

Youth Protection program

Of the
Roman Catholic Diocese of HARRISBURG

Foreword

The *Youth Protection Program* of the Diocese of Harrisburg consists of two related parts. The first is a statement of pastoral directives for several areas of concern surrounding the important issue of sexual abuse of minors. The second part mandates specific norms for placing the pastoral charter into practice. It includes a lengthy Appendix with the practical details and procedures by which the pastoral charter will be implemented.

Part II: Norms and Practices

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Introduction

As the second part of the *Youth Protection Program*, Norms and Practices outlines specific mandates for the pastoral statements and objectives outlined in Part I: Pastoral Charter. This document is legislative in character, defining policy and imposing normative practices for the Diocese of Harrisburg. The current means and procedures for accomplishing these mandates are defined in greater detail in the Appendices to Part II. Collectively, the appendices are referred to as the Implementation Protocols. The following outline of policies and mandates cannot be understood apart from its context as the normative corollary of the Pastoral Charter which precedes it.

SECTION I: Applicability and Organization

1.1 Applicability of this Document

- 1.1.1 The provisions of this *Program* are normative for the following classes of persons:
- All clergy incardinated in the Diocese of Harrisburg.
 - All clergy and Religious (whether lay or cleric) with an assignment or permission for residence within the Diocese of Harrisburg.
 - All employees of the Diocese of Harrisburg.
 - All employees of a Catholic parish, quasi-parish, or mission within the Diocese of Harrisburg.
 - All employees of a Catholic school that operates as an apostolate of a parish within the Diocese of Harrisburg.
 - All employees of an inter-parochial Catholic school that operates with the consent of the Bishop of Harrisburg within the Diocese of Harrisburg.
 - All employees of a corporation affiliated with the Diocese of Harrisburg, including but not limited to the following: Catholic Charities of the Diocese of Harrisburg, Inc.; Paradise School, Inc.; Harrisburg Catholic Publishing Co., Inc; and Harrisburg Catholic Cemeteries, Inc.
 - All volunteers in ecclesial ministry; all volunteers functioning with a mandate from the Diocesan Bishop or appropriate pastor; or all volunteers performing any ecclesiastical function directly associated with any of the persons or institutions explicitly identified above in this section, provided that the suspected act or acts of sexual abuse of minors were performed in the context of ecclesiastical ministry or bear a direct connection to an ecclesiastical ministry or function. If the Diocese of Harrisburg becomes aware that a volunteer or independent contractor is accused of the sexual abuse of a minor in a context not connected with the Diocese of Harrisburg, the accused person is to be relieved of any ministry or — if an independent contractor — from any unsupervised contact with minors while on church property or during the course of contractual work.

- All seminarians and candidates for Holy Orders in formation for the Diocese of Harrisburg, or assigned to pastoral ministry or formation within the Diocese.
- 1.1.2** The norms and provisions of this *Program* do not substitute for nor derogate from any contrary provisions of the *Code of Canon Law* or any other legislation currently in force within the Catholic Church. If other laws and practices within the Diocese of Harrisburg are contrary to the provisions herein, they are abrogated entirely.
- 1.1.3** The provisions of this *Program* also apply to persons functioning in the capacity of an independent contractor or vendor under contract with or payment from the Diocese of Harrisburg (or subcontracted to diocesan contractors), a Catholic parish, quasi-parish, mission, school, or corporation as defined under the preceding section 1.1.1 when that person is actively fulfilling the scope and terms of contract or service under legitimate contract or work order within any such Catholic institution.
- 1.1.4** Should an accusation of suspected sexual abuse of a minor be received against any person not listed above in sections 1.1.1 or 1.1.2, the Program Director is first to attempt to assist the accuser in locating the appropriate civil authority to make the report. Failing that effort, the Diocese will forward the report directly to the appropriate civil authorities without further inquiry by the Diocese. Only if the accuser specifically requests anonymity when making the report to the civil authorities, and if — in the opinion of the Diocese and its legal counsel — anonymity does not jeopardize the integrity of the report or the right of the accused person to self-defense, or give rise to potential liability for the Diocese or the accuser, will such a request be honored. In all cases, the Diocese will conform to pertinent canon and civil law in forwarding accusations of sexual abuse.
- 1.1.5** Should an accusation of suspected sexual abuse of a minor be received against someone who is not listed above in sections 1.1.1 or 1.1.2, but who is affiliated with another Diocese, Religious Order or community, or other church or religious organization or body, the Secretary for Clergy and Religious Life will assist the accuser in identifying and making the report to the proper religious or ecclesiastical authority. The Diocese will also forward the report to the appropriate religious and civil authority. Only if the accuser specifically requests anonymity when making the report to the civil and religious authorities, and if — in the opinion of the Diocese and its legal counsel — anonymity does not jeopardize the integrity of the report or the right of the accused person to self-defense, or give rise to potential liability for the Diocese or the accuser, will such a request be honored. In all cases, the Diocese will conform to pertinent canon and civil law in forwarding accusations of sexual abuse.

1.2 Definition of Terms

As used in this document, the following terms mean:

Accused — A person who is suspected of sexual abuse of a minor, or who has been reported as having sexually abused one or more minors. Using this term does not indicate a judgment of guilt or innocence.

Accuser — A person making a report or accusation of suspected sexual abuse of a minor, whether that person is the victim, a family member, or other concerned person. Using this term does not indicate a judgment on the truth or falsehood of the accusation.

Accusation — A report of suspected sexual abuse of a minor received from any source involving a cleric, seminarian, candidate for Holy Orders, employee, volunteer, or independent contractor as defined in section 1.1.2 above. For the purposes of this policy, a self-report (commendable and encouraged if a person is aware of a problem) will nevertheless be treated as an accusation and will initiate all applicable provisions of this policy.

Assessment Team — The group that meets to hear the results of the initial fact-finding inquiry and to advise the responsible supervisor on appropriate actions to be taken. Team membership varies according to the status of the accused person: cleric (and seminarian or candidate for Holy Orders), Religious, employee (and contractor or subcontractor), or volunteer. It will normally include the members of the Inquiry Team, the Program Director, and the Diocesan Solicitor or other counsel versed in both canon and civil law.

