

Information for Crime Victims about Disciplinary Hearings

I.Q. Policy on Harassment¹

1. “Harassment”: The Seminary acknowledges its commitment to a work environment free from immoral and unlawful discrimination and any type of harassment, including sexual harassment. Clergy, employees and volunteers must not engage in physical, psychological, written or verbal harassment of employees, volunteers or parishioners and must not tolerate such harassment by other Church employees or volunteers. Clergy, employees and volunteers must maintain a professional work environment.

Harassment encompasses a broad range of physical, written or verbal behaviors, including, without limitation the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Display of offensive materials.

Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating work environment.

2. Sexual Misconduct: Explicitly sexual interactions or even sexually suggestive interaction with persons who are served or with whom one works are never appropriate to the Seminary.

Administrators, faculty, staff and volunteers must not for the purpose of sexual gratification or intimacy, exploit the trust placed in them by members of the Seminary community.

All members of the seminary community are expected to conduct themselves chastely at all times according to their state of life.

Administrators, faculty, staff and volunteers must avoid developing inappropriate sexual relationships with seminarians and other members of the community. Inappropriate behaviors include but are not limited to the following:

- Unwelcome sexual advances or touching;
- Sexual comments, pictures or sexual jokes;
- Requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation;

No member of the clergy, employee or volunteer may exploit another person for sexual purposes. Employees and volunteers must conduct themselves in a professional manner at all times.

¹ *Approved 20 March 2012.*

Allegations of sexual misconduct are taken seriously and are to be reported to your immediate supervisor or the competent authority in the Archdiocesan office or agency, parish or school. If a minor is involved, the norms of the *Pastoral Policy Regarding Alleged Cases of Sexual Abuse of Minors by Clergy or other Church Personnel of the Archdiocese of St. Louis* and the *Archdiocesan Policy and Guidelines on Child Abuse and Child Protection* are to be followed without exception in every situation of this kind in order to protect the rights of all involved.

Clergy, employees and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the State of Missouri and should follow those mandates.

If the allegation of sexual misconduct or harassment does not involve minors, the allegation is also to be taken seriously, and it is morally imperative that such allegations should be reported to the competent authority immediately.

Employees of Kenrick-Glennon Seminary are to follow the St. Louis Archdiocesan and Seminary procedures to protect the rights of all involved.

3. Procedures for Seminary Personnel Reporting Sexual Misconduct or Harassment

The complainant has two options when reporting:

a. Report in-house to one's immediate Seminary supervisor or Rector:

- The employee making the complaint should report to his/her supervisor. When not possible, to the Rector of the Seminary.
- The complaint should be in writing outlining the alleged offense, including as much detail as possible and naming those who might corroborate the incident.
- The complainant may bring an advocate with them for support through the process when the complaint is brought forth.
- The person making the complaint does not have to confront the alleged harasser, but will understand that his/her name and the nature of the complaint will be revealed to the alleged offender.
- At any time in the process the complainant or the alleged offender has the right to appeal to the Archdiocesan Human Resource Department or civil authorities.

b. Report to Archdiocesan Human Resources Personnel:

Contact the office of Human Resources of the Archdiocese:

Phone 314-792-7540

Email: humanresource@archstl.org

4. Procedures for Seminary personnel receiving an allegation:

- Notify appropriate administrator(s) of complaint
- If the allegation involves a member of the clergy – notify the Vicar for Priests
- Review the complainant’s written report
- Notify the alleged offender of the complaint
- Interview both parties separately
- For serious or persistent offenses, the rector should empanel a review board.
- Recommend appropriate action involving the complaint (reassignment, counseling, training, apologies, separation of parties, dismissal, etc.).
- Notify both parties of decisions
- Monitor both parties with follow-up interviews to make sure an appropriate work environment is maintained.
- Inform both parties of options to appeal to the Archdiocesan Human Resources Department or to notify law enforcement if dissatisfied with allegation procedure.
- File a written report detailing the allegation and outcome.

5. Procedures for Seminary personnel Accused of an allegation:

- The accused will hear the allegation and read the written complaint.
- The accused will provide in writing his version of the events.
- The accused may bring an advocate should he or she consider it necessary at any time in the process.
- The accused may appeal to the archdiocesan or civil authorities any time in the process.

