

Article 1

Policy Statement

The Diocese of Victoria recognizes that sexual abuse of minors constitutes a breach of trust in human relationships and that it can have significant consequences for the victim and his/her family and for the church community at large. The Diocese of Victoria sets forth the following policy and procedure regarding sexual abuse of minors for the reasons stated above.

Article 2

Review Board Mission Statement and Procedures

Mission: It is the mission of the review board to serve the People of God in the Diocese of Victoria by assisting the bishop in his responsibilities for the protection of children and young people. The board is charged with advising the bishop in the work of the just, investigating and responding to allegations of sexual abuse, the prevention of further abuse, the healing of those who have been injured, and the rebuilding of a sense of trust among the faithful and larger community.

Membership: A review board of five persons, appointed by the bishop, will function as a confidential consultative body to assist him in discharging his responsibilities.

- 2.1 The bishop will appoint individuals as specified in the *Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* as approved December 8, 2002 (hereafter cited as “Essential Norms”).
- 2.2 The majority of the review board will be lay members who are not in the employ of the diocese, with at least one member being a priest, and at least one member having particular expertise in the area of sexual abuse of minors.
- 2.3 The members of the review board are to be appointed for a five-year term, which can be renewed at the discretion of the bishop.
- 2.4 The review board, in addition to other responsibilities indicated in “Essential Norms” and assigned to it by the bishop, will review allegations of sexual abuse of minors by priests or deacons that are brought to its attention.

General Responsibilities of the Review Board: The review board is responsible to the bishop providing consultation to him in his service to those who have been injured by sexual abuse, the alleged offenders, and the people of the diocese. The general responsibilities of the board are to:

1. provide consultation to the bishop in his assessment of the validity of allegations of sexual abuse of minors;
2. review the implementation and application of the Diocesan Policy for the Protection of Minors to assure compliance with the *Charter for the Protection of Children and Young People* and the *Essential Norms*;
3. assist the bishop and chancellor in the oversight of the victim outreach;
4. provide consultation to the bishop regarding an offender's suitability for ministry;
5. review with the bishop all programs, policies and procedures that relate to the *Charter* within the diocese;
6. offer advice on all aspects of cases of sexual abuse of minors, whether retrospectively or prospectively.

Board Duties: Review of allegations. The review board shall receive a comprehensive report from the diocesan investigator, selected by the Bishop, and the Victim Assistance Coordinator of all allegations of abuse of minors by priests or deacons. Victim and family inquiries to the board or board member will be directed to the victim assistance coordinator and the chancellor for pastoral outreach.

Consultation on allegations. The board shall provide consultation to the bishop regarding validity of allegations and suitability for ministry.

Policy compliance. For all allegations, the board shall advise whether the diocesan policy on sexual abuse was followed regarding the reporting to civil authorities, the outreach to the victims, the outreach to parish communities, and the appropriate action, in accord with Canon Law and prudent judgment, toward clergy alleged to have caused the abuse.

Policy Review. The board shall periodically review the diocesan policy on sexual abuse. A report of the recommendations for any changes in the policy shall be sent to the bishop.

Article 3

Victim Assistance Coordinator

- 3.1 The Diocese of Victoria will appoint a victims assistance coordinator for the immediate pastoral care of persons who allege sexual abuse by priests or deacons.
- 3.2 The victim assistance coordinator will offer means of spiritual care and support to individuals and families of victims of abuse.

Article 4

Reporting and Investigation

The Diocese of Victoria will respond promptly (within 72 hours) to any allegations where there is reason to believe that sexual abuse of a minor has occurred. All reporting complies with the following procedures:

4.1 Civil Reporting Requirements

- 4.1.1 Any instance of known or suspected sexual abuse of a minor must be reported to the civil authorities within 48 hours. This report should be made to the Texas Department of Family and Protective Services at 1-800-252-5400.
- To report an incident involving the production, possession, distribution, or receipt of child pornography, file a report on the National Center for Missing & Exploited Children (NCMEC)'s website at www.cybertipline.com, or call **1-800-843-5678**. Your report will be forwarded to a law enforcement agency for investigation and action.
- 4.1.2 This suspected sexual abuse of a minor, if diocesan personnel are involved, must also be reported to the appropriate diocesan authority, specifically, the bishop of Victoria, the chancellor or their representative.

4.2 Internal Diocesan Procedures When Allegations Are Made Against a Lay Employee

- 4.2. Once an allegation is received in writing, the individual suspected of abuse will be immediately notified of the nature of the allegations. The employee will be placed on administrative leave with pay.
- 4.2.2 The individual suspected of abuse is to be directed to remain away from the location(s), which are the subject matter of the complaint until a resolution of the complaint is concluded. The person notifying the individual suspected of abuse will advise the person of his or her right to obtain his or her own attorney.
- 4.2.3 The Diocese of Victoria (DOV) will conduct its own investigation into the allegations. The person(s) conducting the investigation will be selected by the Bishop of the Diocese of Victoria. If, in the opinion of the Bishop, no internal person(s) is/are capable of conducting the investigation, it will be outsourced to the DOV Human Resources attorney.
- 4.2.4 If as a result of the internal investigation, it is determined that abuse has taken place, the accused employee will be terminated immediately. If the accused refuses to cooperate with the internal investigation, the accused will be terminated immediately.