Assistance Coordinator — A person competent and knowledgeable in the areas of mental health counseling and social services who is named by the diocesan bishop to oversee all aspects of the outreach and assistance to accusers, victims of sexual abuse of a minor, and family members of accusers and victims. The Assistance Coordinator serves as a member of the Youth Protection Council.

Cleric — A deacon, priest, or bishop validly ordained as such in the Roman Catholic Church and currently in the clerical state, i.e., possessing under canon law the rights and obligations of a cleric. A seminarian or candidate for Holy Orders is not a cleric; neither is a member of a religious community or institute who has not received the sacrament of Holy Orders.

Support Counselor — A therapist or counselor designated as part of the Inquiry Team by the Assistance Coordinator to participate in the initial fact-finding inquiry into an accusation. The role of the Support Counselor is to assess the pastoral and mental health needs of the victim and victim's family, to offer means of addressing these needs to the victim and victim's family, and to remain as the victim's or accuser's point of contact with the Diocese until the matter is resolved.

Delict — A crime or offense under canon law to which a penalty may be attached for violation.

Diocesan Review Board — The Diocesan Review Board for Youth Protection. The confidential, consultative body appointed by the Diocesan Bishop to advise him in developing this policy and in assessing accusations of sexual abuse of minors. Criteria for membership, roles and functions are specified in the USCCB document, *Essential Norms for Diocesan and Eparchial Policies*.

Employer — The Secretariat, parish, school, institution, or corporation directly affiliated with the Diocese of Harrisburg that immediately employs or oversees the work or ministry of an employee, a volunteer, or an independent contractor (or subcontractor). The relationship pertains only during the time or period in which a person is directly fulfilling the tasks and responsibilities of their employment, volunteer service, or contracted service, for the “employer” as defined above.

Inquiry Team — Those responsible for conducting an initial fact-finding inquiry into an accusation of sexual abuse of a minor, according to the provisions of this policy. Team membership varies according to the status of the accused person: cleric (and seminarian or candidate for Holy Orders), Religious, employee (and contractor or subcontractor), or volunteer.

Mandated Reporting — A report of child abuse (including sexual misconduct) that an individual must make under the provisions of the Pennsylvania Child Protective Services Law or the United States Bishops’ *Charter for the Protection of Children and Young People*.

Minor — A male or female who has not yet reached the eighteenth birthday.

Perpetrator or Offender — A cleric, seminarian, candidate for Holy Orders, employee, volunteer, or independent contractor (see section 1.1 above) who has engaged in any form of sexual abuse of a minor.

Program Director — The person appointed by the Diocesan Bishop to provide overall direction for the *Youth Protection* Program within the Diocese of Harrisburg, coordinating its development and implementation by chairing the Youth Protection Council and convening the Review Board and Assessment Team.

Promoter of Justice — The canon lawyer appointed by the Diocesan Bishop to serve in the role as defined in the *Code of Canon Law*. The role is roughly analogous to a prosecutor or District Attorney in civil law.

Prosecutable Offense — Conduct that violates the criminal statutes of the Commonwealth of Pennsylvania or the United States and for which criminal prosecution is not barred by applicable statutes of limitations.

Responsible Supervisor — The employer, superior, or supervisor of an employee, volunteer, or independent contractor (or subcontractor) within the Diocese of Harrisburg. For clergy, it is the bishop of the Diocese of their incardination or the major superior of their religious community; for employees, volunteers, or contractors of the Diocese or its Secretariats, it is the appropriate Diocesan Secretary; for employees, volunteers, or contractors (and subcontractors) of parishes, parish schools, or parish cemeteries, it is the pastor or parish administrator; for employees, volunteers, or contractors of interparochial schools, it is the principal of the school.

Review Board — (see Diocesan Review Board, above.)

Sexual Abuse of a Minor — Sexual abuse of a minor includes sexual molestation, sexual harassment, sexual misconduct, or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse need not be a complete act of intercourse, nor does an act of sexual abuse need to involve force, physical contact, or a discernible harmful outcome. In canon law the term “sexual abuse” is not necessarily synonymous with any definition given in prevailing civil statutes or case law, but denotes conduct or interaction with a minor that is an external, objectively grave violation of the sixth commandment of the Decalogue. A canonical offense against the sixth commandment need not be a completed act of sexual intercourse, nor need it involve force, physical contact, or a discernible harmful outcome. (See canon 1395.)

Sexual Harassment of a Minor — A form of sexual abuse of a minor that includes, but is not limited to, the following behaviors:

- 1° Derogatory verbal comments of a sexual nature such as epithets, jokes and slurs, or unwanted sexual advances, made for purposes of sexual gratification.
- 2° Displaying lewd visuals such as posters, photographs, cartoons, drawings, or gestures, including derogatory sexually oriented materials.
- 3° Physical contact or sexual overtures that interfere with an individual’s work or academic performance or that create an intimidating, hostile or offensive working or academic environment.
- 4° Threats and demands to submit to sexual requests as a condition of continued employment, other benefits, etc., or to avoid some other loss, or to offer benefits in return for sexual favors.
- 5° Retaliation for having reported or threatened to report sexual abuse.

Sexual Misconduct with a Minor — A form of sexual abuse of a minor that includes, but is not limited to, the following behaviors:

- 1° Any actual or attempted sexual contact with a minor.
- 2° Sexual voyeurism (including, but not limited to, acquiring, possessing or distributing obscene or pornographic materials or images of minors), or employing, using, persuading, inducing, enticing or coercing any person to engage in or assist any other person to engage in any sexually explicit

conduct or posing. Also includes simulating sexually explicit conduct or producing any visual depiction of sexually explicit conduct.

Victim — A male or female who has been the injured party or direct object of sexual abuse while a minor or at least is alleged to have been so. In most cases within this document, even if the truth of an accusation has been determined, the word “accuser” is used rather than “victim” to ensure consistency of language. This usage does not indicate a judgment or bias against the truth of the accusation. In this document, the term “victim” is generally used to distinguish the person who was or may have been abused from any other person (for example, a parent) who may be the accuser or accusation reporter. .

