



DIOCESE OF OGDENSBURG

Charter for the Protection of Children and Young People

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POLICY DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS

BY PRIESTS, DEACONS, OR OTHER CHURCH PERSONNEL

DIOCESE OF OGDENSBURG

February 1, 2007

The Roman Catholic Diocese of Ogdensburg, through this Policy, provides a mechanism to respond promptly and justly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. The Catholic Church desires to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The Church earnestly desires to heal the wounds of the past and to ensure, as much as humanly possible, that those who violate the sacred trust inherent in a ministerial relationship will never repeat such behavior.

This document is intended to ensure that the rights of all parties, the alleged victims and the accused, are respected and that the good name of all concerned, is safeguarded. To that end, this policy seeks to ensure that the appropriate canonical process is followed and that all civil and canonical rights are observed.

I. Reporting

- A. All allegations of sexual abuse of minors by a priest or a deacon must be reported immediately to the Vicar for Clergy, or, in his absence, the Chairperson of the Review Board or the Vicar General of the Diocese of Ogdensburg. In addition, all state-mandated reporters should call the New York State Child Abuse Hotline at 1-800-342-3720.
- B. The Diocese of Ogdensburg will report all allegations of sexual abuse of a minor to the public authorities and cooperate in their investigation. The Diocese will contact and cooperate with public authorities about reporting in cases when the person is no longer a minor. In every case, the Diocese will advise victims of their right to make a report to public authorities and support this right.
- C. Any insurance service for the Diocese of Ogdensburg will be put on notice of a possible claim and requested to provide whatever service or coverage is available.

II. Preliminary Investigation

When the Diocese receives a clear allegation against a member of the clergy from a credible source, the following steps will be taken:

- A. The Vicar for Clergy or the designated diocesan official will promptly inform the Bishop of the allegation. The Vicar and another designated person will meet with the person making the allegation. Preferably, if the alleged victim is a female, the designated person should be a female. This is to be followed with a meeting with the accused priest or deacon. Following these meetings, the matter will be immediately reported to the district attorney having local jurisdiction.
- B. The person making the allegation shall be advised of his or her absolute right to have an attorney or other person present to assist or support him or her and to submit the complaint to the office of the district attorney.
- C. Where no reasonable grounds are found to exist, the complainant shall be notified of this determination and reminded of his or her legal rights. The accused cleric is to be notified immediately of this finding.

III. Action Following Preliminary Investigation

- A. Soon after the diocesan official meets with the complainant and meets with the accused, the Chairperson will convene the Review Board. It shall assess the allegation and advise the Bishop of further action in regard to the substance of the allegation.
- B. The assessment reached by the Review Board will be communicated to the alleged victim and the accused.
- C. If it is determined that there are reasonable grounds to believe that the alleged abuse took place, the Bishop will promptly relieve the accused of his ministerial duties (cf. *c.1722*), if he is incardinated in the Diocese of Ogdensburg, and place him on administrative leave. If the cleric is incardinated into another diocese or is a member of religious community, the Bishop will notify the bishop of the accused or his religious superior of the need to place him on administrative leave. The Bishop, or his delegate, will meet immediately with the cleric to review the allegation, to advise him of his rights to canonical due process and to legal and canonical counsel during the proceedings. The alleged offender will be encouraged to undertake an appropriate medical and psychological evaluation.
- D. As a means to provide support to every person who has been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years ago, the Diocese of Ogdensburg provides a competent Assistance Coordinator to aid in the immediate pastoral care of persons who claim to have been sexually abused as minors. This outreach will include provision of counseling, spiritual assistance, and other social services.

- E. Should a cleric incardinated in the Diocese of Ogdensburg admit to the allegation, he will be removed from ministry immediately. Even in the case of a single act of sexual abuse of a minor,—past or present—the offending priest or deacon will be permanently removed from ministry. He will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
1. The offender will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.
 2. In every case, the processes provided for in canon law must be observed, (cf. *cc.1341, 1717-1721*).
- F. If the cleric who has admitted to the allegation resides in the Diocese of Ogdensburg but is incardinated into another diocese or is a member of a religious community, the Bishop of Ogdensburg, with notice to the cleric's bishop or superior, will promptly relieve the cleric of any assignment he has in the Diocese. He shall request the bishop or superior to handle the matter according to the policy of the cleric's diocese or religious community.
- G. If it has been determined that there is substance to the allegation and the accused denies any wrongdoing, further investigation will be undertaken. While the investigation is proceeding, the Bishop will judge whether it is necessary to place the accused cleric on administrative leave until the process is completed. This is necessary to protect the alleged victim, the accused, and the Church. The Bishop must take care not to endanger the good name of anyone resulting from the investigation (cf. *c.220*). If incardinated in the Diocese of Ogdensburg, the accused priest will receive from the Diocese a living stipend in accordance with diocesan policy.
- H. If the allegation is proven in the canonical process, the cleric, including one incardinated into another diocese but residing in the Diocese of Ogdensburg, will be formally removed from his office and/or any other clerical duties. The offending priest or deacon will be permanently removed from ministry. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself as a priest. The cleric may request dispensation from the obligation of holy orders and the loss of the clerical state. The Bishop may request dismissal from the clerical state even without the consent of the priest or deacon. The accused is encouraged to retain the assistance of civil and canonical counsel. The Bishop will provide the offending cleric the sustenance indicated by diocesan policy.
- I. If the allegation is not proven in the canonical process, the alleged victim and the cleric are informed that insufficient evidence exists to act upon the complaint within the canonical forum. Should the allegation be a matter of civil or criminal action in the courts, the Diocese of Ogdensburg will cooperate fully with the judicial process. The Review Board may advise the Diocesan Bishop regarding the priest's future ministry.

