is made regarding the sexual abuse or exploitation of a minor by a lay diocesan volunteer, the person reporting the allegation (which is understood to include a parent or guardian in the case of the minor) is to be informed that the Diocese has a policy and procedures to be followed. The allegation is to be reported immediately to the Secretary of the Diocesan Secretariat where the accused serves as a volunteer. A copy of this policy should be made available to the person reporting the allegation. The person reporting the complaint is to be referred immediately to the Diocese's Victim Assistance Coordinator and the Diocesan procedure set forth herein will be initiated.

The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the immediate pastoral care of any persons who claim to have been sexually abused when they were minors by lay diocesan volunteers.

The Victim Assistance Coordinator will maintain outreach contact with the person reporting the complaint (and/or family) to provide updates of actions taken by the Diocese and provide outreach to assist in the healing process through the Catholic Charities. When deemed appropriate, the Victim Assistance Coordinator may offer outreach assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor.

The Secretary of the Diocesan Secretariat where the accused serves as a volunteer will:

- Inform the Vicar General of the allegation. The Vicar General will then immediately inform the Diocesan Bishop.
- Cooperate with governmental authorities to report the allegation as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child

Protective Services Act. In every instance the Victim Assistance Coordinator will advise and support a person's right to make a report to governmental authorities.

- Make himself/herself available to those closest to the accused's volunteer activities as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

### **INVESTIGATION PHASE**

The Secretary of the Diocesan Secretariat where the accused serves as a volunteer, in cooperation with the Diocesan Office of Human Resources, is to review the allegations and exercise discretion in recommending necessary parish action to be taken including, where the allegation is deemed credible, a recommendation for immediate removal from diocesan volunteer activity. They are also to make a recommendation as to the need for further investigation. These recommendations shall be made expeditiously in writing.

If it is determined that further investigation is called for, the Secretary of the Diocesan Secretariat where the accused serves as a volunteer, in cooperation with the Office of Human Resources, will organize the investigation as the particular circumstances demand. The investigation shall include interviews of the persons involved, including the accused, the accuser and family, but shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. The accuser and the accused are to be advised of their right to legal counsel, at their own expense. It is advisable to interview others who may have some knowledge of the particular situation. The accuser should be requested to present the accusation in writing, signed by the accuser.

Care must be taken lest anyone's good name be endangered by this investigation and care must also be taken not to interfere with and to allow a full and complete investigation by governmental authorities. The accused's legal rights must be respected. The accuser's legal rights are also to be respected.

The Secretary will complete the investigation expeditiously. He/she is to prepare a written report of the findings and recommendations for the Bishop. In preparing this report, the Secretary should consult as needed with appropriate professionals for guidance and insight; however, he/she must respect legitimate rights to confidentiality.

The Secretary is to keep the Victim Assistance Coordinator informed of the progress of the investigation and of the nature of the recommendation that has been made to the Bishop. The Victim Assistance Coordinator is also to relay the information to the person reporting the accusation.

### **ACTION PHASE**

If after the investigation, the Bishop determines that there is no probable cause to believe that the lay diocesan volunteer has engaged in sexual abuse or exploitation of a minor and that the claim is not a valid one, the Bishop may terminate the process. However, if the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. The Diocese shall cause the accused and the accuser to be notified of the results of the Diocesan investigation.

If after the investigation, the Bishop determines that a claim of sexual abuse or exploitation of a minor against a lay diocesan volunteer is unfounded, but it is determined that the lay diocesan volunteer has acted imprudently, the Bishop may specify that the activities of the accused be restricted and he/she be supervised, monitored and/or counseled. The Diocese shall cause the accused and the accuser to be notified of the results of the diocesan investigation.

A lay diocesan volunteer who admits that he or she engaged in sexual abuse or exploitation of a minor or who is determined after an investigation to have engaged in such conduct is subject to disciplinary action up to and including removal from volunteer activity, and will be subject to all aspects of civil and criminal law.

If after the investigation, the volunteer has not admitted guilt, but the Bishop determines the facts indicate that the volunteer has participated in the sexual abuse or exploitation of a minor, the volunteer is subject to diocesan

disciplinary action up to and including removal from volunteer activity, and will be subject to all aspects of civil and criminal law.

1. The Diocese will offer the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a Diocesan recommended qualified psychologist, psychiatrist or counselor.
2. The accuser will be notified of the results of the Diocesan investigation.

Regardless of the outcome of the Diocesan investigation and any action taken by the Diocese as a result thereof, full ongoing cooperation will be provided to any investigation being conducted by governmental authorities.

The lay diocesan volunteer's file (if any) will be kept in the Office of Human Resources.

