

PROTECTION OF CHILDREN & YOUNG PEOPLE POLICY

Appendix – PROCEDURES FOR ADDRESSING ALLEGATIONS

I. PRELIMINARY ACTION AND INQUIRY BY THE FITNESS REVIEW ADMINISTRATOR

A. Allegations or serious suspicions of sexual abuse of a minor must be reported as soon as possible, preferably within 48 hours, to the Vicar General, the Bishop's Delegate, the Investigative Associate or the Fitness Review Administrator, whether such allegations are a matter of fact or of serious suspicion. All such reports will be forwarded to the Fitness Review Administrator if the initial report was not made to the Fitness Review Administrator.

B. A priest shall be appointed to have the same duties as the Vicar General, in the latter's absence or unavailability. He shall be called the Bishop's Delegate. References to the Vicar General hereafter regarding investigating the complaint refer to both the Vicar General and the Bishop's Delegate. In addition, the Bishop will appoint an Investigative Associate who will be a woman and who will cooperate with the Vicar General in receiving allegations under this policy.

C. Upon receipt of the allegation, the Fitness Review Administrator shall promptly determine that all civil reporting requirements relating to sexual abuse of a minor have been fulfilled. The Fitness Review Administrator shall also provide the person making the allegation with a written statement containing information about reporting such allegations to public authorities, Sample Form for Reporting Suspected Child Abuse.

D. The functions of the Fitness Review Administrator shall normally include the following:

1. Examine discreetly and pastorally the allegation to determine if further processing is warranted.

- a. Factors to be considered include, but are not limited to, 1) a generally identifiable accuser; 2) a specified accused; and 3) some particularization of the charge.
- b. General facts and proofs must be alleged by the accuser. Without such an allegation the basis for evaluating an accusation is missing.
- c. Guiding principles for assessing allegations will include specificity and believability: specificity with regard to facts and proofs, believability on the part of the accuser.

2. Secure the services of the Victim Assistance Coordinator.

3. Report the allegation to the Bishop, Vicar General, relevant administrators and other persons the Bishop may designate. The Pastor, Diocesan Superintendent of Education, Executive Director of Catholic Charities, and administrators of other separately incorporated apostolates represent the relevant administrators for accused employees or volunteers serving in their areas of responsibility. The relevant administrator will then inform the accused person's direct supervisor of the allegation and will thereafter keep the direct supervisor informed concerning the status of the investigation and any recommendations resulting from the investigation.

4. Receive and analyze information on the allegation. To the extent possible, the person making the report should provide the Fitness Review Administrator with the name of the person who is the subject of the allegation, the name(s) of the alleged victim(s), an accurate description of the alleged abuse, the relevant dates, times and circumstances in which the abuse allegedly occurred and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.

5. Inform the accused and request his/her explanation and provide the accused with information sufficient to enable him/her to respond to the allegations.

6. Determine whether the well-being of children requires the immediate withdrawal of the accused from his/her place of work or volunteer service. The Fitness Review Administrator will promptly communicate a recommendation concerning a leave of absence to the Bishop and to the relevant administrator (as described more fully above) of the entity which the accused serves for approval and implementation. In making this determination and recommendation, the Fitness Review Administrator may consult with the Bishop, Vicar General, relevant administrators and other persons the Bishop may designate. The decision regarding a leave of absence will be communicated at a meeting with the following in attendance: the relevant administrator of the site of employment/volunteer service of the accused, the Fitness Review Administrator, the Vicar General, the Diocesan attorney, the accused and counsel for the accused. If the accused is put on a leave of absence, at no time should the accused return to his/her place of work or volunteer service. Whether the leave is paid or unpaid will be dependent upon the facts of the situation.

C. The Fitness Review Administrator ordinarily will not process anonymous allegations. If there is insufficient information to permit reasonable inquiry, the Fitness Review Administrator will report the fact of all allegations to the Review Committee and the Review Committee will review the Fitness Review Administrator's action.

D. At all stages of the investigation and any subsequent proceedings, the accused must be advised to obtain personal legal counsel. This would be especially important in the event of civil or criminal action against the accused. The accused is directly responsible for providing himself/herself with legal counsel who shall not be the diocesan attorney. Any legal personnel conducting the investigation represent the Bishop and the Diocese of Jackson only.