I.R. PASTORAL POLICY REGARDING ALLEGED CASES OF SEXUAL ABUSE BY CLERGY OR OTHER CHURCH PERSONNEL OF THE ARCHDIOCESE OF SAINT LOUIS²

INTRODUCTION

Since 1990, the Archdiocese of St. Louis (“the Archdiocese”) has had a policy and procedures to give guidance to its employees, volunteers, religious, and clergy on the subject of child abuse and to address the needs of persons affected by child abuse. The following policy and procedures have been adopted to address the particular situation in which a member of the clergy, or an employee, volunteer, or religious working in the Archdiocese or in any parish, school or agency of the Archdiocese (the latter hereinafter referred to collectively or individually as “church personnel”) is accused of sexual abuse of a minor. For the purpose of this policy, any person under 18 years of age is considered a minor. An allegation of this type of abuse has serious consequences for the person alleged to have been abused and his/her family, for the person accused, and for the larger community.

It is the policy of the Archdiocese that no person with a substantiated allegation of sexual abuse of a minor will serve as a member of the clergy in active ministry or hold a position working in proximity to children as an employee or volunteer in the Archdiocese or in any parish, school, or agency of the

² *Approved 22 May 2003; Amended 26 August 2009 with approval from Abp Robert Carlson*

Archdiocese. All priests, deacons and other church personnel who minister in the Archdiocese are expected to be familiar with this policy and to comply with the procedures adopted to implement the policy. The Archdiocese will make available the resources required to implement the policy and procedures. By following this policy, the Archdiocese hopes to offer spiritual and psychological assistance as needed to any victim/survivor and to respect the civil and canonical rights of the accused while seeking to assist him or her. Proceedings pursuant to this policy shall be conducted in compliance with civil law and in accordance with ecclesiastical law; in particular the *motu proprio* *Sacramentorum Sanctitatis Tutela* of Pope John Paul II, the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons of the USCCB, and the Code of Canon Law.

1. PROMOTING HEALING AND RECONCILIATION WITH VICTIMS/SURVIVORS OF SEXUAL ABUSE OF MINORS

In order to respond pastorally and effectively and in keeping with the requirements of ecclesiastical law, the Archdiocese has adopted a process for addressing allegations of sexual abuse of minors by clergy or other church personnel. This includes four elements: (1) a Review Board established by the Archbishop whose mission is to assist the Archbishop in responding to allegations and regularly reviewing archdiocesan policy and procedures for addressing sexual abuse of minors; (2) a Vicar for Child and Youth Protection appointed by the Archbishop, and a Director of the Office of Child and Youth Protection to serve as the designated contact persons for receiving allegations and maintaining the process of addressing allegations; (3) Review Teams which are assembled by the Vicar for Child and Youth Protection and are comprised of members of the Review Board who will conduct a fact-finding investigation regarding specific allegations and forward the results with any appropriate counsel to the Archbishop; (4) Assistance Coordinators who will aid in the immediate pastoral care of persons who allege that they have been sexually abused as minors by a member of the clergy or other church personnel. The Archdiocese will provide education and training for the members of the Review Board, Vicar for Child and Youth Protection, the Director of the Office of Child and Youth Protection, and the Assistance Coordinator to enable them to understand and appropriately respond to the issue of sexual abuse of minors. Each of these four elements will be discussed below.

A. REVIEW BOARD

1. The Archbishop has established a Review Board whose mission is to assist him in responding to allegations of sexual abuse of minors by clergy or other church personnel. The membership of the Review Board will be comprised of at least five persons who are in full communion with the Church. At least one member will be an Archdiocesan priest who is an experienced and respected pastor. The majority of the members will be lay persons not in the employ of the Archdiocese. At least one member will have particular expertise in the treatment of sexual abuse of minors. Members of the Review Board may include permanent deacons, as well as women and men religious. Members will be appointed to five year terms which may be renewed. The archdiocesan Promoter of Justice is to be a participant in the meetings of the Review Board.
2. Duties of the Review Board include:

- a. Providing counsel to the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry;
 - b. Reviewing archdiocesan policies for addressing sexual abuse of minors;
 - c. Providing counsel to the Archbishop on all aspects of these cases whether retrospectively or prospectively;
 - d. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by clergy or other church personnel; and
 - e. Maintaining an ongoing review of unresolved cases.
3. If the allegation of sexual abuse of a minor involves a cleric, in addition to the aforementioned duties, the duties of the Review Board will also include:
- a. Providing counsel to the Archbishop regarding any further action which may appear needed when a cleric has had an psychiatric or psychological evaluation;
 - b. Providing counsel to the Archbishop regarding any further action which may appear needed and, where appropriate, regarding return to ministry when a cleric has received treatment; and
 - c. Maintaining an ongoing review of clerics who are in treatment and who have either returned to ministry or who are on temporary or indefinite administrative leave.