## **SECTION VI**

### **POLICY REGARDING LAY PARISH VOLUNTEERS**

#### **INITIAL RESPONSE TO ALLEGATIONS**

When an allegation is made regarding the sexual abuse or exploitation of a minor by a lay parish volunteer, the person reporting the allegation (which is understood to include a parent or guardian in the case of the minor) is to be informed that the Diocese has a policy and procedures to be followed. The allegation is to be reported immediately to the Vicar Forane by the Pastor of the Parish. Should the report be made to the Parochial Vicar, Deacon or a lay parish employee, he/she must immediately inform the Pastor, who will contact the Vicar Forane. The Vicar Forane will immediately notify the Chancellor of the Diocese. A copy of this policy should be made available to the person reporting the allegation. The person reporting the complaint is to be referred immediately to the Diocese's Victim Assistance Coordinator and the diocesan procedure set forth herein will be initiated.

The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the immediate pastoral care of any persons who claim to have been sexually abused when they were minors by lay parish volunteers.

The Victim Assistance Coordinator will maintain outreach contact with the person reporting the complaint (and/or family) to provide updates of actions taken by the Parish and/or the Diocese and provide outreach to assist in the healing process through the Catholic Charities. When deemed appropriate, the Victim Assistance Coordinator may offer outreach assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor.

The Chancellor will:

- Inform the Vicar General of the allegation. The Vicar General will then immediately inform the Diocesan Bishop.

- Cooperate with governmental authorities to ensure that the Parish reports the allegation as the law requires, and to continue cooperation with them in accord with the requirements of the Pennsylvania Child Protective Services Act. In every instance the Victim Assistance Coordinator will advise and support a person's right to make a report to governmental authorities.
- Make himself/herself available to those closest to the accused's Parish as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

### **INVESTIGATION PHASE**

The Chancellor, in cooperation with the Pastor of the Parish, is to review the allegations and exercise discretion in recommending necessary parish action to be taken including, where the allegation is deemed credible, a recommendation for immediate removal from parish volunteer activity. He is also to make a recommendation as to the need for further investigation. These recommendations shall be made expeditiously in writing.

If it is determined that further investigation is called for, the Chancellor, in cooperation with the Pastor of the Parish, will organize the investigation as the particular circumstances demand. The investigation shall include interviews of the persons involved, including the accused, the accuser and family, but shall proceed in a manner that does not interfere with and does not prevent a full and complete investigation by governmental authorities. The accuser and the accused are to be advised of their right to legal counsel, at their own expense. It is advisable to interview others who may have some knowledge of the particular situation. The accuser should be requested to present the accusation in writing, signed by the accuser.

Care must be taken lest anyone's good name be endangered by this investigation and care must also be taken not to interfere with and to allow a full and complete investigation by governmental authorities. The accused's legal rights must be respected. The accuser's legal rights are also to be respected. The Parish's legal rights are to be respected, since the accused is a volunteer of the Parish, and not an employee of the Diocese.

The Chancellor will complete the investigation expeditiously. He is to prepare a written report of the findings and recommendations for the Bishop. In preparing this report, the Chancellor should consult as needed with appropriate professionals for guidance and insight; however, he must respect legitimate rights to confidentiality.

The Chancellor is to keep the Victim Assistance Coordinator informed of the progress of the investigation and of the nature of the recommendation that has been made to the Bishop. The Victim Assistance Coordinator is also to relay the information to the person reporting the accusation.

### **ACTION PHASE**

If after the investigation, the Bishop determines that there is no probable cause to believe that the lay parish volunteer has engaged in sexual abuse or exploitation of a minor and that the claim is not a valid one, the Bishop may recommend to the Pastor of the Parish to terminate the process. However, if the governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. The Diocese shall cause the accused and the accuser to be notified of the results of the diocesan investigation.

If after the investigation, the Bishop determines that a claim of sexual abuse or exploitation of a minor against a lay parish volunteer is unfounded, but it is determined that the lay parish volunteer has acted imprudently, the Bishop may recommend to the Pastor of the Parish that the activities of the accused be restricted and he/she be supervised, monitored and/or counseled. The Diocese shall cause the accused and the accuser to be notified of the results of the diocesan investigation.

A lay parish volunteer who admits that he or she engaged in sexual abuse or exploitation of a minor or who is determined after an investigation to have engaged in such conduct is subject to disciplinary action by the Parish up to and including removal from volunteer activity by the Parish, and will be subject to all aspects of civil and criminal law.

If after the investigation, the volunteer has not admitted guilt, but the Bishop determines the facts indicate that the volunteer has participated in the sexual abuse or exploitation of a minor, the volunteer is subject to parish

disciplinary action up to and including removal from volunteer activity, and will be subject to all aspects of civil and criminal law.

1. The Diocese will offer the victim (and/or family) pastoral support, and when deemed appropriate, assistance with the services of a diocesan recommended qualified psychologist, psychiatrist or counselor.
2. The accuser will be notified of the results of the diocesan investigation.

Regardless of the outcome of the diocesan investigation and any action taken by the Parish as a result thereof, full ongoing cooperation will be provided to any investigation being conducted by governmental authorities.

The lay parish volunteer's file (if any) will be kept in the office of the Parish, and a copy will thereafter be kept in the Diocesan Office of Human Resources.