E. Since the seal of confession is inviolable (Canon 983 par. 1), at no time after the allegation has been made shall the Bishop or any of the priests involved in the process hear the sacramental confession of the accused. In all discussions with the accused person, priests or other ministers carrying out this policy are acting for the Diocese as employer, not as spiritual advisors to the accused. Such discussions are not protected by the "Priest-Penitent Privilege". Priests or ministers not involved in carrying out this policy will be available to the accused person for sacramental confession or spiritual advice.

F. The accused person is not bound to admit to an offense, nor may an oath be administered to the accused (Canon 1728, #2, cf. and Fifth Amendment). The person shall be informed of this right before being questioned, even in a preliminary inquiry.

G. In a case where the accused person is an employee/volunteer of an institution owned and/or staffed by a religious order, the relevant superior shall participate with the diocesan authorities in the application of diocesan procedures. The Vicar General shall report the outcome to the religious superior and shall from time to time answer such legitimate inquiries about the progress of the matter that the superior may make. If on the other hand, the religious order's own procedures for dealing with such matters have been invoked, a report of the outcome shall be made to the Vicar General and the superior shall from time to time answer any legitimate inquiries that the Vicar General may make. No matter which policy is used a spirit of mutual cooperation will be followed in order to achieve the justice that this situation demands.

H. For all allegations to be processed further, the Fitness Review Administrator will:

1. Schedule and give effective notice of a meeting of the Review Committee to occur no later than approximately 48 hours, or as soon thereafter as possible, after the allegation was received.
2. Review available personnel information on the accused person, make appropriate inquiries about the allegation and prepare a report of all available information for presentation to the Review Committee either orally or in writing at the scheduled meeting.

II. COMPOSITION OF THE REVIEW COMMITTEE

- A. In accord with Norm 5 of the Norms, the Review Committee will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Committee members will be lay persons. At least one member should be a priest who is an experienced and respected pastor of the Diocese and at least one member should have expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Vicar General and Bishop's Delegate participate in the meetings of the Review Committee. Neither party will have a deliberative vote.
- B. None of the lay persons on the Review Committee shall be employees of the Catholic Diocese of Jackson or its separately incorporated apostolates nor have any fiduciary relationship with it.
- C. The Review Committee meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Review Committee receives and considers information, deliberates and formulates its determinations and recommendations. The Review Committee in its discretion will determine the information it requires or considers and the rules of evidence shall not strictly apply.
- D. The Review Committee is independent of any Canonical Judicial Process which may be initiated after the Review Committee makes its recommendations to the bishop. The Review Committee, in accord with norm 4 of the Norms, will function as a confidential consultative

body to the bishop in discharging his responsibilities. The functions of this committee will include:

1. Reviewing allegations brought to its attention and making recommendations to the Bishop and the relevant administrator regarding the continued employment or volunteer service of persons against whom allegations of sexual abuse of a minor have been made, or the return to employment or volunteer service following a leave of absence from an assignment because of an allegation of such abuse.
2. Reviewing Diocesan policies for dealing with sexual abuse of minors
3. Offering advice on all aspects of these cases, whether retrospectively or prospectively.

III. INITIAL REVIEW

Following the receipt of the allegation, the Review Committee shall meet as soon as possible, preferably within 48 hours, in order to conduct an initial review.

- A. Questions for review: At its first meeting, the Review Committee shall determine: 1) whether the Fitness Review Administrator's original determination about leave of absence of the accused person from his/her work assignment or place of volunteer service adequately provides for the safety of children; 2) whether the other preliminary actions taken by the Fitness Review Administrator were appropriate; and 3) what further action should be taken with respect to the allegation.
- B. Information to be considered by the Review Committee: the Fitness Review Administrator's report; information provided by the Vicar General or other persons identified by the Bishop; and any other information which the Review Committee believes helpful and is able to obtain.
- C. Determination and recommendations: The Review Committee shall determine whether there is reasonable cause to suspect that the accused person engaged in sexual abuse of a minor, which was an external, objectively grave violation(s) of the sixth commandment. Ultimately, it is the responsibility of the Diocesan Bishop with the advice of the Review Committee to determine the gravity of the act. On the basis of that determination, the Review Committee shall make recommendations to the Bishop and the relevant administrator about the following:
 1. If the accused person has been put on a leave of absence from his/her work assignment or place of volunteer service pending inquiry, whether such leave of absence should continue; if the leave should not continue, whether any restrictions should be imposed on a person returning to work or volunteer service;
 2. If the accused has not been put on a leave of absence, whether he/she should be put on leave of absence; if the person will continue in their work or volunteer service, whether any restrictions should be imposed.
 3. Whether the preliminary actions taken by the Fitness Review Administrator were appropriate and whether further action by the Fitness Review Administrator is required;