B. OFFICE OF CHILD AND YOUTH PROTECTION

1. The Archbishop has established the Office of Child and Youth Protection which serves persons who bring allegations of sexual abuse by a member of the clergy or other church personnel. It also oversees the implementation of the policies of the Holy See, the USCCB, and the Archdiocese relating to child protection. A Vicar for Child and Youth Protection ("OCYP Vicar"), appointed by the Archbishop, will serve as the point of contact for all such allegations. The Director of the Office of Child and Youth Protection ("OCYP Director") may function as the alternate to the OCYP Vicar. Another Alternate may also be appointed to serve in case of the unavailability or a conflict of interest on the part of the OCYP Vicar, or the OCYP Director.
2. Duties of the OCYP Vicar include:
 - a. Interviewing those bringing an allegation of sexual abuse of a minor involving a member of the clergy or other church personnel, and preparing an initial report for the archdiocesan attorney and advising the Archbishop of new allegations;
 - b. Appointing an Assistance Coordinator, as appropriate, for the person bringing the allegation;
 - c. Assembling Review Teams to investigate allegations that initially appear to have the semblance of truth³ and coordinating the activities of the Review Teams;
 - d. Maintaining ongoing communication with persons bringing such allegations and the Assistance Coordinator, as appropriate;

- e. Attending Review Board meetings, preparing reports, answering questions and assisting the Review Board as needed;
- f. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.

C. REVIEW TEAMS

1. A Review Team will be established for each allegation which is to be investigated under these policies. It shall be comprised of members from the Review Board chosen by the OCYP Vicar, for each case, provided that in certain cases as determined by the OCYP Vicar, the entire Review Board may be assembled to review an allegation. While a Review Team usually reports its findings to the Review Board, it may serve in a consultative role to the Archbishop, as needed.
2. The Archbishop, the Vicar for Priests, and the archdiocesan attorney may meet with the Review Team, but shall not be members.
3. Duties of the Review Team include:
 - a. Investigating and gathering facts regarding allegations referred to it by the OCYP Vicar, reporting its findings to the Review Board.
 - b. Conducting, if necessary, a further investigation of those allegations which the Review Board and/or the Archbishop deems to be serious, thereafter providing any additional appropriate counsel as to whether the allegation bears the semblance of truth;
 - c. Meeting as needed for specific cases;
 - d. Taking all appropriate steps to protect the reputation of the accused during the review process;
 - e. Providing counsel to the Archbishop regarding notification of parishioners about allegations against their parish priest, deacon, or other church personnel; and
 - f. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.
 - g. Maintaining a written record of its activities.

D. ASSISTANCE COORDINATOR

1. The services of an Assistance Coordinator shall be offered, for each alleged victim. The Assistance Coordinator will assist persons who allege that as minors they were sexually abused by a member of the clergy or other church personnel in making their claims known to the proper archdiocesan personnel.
2. Duties of the Assistance Coordinator include:
 - a. Listening to the individual and his or her allegations, treating the individual with respect;

- b. Being present during meetings between the person alleged to have been abused and archdiocesan personnel, as requested by the individual;
 - c. Explaining the archdiocesan response to the specific allegations raised by the individual in order to allow the individual to select the options for assistance;
 - d. Assisting with referrals to therapists and/or support groups;
 - e. Assisting the individual with information about how to follow-up on the options chosen by the individual; and
 - f. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.
3. The Assistance Coordinator shall maintain a professional relationship with the individual and will not act as a therapist, attorney, or spiritual director for the individual. A person shall not serve as the Assistance Coordinator for an individual with whom he or she has a family relationship, or of whom he or she is a personal friend, or where there is any other potential conflict of interest.

2. ENSURING AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

The Archdiocese has adopted a process to address allegations of sexual abuse of a minor by a member of the clergy or other church personnel. By following the steps outlined below and by working with the person alleged to have been abused, his or her family members, and appropriate civil authorities, this process will help to ensure an effective response to allegations of sexual abuse of minors.