Youth Protection Council — A group of diocesan staff persons designated by the Diocesan Bishop to serve in the following capacities under the provisions of this policy: Program Director, Assistance Coordinator, Communications Coordinator, Education Coordinator, and Compliance Coordinator. The Council will implement this policy.

1.3 Adherence to Canon and Civil Law

- 1.3.1** Whenever someone reports suspected sexual abuse of a minor to the Diocese of Harrisburg, whether a recent or past occurrence, the Diocese will act quickly and decisively in justice for all concerned and in complete compliance with both canon and civil law. The Diocesan *Youth Protection Program* is to be consistently and fairly applied, whether the accused is a cleric, seminarian, candidate for Holy Orders, employee, volunteer, or independent contractor (or subcontractor) with the Diocese, a parish, a school, a corporation or another institution or agency related to the Diocese of Harrisburg.
- 1.3.2** An accusation is considered to have been received only when it contains all of the following elements:
- The name or identity of the accused, or sufficient information to ascertain it.
 - The name or identity of a potential victim, or sufficient information to ascertain it.
 - The nature of the alleged activity, or some description of the alleged activity.
 - The actual or approximate date or dates of the alleged activity.
- 1.3.3** With regard to canon law:
- The Church mandates that, in response to an accusation of the sexual abuse of a minor received by a Diocesan Bishop that appears to be credible, the Diocesan Bishop must conduct a cautious inquiry in a manner that respects the reputation of all parties involved (cf. canon 1717 of the *Code of Canon Law*).
 - The Inquiry Team is to encourage the accused to retain canonical and civil legal counsel. However, the Diocese, will not normally provide compensation or reimbursement for legal counsel unless the accusations are later proven to

be false. Similarly, the Inquiry Team is to inform the accuser of the advisability of legal counsel. The Inquiry Team is not to refer a party to specific legal counsel or to assist a party in locating counsel. However, referral may be made to an independent organization which may in turn assist a party in locating appropriate legal counsel.

1.3.4 With regard to federal, state, and local law:

- The Diocese of Harrisburg affirms and supports the right of an individual to report any accusation of suspected sexual abuse of a minor to civil authorities according to state or federal law. Without exception, clergy and employees of the Diocese (or a parish, agency, or institution related to the Diocese) are to comply with the reporting requirements of state or federal law, as well as the reporting requirements of the USCCB *Charter for the Protection of Children and Young People*. To this end, the Diocese will forward the report of the suspected sexual abuse of a minor to the appropriate civil authority in every accusation, unless the accuser has withdrawn or recanted the accusation. This will be done even if the accused party is deceased at the time of the accusation, or even if the alleged activity occurred many years ago.
- Beyond required reporting for accusations received that may involve a criminal offense, the Inquiry Team must encourage the accuser to report the accusation to the appropriate civil authority without delay, and is to offer to assist the accuser in so doing. If the accuser chooses not to make a voluntary report, the Diocese will make the report.
- Should a competent civil authority request the Diocese not conduct an inquiry into the accusation, the Diocese will seek such direction in writing and will comply. However, should legal counsel advise that failure to respond in a timely manner places other persons at risk of abuse or jeopardizes the well-being of others, the Diocese will conduct an inquiry.
- When a report is made to civil authorities, the Diocese will closely collaborate with civil authorities in the accusation's investigation. Such cooperation will not, however, limit the Diocese in taking appropriate steps that follow the norms of canon law and fulfill our religious and spiritual mission to protect others from abuse or to suspend or remove the accused from employment or ministry.
- Even if the accused is not prosecuted criminally under state or federal law, the Diocese may still pursue disciplinary action as provided for under canon law or civil law.

1.3.5 The current reporting law in the Commonwealth of Pennsylvania (*Pennsylvania Child Protective Services Law* — found at Title 23 of the Pennsylvania Consolidated Statutes) includes clergy and other professionals as mandated reporters whenever a minor (a person under the age of 18) comes before them to report that he or she has been the victim of abuse. Reporting is not mandated under current state law when third-party accusations are made outside the presence of the minor, or if the perpetrator has made a report against him or herself. The law preserves the privilege of confidential communication with a cleric and protects statements made in

confession, spiritual direction or spiritual counseling. In cases where the sacramental seal or spiritual confidentiality is not a factor, the Diocese will make a voluntary report to civil authorities following a preliminary fact-finding inquiry, even if a report is not mandated by state or federal law.

- 1.3.6** The *Charter for the Protection of Children and Young People*, adopted by the United States Conference of Catholic Bishops in June of 2002, states that even if not mandated by prevailing civil law, an accusation will be forwarded to the appropriate civil authority any time the alleged victim is still a minor. This will be done no matter who makes the accusation. Exempted are confidential communications made during the sacrament of Penance, or communications made during spiritual direction or spiritual counseling with the expectation of confidentiality. The Diocese of Harrisburg will follow this practice without exception.
- 1.3.7** Except when information is received under the sacramental seal or through spiritual direction or spiritual counseling (when the accuser can reasonably expect confidentiality), a priest or deacon must immediately notify the Program Director when learning of the suspected sexual abuse of a minor. Contact may be by telephone to 1-800-626-1608, or e-mail to safeyouth@hbgdiocese.org. If the priest or deacon is a mandated reporter under the law of the Commonwealth of Pennsylvania, he is to notify the County Office of Children and Youth, or telephone the Statewide ChildLine (1-800-932-0313), without delay. The priest or deacon is, however, encouraged to seek the assistance of the Program Director in making the report to civil authorities, so long as it does not unduly delay the report.
- 1.3.8** If an employee becomes aware of the suspected sexual abuse of a minor, he or she must notify the Program Director as noted above. The same is true of vendors, independent contractors, or volunteers, to the extent that this practice has been made known to them. If any of these persons is a mandated reporter, he or she must also contact the appropriate civil authorities, which should happen with the assistance of the Program Director.