4. Whether the file may be closed at this stage of the proceedings or held open pending action by public bodies, further inquiry by the Fitness Review Administrator or further action by the Review Committee;
5. If the accused person's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action is warranted, and suggestions as to such action;
6. If it is determined that the allegation is unfounded, the inquiry will be terminated and the following persons will be so informed: the Bishop, the relevant administrator, the accused, and the person making the accusation.

IV. ADDITIONAL INQUIRY AND ACTION BY FITNESS REVIEW ADMINISTRATOR

After the initial meeting of the Review Committee, the Fitness Review Administrator shall conduct such additional inquiry as is appropriate or as may be directed by the Review Committee, including interviews of witnesses and review of documents including those reflecting action taken by public bodies. The Fitness Review Administrator shall prepare one or more written reports of these inquiries for the Review Committee. These reports should include descriptions of actions taken by the Fitness Review Administrator, such additional inquiry as may be required and identification of information that was unavailable to the Fitness Review Administrator and why that information was not available.

V. ACTION FOLLOWING FINAL INVESTIGATION

- A. After the final investigation is completed, the Fitness Review Administrator will prepare a written report of the Review Committee's findings and recommendations which will be presented to the Bishop and to the relevant administrator (and the relevant religious superior when appropriate) for approval and implementation.
- B. If the accused has admitted that the allegations are true or if the final investigation either (1) indicates that the allegations are substantiated or (2) reveals other facts supporting disciplinary action, the Committee's report will include recommended disciplinary action up to and including termination of employment or volunteer service.
- C. If the allegation is determined to be unfounded and the investigation does not reveal any other facts requiring disciplinary action, the Committee's report will include a recommendation that the inquiry be terminated. If approved, the accused and the person making the accusation will be notified of the termination of the inquiry. If the accused is an employee or volunteer of a religious order, the relevant superior will also be informed. If in the meantime, the allegation has become public, appropriate steps must be taken to repair the damage done to the reputation of the accused where possible.
- D. If appropriate, the Bishop and/or his delegate shall visit the parish and/or institution at the conclusion of the investigation. For example, such a visit would be inappropriate if it merely gave publicity to an unfounded and heretofore unpublicized accusation. If such a meeting is held, it will be conducted with discretion and sensitivity to both the accused and the person making the allegation. It will provide information about what happened in as full and accurate a way as possible. This information sharing may help other victims come forward and begin the healing process in the parish or institution. Likewise, pastoral and professional assistance should be continued for those directly involved and their families until it is no longer necessary or appropriate.

VI. SUPPLEMENTARY REVIEWS

The Review Committee may conduct supplementary reviews as may be necessary to discharge its duties:

- A. Questions for review: The Review Committee may consider new information about a determination or recommendation made in connection with a prior review, exercise its responsibilities as described above, or oversee the work of the Fitness Review Administrator, the victim-assistance program, or any other matter within its responsibility.
- B. Initiation: A supplementary review may be initiated by the Review Committee, the Fitness Review Administrator, the Bishop, Vicar General, or the Bishop's Delegate. In addition, the accused, a person who made an allegation, a victim, or the family of a victim may apply to the Review Committee in writing for such a review and shall include in the application a statement of the question or point for review, the applicant's position with respect to the matter and any supporting explanation or information. A response shall be made to the inquirer after the next meeting of the Review Committee.
- C. Information to be considered: The Review Committee may consider the application for review, the Fitness Review Administrator's reports, information provided by the Bishop, the Vicar General, the Bishop's Delegate or other persons identified by the Bishop and any other information which the Review Committee believes helpful and is able to obtain.
- D. Determinations and recommendations: The Review Committee may make determinations and recommendations as it deems appropriate.