A. BRINGING AN ALLEGATION

A person bringing an allegation of sexual abuse of a minor by a member of the clergy or other church personnel may contact the Office of Child and Youth Protection by telephone, mail or email. Contact information is as follows:

Archdiocesan Abuse Reporting Hotline: (314) 633-2279

Deacon Phil Hengen, MSW

Director, Office of Child and Youth Protection

Archdiocese of St. Louis

20 Archbishop May Drive

St. Louis, Missouri 63119-5738

Phone: (314) 792-7704

Email: phengen@archstl.org OR go to <http://archstl.org>

B. RECEIVING AN ALLEGATION

1. Any person bringing an allegation of current or past sexual abuse of a minor by a member of

the clergy or other church personnel of the Archdiocese will be referred to the Office of Child and Youth Protection. The OCYP Vicar will then promptly consult with the archdiocesan attorney and the Vicar for Priests, as appropriate, and the Archbishop, as appropriate upon receiving the allegation. If after such consultation it is determined that the allegation is without any semblance of truth, a decree is to be issued stating such, and no additional action is to be taken other than informing the person bringing the allegation, and making a record of the contact for future reference. If at that time or any other time during the review of the allegation, there is reason to suspect sexual abuse of a person who is then a minor, a report shall immediately be made to the Missouri Division of Family Services in accordance with the provisions of the laws governing child abuse and neglect

2. If an allegation of sexual abuse of a minor is received by an employee or volunteer of a parish, school or agency of the Archdiocese, he or she shall report the allegation to his or her supervisor, who shall immediately contact the Office of Child and Youth Protection who will then contact the archdiocesan attorney and the appropriate archdiocesan administrator. If the accused is a member of the clergy, the Vicar for Priests will also be contacted. If the alleged victim is then a minor, the supervisor of the staff member receiving the allegation has the obligation of making a report to the Missouri Division of Family Services immediately upon making a determination that there is reasonable cause to suspect that abuse has occurred or is likely to occur.
3. Upon receiving an allegation which has the semblance of truth, the OCYP Vicar shall arrange a personal interview as soon as possible with the person bringing the allegation and will provide a written report of this meeting to the archdiocesan attorney. The OCYP Vicar will advise the Archbishop of the allegation, as appropriate. The OCYP Vicar will also advise the person bringing the allegation of his or her right to bring the allegation to civil authorities.
4. If an allegation of sexual abuse by a member of the clergy or other church personnel is made first to civil authorities and the civil authorities bring the information to the Archdiocese, the matter shall be referred to the Office of Child and Youth Protection. The OCYP Vicar shall immediately contact the archdiocesan attorney, the Archbishop, and the Vicar for Priests, and the information shall then be brought to a Review Team for further investigation. The OCYP Vicar will be available to assist the person alleged to have been abused to the extent he or she wishes assistance, in accord with this policy. The Archdiocese will cooperate with law enforcement officials investigating an allegation of sexual abuse of a minor.

C. REVIEW OF AN ALLEGATION

1. Within 72 hours, or as soon as circumstances permit, after meeting with the person bringing an allegation which has at least the semblance of truth and/or the person alleged to have been abused, the OCYP Vicar will assemble a Review Team. The Review Team, the OCYP Vicar, the Vicar for Priests and the archdiocesan attorney will then meet to discuss the allegation which will be presented by the Review Administrator. This meeting may be held by conference telephone. The OCYP Vicar is designated as the Archbishop's delegate to conduct an initial investigation under canon 1717. He shall conduct the initial review with the

assistance of the OCYP Director and the Review Team as provided herein. The Archdiocese is deeply committed to protecting children and youth from sexual abuse. After its initial review, the Review Team will take one or more of the following actions as it deems appropriate:

- a. When the accused is a member of the clergy, if there is reasonable cause to believe that a minor is presently at risk, a recommendation will be made to the Archbishop and Vicar for Priests that the accused be immediately placed on a temporary administrative leave at a place to be determined with the Vicar for Priests. Every effort will be made to protect the good name of the accused. The cleric shall be informed of the identity of his accuser and any information concerning the accusation against him. He shall also be informed of his right to seek civil and canonical legal counsel.
 - b. When the accused is a member of the church personnel and not a cleric, if there is reasonable cause to believe that a minor is presently at risk, a recommendation will be made to the person in charge of the parish, school or agency where the accused is an employee or volunteer, that the accused be immediately placed on a temporary administrative leave pending the inquiry of the Review Team. Every effort will be made to protect the good name of the accused. The employee or volunteer shall be informed of the identity of his or her accuser and any information concerning the accusation against him or her. He or she shall also be informed of his or her right to seek legal counsel.
2. If the allegation bears a semblance of truth, but is lacking in sufficient detail, the OCYP Vicar may direct the Review Team to meet again with the person bringing the allegation. More information shall be sought or the person bringing the allegation may be referred to a professional for help in clarifying the alleged incident.
3. If after having heard the OCYP Vicar the Archbishop finds that the allegation does not bear the semblance of truth, the Archbishop will issue a decree to this effect, the OCYP Vicar will inform the person making the allegation of this conclusion and no further action will be taken.
- 4.a. The following procedures shall be followed in cases of allegations involving a member of the clergy if, after hearing the results of the Review Team's investigation, the Archbishop judges an allegation to bear the semblance of truth:
 - i. The Review Team will typically meet with the person alleged to have been abused and, if he or she is a minor, with his or her parents or guardians. The Review Team will listen to the account of the allegation, gathering any additional pertinent facts and information which may be available.
 - ii. The same Review Team will typically meet with the cleric who has been accused. In the meeting the Review Team will communicate to the cleric the details of the accusation and the name of the accuser. Prior to the meeting, the cleric is to be informed that he may retain the assistance of civil and canonical counsel.