1.4 Adherence to Policy

These procedures are to be followed consistently when an accusation of sexual abuse of a minor is received. As far as possible, the Diocese will maintain confidentiality while also ensuring a general transparency and openness regarding policy and procedure. The goal of transparency and openness does not extend to publicly sharing facts or accusations that can cause defamatory loss of reputation for any party involved, whether accuser or accused or family members. In addition, the Diocese will not publicly share information which may injure the possibility of a fair and balanced inquiry conducted with due process of law, whether by the Church under canon law or by civil authorities under state or federal law.

1.5 Matters Outside the Scope of this Policy

Reports or concerns of a sexual nature regarding a cleric, Religious, seminarian, or candidate for Holy Orders that do not fall under the definition of sexual abuse of a minor as defined in this policy are to be handled by the Secretariat for Clergy and Religious Life according to the norms of civil and canon law and the Diocesan *Policy on Clergy Sexual Misconduct with Adults*. Such reports or concerns regarding a lay employee, volunteer, or independent contractor are to be forwarded to the responsible supervisor for investigation according to the normal and customary process followed by that responsible supervisor for disciplinary matters.

SECTION II: Prevention & Education

2.1 Mandatory Screening

2.1.1 Criminal History Checks: As part of the employment or volunteer position screening process, checks for prior criminal offenses are to be conducted for the following classes of persons:

- All clergy, seminarians, and candidates for Holy Orders.
- All employees.
- All volunteers or independent contractors whose job descriptions or responsibilities include oversight or supervisory responsibility of minors, or unsupervised contact with minors on anything more than an infrequent and sporadic basis.
- All men applying for admission to the seminary under the auspices of the Diocese of Harrisburg.
- All persons receiving a certificate for specialized ministry given by a Secretariat or office of the Diocese.
- All clerics incardinated in another Diocese or religious community or institute before they assume office or ministry within the Diocese of Harrisburg.
- Other persons as determined by the Diocesan Bishop.

Specific requirements and procedures regarding criminal record checks are in Part III of this *Program* by the Program Director to all pastors and employers affiliated with the Diocese of Harrisburg

An employer may petition the Program Director for an exemption from this requirement for a specific employee whose responsibilities cannot reasonably be expected to include more than infrequent and sporadic contact with minors. The Program Director must confirm the exemption in writing. .

Those employees, volunteers, or independent contractors who have undergone these criminal history checks prior to the effective date of this policy need not repeat the same check if both of the following conditions are met:

- The person can produce to the satisfaction of the employer the authentic certificate or record that resulted from the criminal history check.
- The person has been in continuous employment, contract, or supervised ministry of the employer since the criminal record check was performed.

2.1.2 Psychological Assessments for Clergy Candidates: Each applicant for seminary formation or candidate for ordination in the Diocese of Harrisburg is to undergo a psychological assessment as part of their screening process in a manner designated by the Secretariat for Clergy and Religious Life. At the discretion of those responsible for the formation of candidates for ordination, the psychological assessment may be repeated prior to ordination.

2.1.3 Attestation of Fitness for Ministry for Visiting Clergy: If a cleric from another Diocese or religious community or institute wishes to receive an assignment to ministry in the Diocese of Harrisburg, the Secretariat for Clergy and Religious Life must require a letter from his own bishop or major religious superior attesting to the good standing of the cleric. This letter, which must state that the cleric has never been the subject of an accusation of sexual abuse from which he has not been fully exonerated after investigation, is necessary before the cleric is given an assignment within the Diocese of Harrisburg or granted the faculties of the Diocese.

2.1.4 Attestation of Fitness for Clergy in Residence: If a cleric from another Diocese or religious community or institute wishes to assume residence within the territory of the Diocese of Harrisburg without an assignment and without assuming ministerial duties, the Secretariat for Clergy and Religious Life must require a letter from the proper bishop or major superior attesting to the good standing of the cleric within his Diocese or community. If applicable, the letter must include full disclosure of any past or present accusations of the sexual abuse of a minor. This letter is also necessary if a major superior of a religious community or institute wishes to assign a cleric or professed member of that community to residence within a house of the community within this Diocese. A criminal background check is also required. If there have been any accusations of sexual abuse of a minor against that cleric, the Diocesan Bishop will determine in each case whether the proposed residence poses a risk to the public good within the Diocese of Harrisburg and will determine appropriate actions and directives.

2.2 Educational Programs

2.2.1 Education Coordinator — The Diocesan Bishop will designate an *Education Coordinator* who will serve as a member of the Youth Protection Council, and whose responsibilities include approval and oversight of educational programs required by this *Program* or by the Youth Protection Council.

2.2.2 Mandatory Educational Programs — Educational programs are to be conducted for the following classes and groups of persons within the Diocese of Harrisburg:

- Employees of the Diocese or any of its secretariats.
- Employees of any Catholic parish, mission, or school within the Diocese.
- Independent contractors and vendors whose work involves regular supervision or oversight of minors in any secretariat, parish, mission,

institution, or school.

- Clergy in active ministry and with an assignment or residence within the Diocese of Harrisburg, or who are granted the faculties of the Diocese, including retired clergy.
- Seminarians and candidates in formation for ordination for the Diocese of Harrisburg.
- Students in any Catholic school or program of religious education.
- Regular participants in any Catholic Youth Organization (CYO) athletic team, event, or league.
- Members or participants in any youth group or youth ministry program, including scouting programs and units that are sponsored by or which use the facilities of the Diocese or of any parish, mission, or school.
- Participants in any college or university campus ministry program.
- Educators (administrators, teachers, catechists, and aides) in any school or religious education program, including also children's Liturgy of the Word and children's Christian initiation programs.
- Adult supervisors and assistants in any program of youth ministry or any diocesan, parish, mission, or school program which involves minors.
- Any volunteer in ecclesial ministry or other program who can reasonably be expected to have regular contact with one or more minors in any oversight or supervisory role or capacity.
- Parent-Teacher organizations or associations.
- Boards of Education, whether diocesan, inter-parochial, or parish-based.

Specific information and directives regarding the implementation of these educational mandates are in Part III of this *Program*, including requirements for verification of compliance.