- 4.2.5 If the allegation is not substantiated through the DOV internal investigation, the employee will be reinstated pending the outcome of the criminal justice system. However, if the criminal justice system concludes that the abuse occurred, the employee will be terminated.
- 4.2.6 If a lay employee or volunteer admits guilt, does not contest guilt, or there is a finding of guilt, he or she must be terminated immediately. The appropriate institutional authority shall notify the bishop in writing so that the employee's or volunteer's file may be properly noted and adequate safeguards taken in an effort to assure that the individual is not employed or utilized by the Diocese of Victoria in the future.
- 4.2.7 In instances where the individual suspected of abuse is not found guilty, a consultation by the appropriate institutional authority with the bishop or his delegate is to take place before considering possible restoration to duty.
- 4.2.8 The person designated to coordinate assistance to victims of sexual abuse and their families will offer means of spiritual care and support to these individuals.

4.3 Internal Diocesan Procedures When Allegations Are Made Against Priests and Deacons

- 4.3.1 The bishop of the Diocese of Victoria will be immediately notified.
- 4.3.2 The diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation.
- 4.3.3 When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, conducted by the bishop or his designee, in keeping with canon law will be initiated and conducted promptly and objectively.
- 4.3.4 The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.
- 4.3.5 When there is sufficient evidence that sexual abuse of a minor has occurred; the Congregation for the Doctrine of the Faith shall be notified.
- 4.3.6 Likewise, when there is sufficient evidence of sexual abuse of a minor, the bishop shall then remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

- 4.3.7 The alleged offender may be requested to seek and comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese of Victoria and the accused.
- 4.3.8 When a process of imposition of canonical penalties is called for as a result of the outcome of the primary investigation of 4.3.3 above and the response from the Congregation for the Doctrine of Faith, the procedures of canon law will be observed, in accord with the provisions of “Essential Norms”, No. 8.
- 4.3.9 The offending priest or deacon will be removed permanently from ecclesiastical ministry when even a single act of sexual abuse by said priest or deacon has been admitted or established, in accord with canon law.
- 4.3.10 All applicable state and federal laws will be followed in regards to access, possession and distribution of child pornography.
- 4.3.11 No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province without the approval of the bishop.
- 4.3.11.1 Before a priest or deacon can be transferred for residence to another diocese or religious province, his bishop or religious ordinary shall forward, in a confidential manner, to the local bishop, or religious ordinary of the proposed place of residence all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.
- 4.3.11.2 Every bishop or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.
- 4.3.12 Care will always be taken to protect the rights of all parties involved, particularly the rights of the person alleging sexual abuse and of the person against whom the charge has been made.
- 4.3.13 When an accusation has proved to be unfounded, the bishop and/or his designee will take reasonable steps to restore the good name of the person falsely accused.
- 4.3.14 If the individual is a member of a religious congregation, the president, provincial superior, or general superior will be contacted.

4.2 Internal Diocesan Procedures When Allegations Are Made Against a Lay Volunteer

- 4.2.1 As soon as an allegation is received in writing the volunteer will be suspended pending an investigation. If it is determined that the allegation is not credible, either through an internal investigation or through the criminal justice system, the volunteer may be reinstated, with the Bishop's approval. The Bishop will determine if an internal investigation is to be conducted. If through the criminal justice system, no finding of guilt is made, the volunteer may continue to serve in his/her position with DOV with the Bishop's approval.
- 4.2.2 If a lay volunteer admits guilt, does not contest guilt, or there is a finding of guilt, he or she will be terminated immediately. The appropriate institutional authority shall notify the bishop in writing so that the volunteer's file may be properly noted and adequate safeguards taken in an effort to assure that the individual is not employed or utilized by the Diocese of Victoria in the future.

Article 5

Education and Safe Environment

5.1 Application Process and Screening

- 5.1.1 All applicants for church personnel positions, whether for employment or volunteer service, are required to complete a standard application process that includes the release of information to conduct background checks.
- 5.1.2 The diocese will perform a criminal records check for the state of Texas and any other state the applicant has resided in the past five years.
- 5.1.3 This process is to be completed and background check clearance must be obtained before the beginning date of conditional employment or volunteer service.

5.2 Education for Child Protection

- 5.2.1 A diocesan educational and training program will be developed to include personal safety that conforms to Catholic teachings
- 5.2.2 Church personnel of the Diocese of Victoria are required to attend an orientation program at which the *Code of Pastoral Conduct* and the *Policy: Sexual Abuse of Minors* are presented, reviewed, and explained.

5.2.3 Church personnel of the Diocese of Victoria will be required to attend periodic education sessions pertaining to various aspects of sexual abuse. Verification of attendance will be kept in their personnel files with the Diocese of Victoria.

5.2.4 All clergy and other church personnel within the diocese shall certify in writing that he/she has read and is familiar with the diocesan policy and procedures regarding the *Code of Pastoral Conduct* and the *Sexual Abuse of Minors*. Each individual's certification will be maintained in his or her personnel file.

Article 6

Release of Information

- 6.1 The Diocese of Victoria will not enter into confidential agreements except for grave and substantial reasons brought forward by the victim/ survivor and noted in the text of the agreement.
- 6.2 Only the bishop or his designee will respond to any news or other media inquiries regarding specific allegations of sexual abuse of a minor by church personnel.
- 6.3 Decisions regarding any public statement(s) or the release of any information must be made on a case-by-case basis.
- 6.4 In any case, the designated spokesperson will adhere to the diocesan commitment in dealing with alleged incidents of sexual abuse of a minor in a responsibly open manner, still respecting the sensitivity, privacy and confidentiality of the victim and the accused party.