IV. The Review Board

- A. The Diocesan Review Board shall be composed of at least ten persons of outstanding integrity and good judgment. The majority of the members will be laypersons who are not in the employ of the Diocese of Ogdensburg. Membership must include the Vicar for Clergy and at least one other incardinated priest of the Diocese. At least one member should have particular expertise in the treatment of the sexual abuse of minors. The Bishop of the Diocese of Ogdensburg appoints the members for renewable five-year terms. The Promoter of Justice shall serve as an ex-officio member of the Board and the Diocesan Assistance Coordinator may be called upon to address the Board, as requested by the Board Chairperson.
- B. The Chairperson, or in the Chairperson's absence, the Vicar for Clergy, will call the Board together when an allegation is received. The presence of five members at a meeting shall constitute a quorum. A minimum of three Board members who are not employed by the Diocese of Ogdensburg must be present in any review of an allegation to determine the allegation's credibility.
- C. Tasks:
 - 1. Assess all allegations of sexual abuse of minors by priests, deacons, and other church personnel to advise the Bishop of their credibility. The Board may assess past as well as present allegations.
 - 2. Review the *Policy of the Diocese of Ogdensburg With Respect to Allegations of Sexual Abuse of Minors* and the procedures for dealing with these allegations at least every five years in order to recommend to the Bishop any modifications, if appropriate.
 - 3. Make recommendations to the Bishop, as requested, concerning cleric's fitness for ministry in particular cases.

V. To Protect the Faithful in the Future

- A. The procedures for those making a complaint will be readily available in printed form and be the subject of periodic public announcements (i.e., *North Country Catholic*, diocesan webpage, parish bulletins, etc.).
- B. The Diocese of Ogdensburg will enter into no confidentiality agreement except for grave and substantial reasons brought forth by the victim.
- C. Before a priest or deacon is proposed to another diocese for assignment, transfer, or residence, it will be noted if there is anything in his background to indicate that he would be a danger to children or young people. An accurate and complete description of the priest or deacon's background will be forwarded by the Bishop of Ogdensburg to the local ordinary of his new residence.

- D. Extensive criminal background investigations of all diocesan and parish employees will be conducted. The criminal backgrounds of Volunteers who have contact with children and young people will also be evaluated. The diocese will utilize the resources of law enforcement and other community agencies.
- E. The Diocese of Ogdensburg will continue to review, update, and promulgate clear and well-publicized standards of ministerial behavior with regard to sexual abuse, harassment, etc.
- F. The Diocese of Ogdensburg will continue to initiate “*safe environment*” programs.
- G. The Bishop may determine to provide financial assistance to the accused cleric who is incardinated in the Diocese of Ogdensburg if he is unable to obtain legal counsel due to financial hardship.

VI. Allegations Made Against Lay Employees

- A. *Pre-Hiring Screening:* to the fullest extent permitted, all prospective employees shall be screened for any history of acts of sexual abuse. The applicant, and any references furnished, must be questioned specifically on this point. If the prospective employee and/or volunteer is to have frequent contact with or be responsible for children, the pre-hiring investigation must be conducted with special care, such as referral to the child abuse registry.
- B. *Reporting:* If allegations of sexual abuse are made against a lay employee or volunteer, local church authorities shall notify the proper diocesan department head who will report the matter to the Bishop, or, in his absence, to the Vicar General, for further instructions. A civil attorney will be consulted.
 - 1. If the Bishop determines that the allegations may have substance, the employee may be placed “on leave” pending resolution of the matter. The employee is to be informed of his/her rights under civil and canon law and is to be encouraged to retain independent legal counsel.
 - 2. All allegations shall be reported to the appropriate civil authorities.
 - 3. The Diocesan Assistance Coordinator shall be notified and render appropriate support to the alleged victim. Such support should not be considered as an indication that the Diocese of Ogdensburg is culpable or responsible for the actions of the accused. Rather, it will offer pastoral, moral and spiritual help to the person and family involved.
 - 4. The insurance service for the diocese shall be put on notice of a possible claim and requested to provide whatever service or coverage is available.
- C. *Preliminary Investigation:* The Bishop, or his delegate, and the concerned Department Head, with the advice of legal counsel, shall consult with the reporting party, the alleged victim, and the employee/volunteer.

1. If the employee/volunteer admits the allegations, he/she is to be dismissed and encouraged to seek professional help.
2. If the alleged denies the allegations, and if the investigation discloses reasonable grounds to indicate the truth of the allegations, the employee shall remain "on leave" pending completion of a formal investigation by the Review Board.
3. If, after formal investigation, the allegations are determined to be true, the employee will be dismissed and encouraged to seek professional assistance.



Approved by _____

Most Reverend Robert J. Cunningham
Bishop of Ogdensburg

February 1, 2007