2.3 Youth Protection Standards in Ministry

The Education Coordinator oversees the development and publication of several sets of standards and practices for any person engaged in ministry within the Diocese of Harrisburg. A *Code of Conduct* or document stating *Standards of Conduct in Ministry* is to be published for the following classes and groups of persons:

- All clergy incardinated in the Diocese of Harrisburg and actively serving in ministry, no matter where they may be currently assigned or serving in ministry.
- All clergy incardinated in the Diocese of Harrisburg but not actively serving in ministry, whether retired or under canonical penalty.
- All clergy incardinated in another Diocese or members of a religious institute or Institute of Consecrated Life who are serving in ministry or otherwise residing within the Diocese of Harrisburg.
- All seminarians or others in formation programs for sacramental ordination or religious profession, who may be serving or assisting in the Diocese of Harrisburg.
- All employees of the Diocese of Harrisburg or of a Secretariat, corporation, parish, school, or other institution affiliated with the Diocese of Harrisburg.

- All volunteers within the Diocese of Harrisburg, whether assisting in programs or ministries of the Diocese, a Secretariat, corporation, parish, school, or other institution affiliated with the Diocese.
- All volunteers within the Diocese of Harrisburg, as described above, whose roles specifically include direct oversight or ongoing supervisory contact with minors (including, but not limited to, parent volunteers in youth programs, CYO coaches or referees, and volunteers in youth athletic programs, catechists and aides in religious education programs, and the like).

Specific information and directives regarding these Standards of Conduct are in Part III of this *Program*.

2.4 Compliance Auditing

2.4.1 Compliance Coordinator — To ensure compliance with the educational and screening programs mandated by this *Program*, ongoing checks and periodic audits are to be conducted at all levels. The Diocesan Bishop will name a *Compliance Coordinator* who shall serve on the Youth Protection Council and whose tasks shall include the implementation and oversight of procedures for auditing all institutions covered by this *Program*. *The Compliance Coordinator* is to ensure compliance with the mandates and practices of this *Program* and any other applicable policies and procedures published by the Youth Protection Council or the Diocesan Bishop.

2.4.2 Compliance Checks — Regarding required criminal history checks, the Compliance Coordinator is to develop and implement procedures for auditing compliance with the norms and dictates of this *Program* for the following classes or groups of persons within the Diocese of Harrisburg:

- The Secretariat for Clergy and Religious Life, regarding screening of candidates for ordination and of clergy, seminarians, and others serving in ministry or apostolic service.
- All employers or supervisors (including Diocesan Secretaries, pastors, and principals) responsible for ensuring that criminal history checks are performed for employees in a Diocesan Secretariat or other institution or agency, or in a parish, a school, or other institution affiliated with the Diocese of Harrisburg.
- All Secretariats, parishes, schools, and other institutions which sponsor or conduct ministries, programs, and services, regarding the classes of volunteers for whom criminal history checks are required.

Regarding educational programs, the Education Coordinator is to develop and implement procedures by which each Secretariat, parish, school, or other institution will report annually on its educational programs. This report is to be forwarded to the Compliance Coordinator.

2.4.3: Reporting of screening and educational compliance checks — The Compliance Coordinator is to prepare an annual report on compliance with the *Program*, which is to be presented to the *Review Board*.

- 2.4.4: *Failure to comply*** - Culpable or negligent failure of a Secretary, pastor, principal, or other administrator to implement the background screening and education practices and programs mandated by this *Program* will be considered a serious omission and a basis for disciplinary action, including dismissal from office or employment.

SECTION III: Outreach and Assistance for Victims & Families

3.1 General Provision for Outreach and Assistance

3.1.1 *Assistance Coordinator* — The Diocesan Bishop will name an *Assistance Coordinator* to oversee all aspects of the outreach and assistance to accusers, victims of sexual abuse of a minor, and family members of accusers and victims. The Assistance Coordinator will serve as a member of the Youth Protection Council.

3.1.2 *Guiding Principles* — The primary concern of the Diocese of Harrisburg is for the spiritual welfare of the accuser and the accuser's family. All accusers are to be offered spiritual, pastoral, and mental health assistance, regardless of their ability or willingness to pay for these services.

Without diminishing our primary concern for the spiritual welfare of the accuser, the Diocese of Harrisburg does not accept responsibility or legal liability in every case of suspected sexual abuse of a minor. If the Diocese does not appear to have legal liability in a case, and the abuse has been proven, the expenses for the victim's therapy are the personal responsibility of the accused. The Diocese will assist in obtaining a financial commitment from the accused to the extent possible. If the accused is a cleric incardinated in the Diocese of Harrisburg and is unable to pay, the Diocese will assist the cleric (either by loaning him funds or helping him find other financial resources) to meet his financial responsibility. If the offending cleric or employee is unwilling to pay the therapy expenses, the Diocesan Bishop will compel the accused to pay expenses to the extent possible under canon and civil law, by means including attachment of wages.

The Diocese may also offer financial assistance as part of its pastoral outreach to victims of sexual abuse. Such action implies no legal liability on the part of the Diocese. Any financial assistance will generally be offered for up to one year or fifty-two sessions and may involve an assessment by the Assistance Coordinator to determine the effectiveness of current therapies and need for continuing therapy. In no case will the victim be left without financial assistance to help pay for needed therapy for up to one year. The manner in which therapeutic or assistance needs will be determined and their effectiveness assessed are specified in Part III of this *Program*.

3.1.3 *Assistance Committee of the Review Board* — As part of the Review

Board, an Assistance Committee is to be formulated to advise the Assistance Coordinator. The purposes of this committee include providing objective input into the matter of outreach and assistance to accusers and their families, developing standards and practices which pertain to all elements of victim assistance, and offering guidance and counsel in individual cases as requested by the Assistance Coordinator.