- iii. The Review Team will prepare a complete report of the facts of the case and provide it to the Review Board. The Review Board will assess the report at its next regularly scheduled meeting, or earlier if warranted. The Review Board shall make a report to the Archbishop after it has evaluated the case. The OCYP Vicar will advise the Archbishop of the Review Board findings along with any additional appropriate counsel. The Archbishop will review the report, make a judgment on the merits of the allegation, and issue that judgment by means of a decree which concludes the preliminary investigation. When there appears to be sufficient evidence that sexual abuse of a minor has occurred, the Archbishop is then to make the facts of the case known, along with his votum, to the Congregation for the Doctrine of the Faith at the Holy See. The determination of the need for a canonical trial, the venue for such, and the determination of any further definitive action to be taken against the accused cleric are henceforth subject to whatever directive is received from the Holy See.
 - iv. When a report of the allegation has been made to the Holy See, the cleric is to be placed by decree of the Archbishop on temporary leave from his present assignment, effective immediately and pending the outcome of a canonical trial or the issuance of any other decree from the Holy See. The Archbishop or his designee will make contacts to assure immediate assistance and support for the cleric.
 - v. The Archbishop or his designee may encourage the accused cleric to undergo a comprehensive evaluation. The accused cleric is free not to undergo an evaluation. If the cleric agrees to undergo an evaluation, the Archbishop or his designee will arrange for the evaluation. Information resulting from such an evaluation is the property of the accused cleric. He may agree to make it available to the Archbishop or he may decline to do so. He may further agree to have the information made available to the Review Board. Any such information shall be kept confidential by those receiving it, except as it may be required by law to be revealed.
- 4b. The following procedures shall be followed in the case of an allegation involving a member of church personnel who is not a cleric if after due consultation with the Review Board the Archbishop finds the allegation to bear the semblance of truth:
 - i. The Review Team will typically meet with the person alleged to have been abused and, if he or she is a minor, with his or her parents. The Review Team will listen to the account of the allegation and may inquire as to whether others are alleged to have been abused.
 - ii. The pastor, Superintendent of Catholic Education or agency director, as applicable, will be informed and the accused will be placed on temporary administrative leave in accordance with the personnel policy for the parish, school or agency, as applicable.
 - iii. The Review Team will typically meet with the person against whom the allegation has been made and present him or her with the details of the allegation. He or she shall be advised of his or her right to civil and canonical legal counsel. This shall be done in

coordination with the pastor, Superintendent of Catholic Education or his or her designee, or agency director to assure that applicable personnel policies are followed.

- iv. The accused may be provided immediate assistance and support as determined to be appropriate, consistent with applicable personnel policies and benefit plans.
- 4c. The Archbishop may direct the formation of a task force to communicate with the parish and/or school community and to offer help in dealing with the alleged abuse and its effects on the community at large. Spiritual and pastoral care will always be offered.
- 5. If an accused cleric is from another diocese or is a member of a religious community, the OCYP Vicar will make a report of the allegation to the Archbishop, or his designee, and to the archdiocesan attorney. The diocesan bishop or major superior of the accused cleric will be informed of the pending investigation and the archdiocesan protocol in response to such allegations. The diocesan bishop or major superior of the accused cleric will be asked to provide full cooperation throughout the process. With the permission of the Archbishop, the OCYP Vicar will make a full report to the diocesan bishop or major superior when necessary.