3.1.4 Specific Roles for Outreach and Assistance during an Inquiry — The Assistance Coordinator is to designate one or more therapists or counselors to serve as the Support Counselor in individual cases. These therapists are to have an understanding of the needs of victims of sexual abuse. While the Assistance Coordinator performs a general oversight role, the Support Counselor is active in the initial fact-finding inquiry in an individual case, assessing the needs of the accused for pastoral, spiritual, emotional, or mental health support. The Support Counselor is to advise the Assistance Coordinator of the needs that are apparent or have been expressed by the accuser and his or her family, and is to make specific recommendations to the Assessment Team during their meeting. The Assistance Coordinator is to work with the Support Counselor to make suitable arrangements as necessary for assistance to the accuser and family. At no time is the Support Counselor to provide therapy or counseling to the victim or any person associated with an accusation; the same is true for the Assistance Coordinator. Following the Assessment Team meeting after an initial inquiry, the role of the Support Counselor is ended and the Assistance Coordinator normally becomes the on-going diocesan contact and support person for the accuser and family.

3.1.5 Specific Provisions for Assistance — The Support Counselor or the Assistance Coordinator will help the accuser locate a mutually agreed-upon and qualified therapist or counselor if necessary, and will answer questions the accuser may have about the inquiry or assessment process. The Support Counselor or the Assistance Coordinator will also help the accuser determine what pastoral or spiritual assistance may be beneficial, and assist in locating appropriate resources. The Assistance Coordinator may also assist in locating community resources to meet other needs of the accuser or accuser's family related to the abuse. The Support Counselor or the Assistance Coordinator may also help the accuser to make a report to the appropriate civil authorities.

When requested or agreed upon, the Support Counselor or the Assistance Coordinator will assist the accuser or victim in obtaining any needed urgent medical assistance, as well as mental health therapy or pastoral care. If requested, the Assistance Coordinator will assist the accuser or victim in locating resources to meet the financial expenses of his or her therapy, as specified above and as outlined in Part III of this *Program*.

3.2 Assessment of Counseling Effectiveness

In circumstances where the Diocese assists the accuser in therapy expenses, a

signed release from the accuser is required that will permit the therapist to release a report to diocesan officials to assess progress made through therapy. Officials may include the Assistance Coordinator and the Assistance Committee of the Diocesan Review Board for Youth Protection. The Assistance Coordinator may review progress notes from the therapist periodically, and may enlist the help of members of the Assistance Committee the Diocesan Review Board. This review is to be done in order to assess the effectiveness of current therapy and to authorize further payments by the Diocese. In cases where the Diocese is assisting the accuser in therapy expenses, the Assistance Coordinator may make the judgment, after consulting with the Assistance Committee, that the accuser is not receiving appropriate or helpful therapy. In such a case, the Assistance Coordinator or a member of the Assistance Committee may choose to speak with the accuser and perhaps the therapist, may offer to assist in locating another therapist, and may discontinue financial assistance if the accuser elects to continue with the same therapist.

To assist in confidentially evaluating counseling effectiveness, the Assistance Coordinator may consult at any time with one or more members of the Assistance Committee of the Review Board.

SECTION IV: Response to an Accusation

The Diocese can respond effectively only if an accusation of suspected sexual abuse of a minor is made so that it is understood as an accusation and contains sufficient information to begin an inquiry. A simple means of reporting accusations of suspected sexual abuse of a minor has been established, so that all reports are normally to be directed to the Program Director. Policies and practices defined in this *Program* are to be followed consistently, unless specific and extraordinary circumstances direct otherwise in the judgment of the Program Director or the Diocesan Bishop.

4.1 Normal Reporting Procedure

Reports of suspected sexual abuse of a minor involving any person or entity related to the Diocese of Harrisburg are normally to be made to the Program Director, and may be made through a toll-free number, 1-800-626-1608, or a special e-mail address, safeyouth@hbgdiocese.org, or by any other means. A report received by any other priest or deacon or any other employee or volunteer should be forwarded without delay to the Program Director.

It is especially important for clergy who are appointed to office within the Diocese of Harrisburg to understand the urgency and necessity of reporting any knowledge of suspected sexual abuse. As soon as any priest or deacon learns of suspected child abuse, it is imperative that he report this information without delay. Under no circumstances should a cleric attempt to undertake his own inquiry or questioning into the matter – instead he must forward knowledge or suspicion of child abuse immediately. Failure to report suspected sexual abuse of a minor is a serious offense under both canon and civil law.

Reporting suspected sexual abuse of a minor is an important obligation, not only for clergy but for any employee, and even volunteers. It is mandatory for clergy and employees of the Diocese, or of a parish, corporation, school, or other institution affiliated with the Diocese of Harrisburg to forward to ecclesiastical authorities and perhaps to civil authorities any reports they may know of suspected sexual abuse of a minor involving the Church. Failure to forward the report of suspected sexual abuse of a minor is a serious offense under both canon and civil law. By this *Program* it is punishable by suspension or loss of employment.

The Program Director is to prepare and publish materials which make known the *Program's* normal reporting procedure. Each edition of the diocesan newspaper, *The Catholic Witness*, is to include a simple notice regarding the normal means of reporting suspected sexual abuse of a minor.

4.2 Uniform Response and Inquiry Practices

To ensure consistency in response to accusations of sexual abuse of minors, procedures and practices must be published. This published information is to emphasize urgency of response, fairness in conducting a fact-finding inquiry, and accountability for procedures.

The accuser and the accused are to be informed in a general way of their rights during the initial fact-finding inquiry, and offered assistance in following through on these rights. Such assistance is specified in other part of this *Program*, but may include help in reporting alleged abuse to civil authorities or locating legal counsel.

The accuser is to be informed of the roles of the two members of the Inquiry Team at the outset of the inquiry. The limited role of the Support Counselor is to be defined in at least general terms, so that unrealistic expectations, such as providing therapy or counseling for the accuser or accused, do not arise. If the other member of the Inquiry Team is a canon lawyer, the neutral role of that person is also to be explained. This will avoid the misunderstanding that the person may become counsel for either the accuser or accused.

SECTION V: Practical Considerations

5.1 Openness and Confidentiality

The inquiry into any accusation of sexual abuse of a minor is to be kept as confidential as possible under the circumstances of the case. However, legal and professional confidentiality is not to be misunderstood as secrecy. Determination of what disclosure is to be conducted and at what stage of the inquiry is to be made in each case. Disclosure may be made to reach out to other victims, to repair scandal caused by sexual abuse, or to provide for punishment of criminal activity. Disclosure is to respect and preserve the rights of all parties in both canon and civil law. In every

case, disclosure will be made to civil authorities.

Disclosure of an accusation or of the results of an inquiry or penal process may be made to any of the following, depending on the circumstances of case:

- The staff or parishioners (students) of the accused person's current and/or previous assignment(s) or place(s) of work or ministry.
- Co-workers or staff of an accused party's current diocesan assignment, employment, or ministry.
- Officials of any other Diocese or religious community in which the accused person may now work or reside.
- Potential employers of the accused, if indicated
- The media.

If an accusation becomes public by any means, the Communications Coordinator or the Program Director is to inform the appropriate personnel at the accused person's current assignment or employment that an inquiry is being conducted. Media questions regarding sexual misconduct cases are to be directed to the Communications Coordinator.

5.2 Administrative Leave: Particular Law

As the provisions of this *Program* become normative particular law for the Diocese of Harrisburg, a person accused of the sexual abuse of a minor may be placed on enforced leave from their assignment, office, or employment with no interruption of salary and accrual of benefits, and at any stage of the inquiry process. This action may occur immediately upon notice to the accused, at the discretion of the accused person's responsible supervisor, or — in the case of clergy and diocesan employees or in the absence of the responsible supervisor— of the Program Director or of the Diocesan Vicar General. The faculty to impose temporary administrative leave in such circumstances and, in cases involving clerics, to demand withdrawal from a particular Rectory or place of residence, is granted as particular law by this *Program* to the Diocesan Vicar General, the Diocesan Judicial Vicar, the Diocesan Secretary for Clergy and Religious Life, and the Program Director. This action is not to be understood as a penalty and is not penal in nature, but exists as a tool in the free and unhindered investigation of a serious offense and crime accusation. Unless circumstances suggest otherwise, no publicity is to be given to this leave, and co-workers and colleagues are not to be informed of this action by the Diocese. If a person is placed on leave, such leave is normally not to extend in time beyond the Assessment Team meeting and inquiry conclusion. The act of placing an accused person on enforced leave will not give rise under canon law to an action for reinstatement during the leave, or for damages at any time.

5.3 Legal Counsel and Advocacy

5.3.1 Access to Legal Counsel: Both the accuser and the accused have the right to legal counsel at any stage of the process. This right extends to counsel at both pertinent laws, that of the state or civil government, and that of the Catholic Church. The Diocese of Harrisburg will uphold this right in every case, and persons involved in the inquiry into an accusation are not to

interfere in any manner in this right.

- 5.3.2 *Fiscal Responsibility for Legal Counsel:*** If either the accuser or accused asks for the counsel of a canon lawyer, or if the Inquiry Team or Program Director determines the need for either party to have canon law counsel, the Assistance Coordinator, working with the Program Director, is to assist the accuser in locating a canon lawyer to provide competent counsel. If requested by the accuser, the Diocese may assume part or all of the cost of canon law counsel, preserving the right to limit or cease payment if the Diocesan Judicial Vicar determines that fees, expenses, or costs are excessive. It is normally the accused's personal responsibility to pay all fees and costs associated with canon law counsel during the preliminary inquiry and prior to the opening of any formal penal process, whether administrative or judicial. During a penal process, the Diocese may assume part or all of the costs associated with canon law counsel to the accused, preserving the right to limit or cease payment if the Diocesan Judicial Vicar or the Diocesan Bishop determines that fees, expenses, or costs are excessive.
- 5.3.3 *Advocacy:*** The notion of advocacy is distinct from that of legal counsel. In the strictest sense, the canon law notion of advocacy is not applicable to a situation that does not involve a formal process of canon law. In other words, the prior investigation must be concluded and a penal process, either judicial or administrative, must have begun. While maintaining this distinction and clarity in terminology, the Diocese pledges to cooperate with any competent canon lawyer lawfully appointed by a party to any inquiry as counsel or as procurator or attorney at any stage of the inquiry or penal process.
- 5.3.4 *Primacy of Canon Law:*** Clergy, employees, and volunteers within the Diocese of Harrisburg are not knowingly and willfully to violate any pertinent provision of federal or state law in the application of this *Program* or its procedures. However, the governing law for this *Program* is primarily the Canon Law of the Roman Catholic Church. Apart from a matter of preserving defined legal rights, every effort must be made to accommodate the interests of both parties under the civil law, but only in a manner that follows and preserves the prevailing canon law. Accordingly, the intervention of a party's civil law counsel may not be admitted or recognized when it involves a matter of interpreting or applying canon law. Conversely, the intervention of a party's canonical counsel may not be admitted or recognized when it involves a matter of interpreting or applying state or federal law.

SECTION VI: Communications

6.1 Designated Spokesperson

The Diocesan Bishop will designate a Diocesan Communications Coordinator, who will also serve as spokesperson for matters dealing with sexual abuse of minors. The Communications Coordinator is a member of the Youth Protection Council.

The Communications Coordinator is to be kept informed of new accusations and the progress of inquiries into accusations by the Program Director. The Communications Coordinator, in turn, is to inform those groups with a legitimate interest in the matters through regular release of information. The groups may include parish or school communities affected by sexual abuse allegations.

The Communications Coordinator is to ensure that current policies regarding sexual abuse of minors are made available to the media and to the public on the diocesan website at www.hbgdiocese.org/safeyouth and through other available media as appropriate.

6.2 Specific Communications Policies

The Communications Coordinator is to develop and follow specific policies and practices regarding communication with the following persons or groups, published in Part III of this *Program*:

- The secular media, regarding a specific accusation or inquiry.
- The secular or religious media, regarding updates on statistics and policies.
- The parish, school, Secretariat, or other place affected by an accusation.
- The Catholic people of the Diocese of Harrisburg.
- The general public of Central Pennsylvania.

6.3 Communication with the Accuser or Victim

Normally, accusations or reports of suspected sexual abuse of a minor are to be made to the Program Director, as outlined in this *Program*. During an inquiry, the accuser is normally to direct all inquiries and communications to the Support Counselor, who may choose to consult with the Assistance Coordinator or others as indicated before responding. Unless specific circumstances suggest otherwise, the Support Counselor is to maintain contact with the accuser and provide periodic updates as to the progress of the inquiry and the results of the inquiry assessment. Following that, the Assistance Coordinator is ordinarily to remain the sole contact person with the accuser, communicating on a regular basis with the accuser as necessary during any follow-up therapy or counseling.