D. REVIEW OUTCOME

- 1. If the allegation is against a cleric and has, according to the process outlined above been referred to the Holy See, any eventual outcome, including the determination of penalties to be applied to the cleric, will result wholly from either a canonical trial or from a decree of the Holy See.
- 2. If, after due consultation, the Archbishop has judged that there does not appear to be sufficient evidence that sexual abuse of a minor has occurred, the following shall occur:
 - a. Every step will be taken to restore the good name of the accused.
 - b. If the allegation is against a cleric, the Archbishop will make a decision regarding the ministry assignment of the cleric.

E. CARE FOR THE PERSON AFFECTED BY ABUSE

- 1. From the time an allegation is perceived or determined to be credible, the OCYP Vicar will encourage the victim/survivor to seek psychological treatment and/or pastoral counseling, or to continue, when useful, if treatment has already begun. The duties of the OCYP Vicar in working with victims/survivors shall be carried out in coordination with the Assistance Coordinator. The Assistance Coordinator works directly with the victim/survivor in the process of presenting his or her allegation and receiving appropriate assistance. The OCYP Director will maintain a current list of those experienced in the pastoral counseling and psychological treatment of victims/survivors.
- 2. If a victim/survivor wishes to begin treatment, the OCYP Director may request that he or she obtain a diagnostic evaluation and treatment plan and sign appropriate forms for release of information to the OCYP Director which will be limited to that which is necessary for the assessment of the needs of the victim. Upon receiving this information, the OCYP Director

will refer this information to the OCYP Vicar and to the Review Board. The OCYP Vicar will advise the Archbishop of the assistance plan.

3. The OCYP Vicar will communicate with the victim/survivor the details of any assistance plan offered by the Archdiocese. The OCYP Vicar will attempt to bring about an agreement between the victim/survivor and the Archdiocese concerning the assistance plan. When the victim/survivor is represented by legal counsel, the communication will be between the archdiocesan attorney and the attorney for the victim/survivor. If a written agreement is entered into it will not contain a confidentiality provision unless one is specifically requested by the victim/survivor.

F. CARE FOR THE CLERIC

When a priest is placed on indefinite administrative leave from his assignment because of a substantiated accusation of sexual abuse of a minor, the Archbishop or his designee will assist him in finding housing, arrange for his financial support and encourage him to receive pastoral and psychological support during the time immediately following the accusation. A permanent deacon in this circumstance will be assisted by the Vicar for the Permanent Diaconate in obtaining appropriate pastoral and psychological support.

G. CLERGY OR OTHER CHURCH PERSONNEL FROM OTHER DIOCESES OR OTHER STATES

1. When a priest or deacon from another diocese or a member of a religious community requests faculties in the Archdiocese, the Vicar for Priests shall receive from the priest's or deacon's proper ordinary certification that the latter is unaware of anything in the priest's or deacon's background which would render him unsuitable to work with minors. In the case of a report of any previous allegation of sexual abuse of a minor, the Vicar for Priests shall obtain from the proper ordinary a comprehensive report of the allegation and its disposition. The Vicar for Priests shall make a report to the Review Board. If the report indicates that the priest has had a substantiated case of sexual abuse of a minor, he shall not be granted faculties to exercise any ministry in the Archdiocese. In cases where an allegation of sexual abuse of a minor has not been substantiated, the Archbishop shall use his discretion in deciding whether to grant faculties to the priest or deacon for the exercise of ministry in the Archdiocese. The Vicar for Priests shall provide the proper ordinaries of extern priests with a copy of the policy and procedures of the Archdiocese.
2. When any other church personnel from another diocese or another state are to be employed or are to serve as volunteers, other than on an occasional basis, the Archdiocese or the parish, school, or agency which is to employ them or have them as a volunteer shall check the references given and the agency in the state of their former residence with responsibility for maintenance of child abuse investigation records to verify that the individual does not have a history of sexual abuse of a minor or other history that would indicate that he or she may pose a danger to children.

H. COMMUNICATION

Inquiries from members of the media about this policy and its implementation should be addressed

to the Director of Communications of the Archdiocese. If statements or information are to be released concerning an allegation of sexual abuse of a minor by a member of the clergy or other church personnel, that information shall be made available by the Office of Communications in collaboration with the Archbishop, or his designee, and the archdiocesan attorney.

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- i According to the Essential Norms, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.
- ii An allegation is deemed to be substantiated when based upon a preponderance of evidence and, after assessing all available information, the allegation is believed to be true.
- iii The term "semblance of truth" as used herein in the context of an allegation, means that, based on the information provided, the allegation appears that it may be credible.
- iv The term "decree" as used in this document refers to a statement of the disposition of the matter.
- v See Chapters 210.110-210.192 Revised Statutes of Missouri.