6.4 Communication with the Accused

Normally, all communication with the accused is to be made through and by his or her responsible supervisor, that is, the proper Diocesan Secretary, Pastor, or Principal, or other superior or supervisor of equivalent status. In the case of clergy, the Secretary for Clergy and Religious Life, although not the cleric's supervisor, is to assume this role. The accused is normally not to be made aware of the accusation until after the Inquiry Team has met first with the accuser to ascertain the details of the accusation or report, unless specific circumstances suggest otherwise. Once the inquiry has begun, the responsible supervisor is to maintain contact with the accused, and the accused will be asked to direct all communications and inquiries to the superior.

Unless specific circumstances suggest otherwise, the superior is to maintain contact with the accused and provide periodic updates as to the progress of the inquiry and assessment.

6.5 Communication with the Parish, School or Secretariat

The Communication Coordinator, after consulting with the Program Director and others — including members of the Assessment Team if time and circumstances permit in the particular case — may choose to disclose the fact or circumstances of the accusation to the colleagues of an accused person, or to others at the accused person's place of employment in a Secretariat, parish, school, institution, or corporation affiliated with the Diocese of Harrisburg. Ordinarily, the right to privacy of both the accuser and the accused, the potential for damage to reputation of involved parties, and avoidance of further harm to a victim through publicity, suggest that appropriate disclosure be limited and controlled.

If disclosure is made to a school or parish community at large, the Program Director, together with the Assistance Coordinator, is to see that several counselors or therapists are available at the same time and place to offer immediate crisis counseling to any who would want to speak with them or to report additional incidents of suspected abuse.

If disclosure is made to a select person or small group of persons, that person or persons is first to be cautioned concerning confidentiality and privacy issues and urged not to disclose this information to others, under possible penalty in canon or civil law.

6.6 Communication with other Dioceses or Religious Communities

If an accusation involves clergy or members of either a Religious Order or Institute of consecrated life or another Diocese, or a volunteer or employee of either, the Secretary for Clergy and Religious Life is to work with the Program Director to maintain timely communication with the responsible supervisor of that religious community or the proper Diocese during the initial fact-finding inquiry and assessment of the inquiry. The Communication Coordinator is to be kept informed of the accusation and the progress of the inquiry, but normally all questions regarding the matter are to be referred to the person's proper Diocese or religious community.

SECTION VII: Implementation & Emendation

7.1 Effective Date

This *Program* becomes effective November 1, 2003.

7.2 General Applicability

Ignorance of this *Program* or its procedures, whether through negligence, inadvertence, or other cause, does not exempt any person covered by its terms of applicability, or from any or all provisions of the policy.

7.3 Publication

7.3.1 General Publication:

This *Program* is to be promulgated by publication of Part I: Pastoral Charter, in the diocesan newspaper, *The Catholic Witness*, with notice of the existence and availability of Part II: Norms and Practices. The entire document is to be published in the policy handbook for priests, the *Program for Priestly Life*, and the policy handbook for deacons, the *Program for Diaconal Life*. It will also be published on the diocesan web site at www.hbgDiocese.org;

7.3.2 Specific Publication:

This *Program* is to be promulgated in its entirety to all clergy incardinated, serving or residing in the Diocese of Harrisburg by sending them a copy of the entire policy. An attestation is to be signed by the cleric and returned to the Secretariat for Clergy and Religious Life, indicating that the cleric has received, read, and understands the Program. The signed attestation is to become part of the cleric's permanent file.

This *Program* is to be promulgated in its entirety to all seminarians and candidates for Holy Orders through the Secretariat for Clergy and Religious Life. Each is to sign and return a similar attestation.

This *Program* is to be promulgated in its entirety to the major religious superiors and other Diocesan Bishops who have clerics serving or residing within the Diocese of Harrisburg by sending to each a copy of the entire policy.

This *Program* is to be promulgated in its entirety to the supervisor or home office of any independent contractor or vendor who is utilized by the Diocese of Harrisburg or any parish, school, institution, or corporation related to the Diocese, and whose contractual obligations directly include regular supervision or oversight of minors.

Notice of this *Program* and its general provisions is to be included in the materials developed in fulfillment of the educational mandates for employees and volunteers. Notice of this *Program* and its general provisions is to be included in each policy manual or published set of policies established by the Diocese, a Secretariat, parish, or institution related to the Diocese of Harrisburg.

7.3.3 Workplace Notification:

A copy of the entire *Program* is to be available in each place of employment where at least three persons are regularly employed by the Diocese of Harrisburg, or a parish, school, institution, or corporation affiliated with the Diocese.

A brief notice of the manner of reporting an accusation of suspected sexual abuse of a minor according to this policy is to be publicly and permanently posted in each place of employment where at least three persons are regularly employed, as above.

7.4 Emendation

The Review Board is to meet at least annually with diocesan staff responsible for its implementation to review the entire *Program* and its implementation. The Review Board will then recommend any specific changes to the Diocesan Bishop for his review, approval, and promulgation.

The Review Board is to create a committee of several of its members, known as the Policy and Procedures Committee, that will be convened by the Program Director at least annually to review the text, policies, and procedures of the *Youth Protection Program*. This committee will hear from those diocesan staff who were directly involved in conducting or overseeing any fact-finding inquiry since the last meeting of the committee, for the purpose of evaluating the effectiveness of the existing *Program* and its procedures and recommending specific changes.

This *Program* may at any time and without prior notice be amended, revoked, or any of its provisions dispensed from for cause by the Bishop of the Diocese of Harrisburg.

Any emendations, including additions or deletions, will become effective immediately upon lawful promulgation by the Diocesan Bishop.

This *Program* will retain its force until amended or revoked by the Bishop of the Diocese of Harrisburg, notwithstanding any changes to canon law or civil law that may necessitate a modification in its applicability or implementation apart from formally amending the text.