

The Charter for the Protection of Children and Young People: A Policy of the Diocese of Sioux City

Preamble

Recognizing the gravity of sexual abuse of a minor, the Diocese of Sioux City hereby pledges to facilitate rapid intervention whenever an allegation of sexual abuse of a minor by a member of the clergy, an employee or a volunteer of the Diocese is received. Sexual abuse, when it occurs within the context of the church, creates a tragic reality that misrepresents the Good News to those who have been victimized.

Purpose

This policy is designed to reach out to victims of sexual abuse with compassion and sensitivity and to assure the safety of minors in the church community. Equally important, this policy provides a framework for reporting and responding to allegations of sexual abuse of a minor by a member of the clergy, an employee or a volunteer of the Diocese.

Definitions

- Sexual abuse of a minor—See Chapter 709.1 of the Code of Iowa
- Cleric—Any member of the clergy; that is any bishop, priest or deacon working on behalf of the diocese or any of its parishes and entities.
- Diocese—The Roman Catholic Diocese of Sioux City, including, but not limited to, parishes, schools, agencies and institutions with direct accountability to the Bishop of the Diocese of Sioux City.
- Employee—any person who receives compensation for their labors on behalf of the work or ministry of the Diocese of Sioux City or any of its parishes and entities.
- Volunteer—any person who works with a program or entity that promotes the overall mission of the Diocese of Sioux City or any of its parishes and entities.
- Misconduct Review Board—A confidential consultative body to the Bishop with the majority of its members being laypersons, none of whom are employees of the Diocese. The Review Board will advise the Bishop in his assessment of the allegations of sexual abuse of minors and in his determination of suitability of the accused clergy for ministry.
- Victim Assistance Coordinator—The Diocese will employ a person (or persons) to serve as the first point of contact for those who claim to have been sexually abused as minors by a cleric. This person will be responsible for coordinating assistance for the immediate pastoral care of victims.
- Administrative Leave--Temporary suspension of all pastoral and administrative duties pending the resolution of allegations.
- Allegation of Sexual Abuse—Claim of sexual abuse by the victim, parent of the victim, guardian, trusted adult or other person who has reasonable knowledge of the claimed abuse.
- Preliminary Investigation Procedures—(see www.scdiocese.org).
- Canon law—(see www.scdiocese.org).

Reporting Abuse

1. When a minor feels that an incident of sexual abuse has occurred, he or she should tell a trusted adult. Any person who has reasonable knowledge of an alleged incident of sexual abuse by a member of the clergy, an employee or a volunteer of the Diocese should contact the office of the Victim Assistance Coordinator, Mercy Child Advocacy Center 279-5610. Toll Free 1-866-435-4397.
2. In every instance, the Victim Assistance Coordinator will advise victims of their right to make a report to civil authorities. In addition, the Victim Assistance Coordinator will report all allegations to the Bishop of the Diocese of Sioux City.
3. The Bishop will immediately refer the allegation to the Misconduct Review Board and it is the Bishop's responsibility to report the allegation to the appropriate county attorney.
4. The Diocese will cooperate with the county attorney in any criminal investigation.
5. If an allegation involves a member of the clergy, the Bishop or his designee will inform the cleric that he has been named in an allegation of sexual abuse. The Bishop will advise the cleric of his right to civil and canonical representation. The Bishop will abide by church law and civil law to ensure due process.

The Bishop or his designee shall conduct an investigation into the allegations, with the assistance and advise of the Misconduct Review Board. A neutral fact finder may be used.

During the Investigation the bishop may impose appropriate restrictions upon the cleric, including administrative leave.

6. If the allegation involves an employee or volunteer of the Diocese, the Bishop or his designee will inform the employee or volunteer that he has been named in an allegation of sexual abuse. The Bishop or his designee will advise the employee of his or her right to civil representation. The Bishop will abide by civil law to ensure due process.

The Bishop or his designee shall conduct an investigation into the allegations, with the assistance and advise of legal counsel. A neutral fact finder may be used.

During the Investigation the bishop may impose appropriate restrictions upon the employee or volunteer, including administrative leave.

6. A cleric, an employee or a volunteer of the Diocese who has been accused of sexual abuse of a minor has the right to speak with the Bishop. Although he or she may admit the offense if he or she chooses, the accused cleric, employee or volunteer of the diocese cannot be compelled to confess the offense or to say anything that would be self-incriminating.
7. When sexual abuse of a minor by a cleric, an employee or a volunteer of the Diocese is admitted or is established, the following will pertain:

- For even a single act of sexual abuse of a minor, the offending cleric, employee or volunteer of the diocese will be permanently removed from active ministry and/or employment and may be dismissed from the clerical state, if the case warrants.
 - In every case involving canonical penalties, the processes provided for in canon law must be observed. For the sake of due process, the accused is encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese will supply canonical counsel to a cleric.
 - Canon law provides for the following:
 - a. a request by the cleric for dispensation from the obligation of holy orders and the loss of clerical state, or
 - b. a request by the bishop for dismissal from the clerical state even without the consent of the cleric.
 - While it is necessary to impose sanctions on offending clerics, the church remains committed to their spiritual welfare by giving them whatever fraternal support is possible within the limitations of their status. The church encourages continual prayers on their behalf within the Catholic community.
8. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal openly with members of the community, especially communities directly affected by ministerial abuse involving minors, in compliance with its communication policy. The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement.

To Promote Healing and Reconciliation with Victims of Sexual Abuse as Minors

The first obligation of the church with regard to the victims is for healing and reconciliation. As a sign of its sincere commitment to their spiritual and emotional well-being, the Diocese will maintain an outreach program for every person who has been the victim of sexual abuse by a cleric, whether the abuse was recent or occurred many years in the past.

This outreach may include medical care, counseling, spiritual assistance or other services agreed upon by the victim and the Diocese. In addition, the church encourages continual prayers for the victims within the Catholic community. In cooperation with social service agencies and other churches, support groups for victims and others affected by abuse will be fostered and encouraged in the Diocese and in local parish communities.

Through pastoral outreach, the Bishop or his representative may offer to meet with victims and their families to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States (April 23, 2002).

To Ensure the Accountability of our Procedures

The Diocese of Sioux City will maintain a copy of this policy on file with the Office for Minor and Youth Protection of the United States Catholic Council of Bishops (USCCB). That office is charged with providing oversight in the consistent application of these principles.

This policy will be reviewed on an annual basis by the Misconduct Review Board.

To Protect the Faithful in the Future

The Sexual Abuse Task Force established the initial programs that promote safe environments for minors. The Bishop or his designees will collaborate with parents, clergy, educators and community resources to provide ongoing education and training for minors, parents, ministers, educators and others about making and maintaining a safe environment. The Bishop will provide for ongoing instruction to the clergy, employees and volunteers of the diocese or any church/school affiliated with the diocese as to the Ethical Standards For All Those Ministering on Behalf of The Church

The Diocese will employ adequate screening and evaluative techniques in determining the fitness of candidates for priestly or diaconate formation and those who are employed or volunteer in the ministries of the church.

The Diocese will evaluate the background of all clergy, employees or volunteers of the diocese or any church/school affiliated with the diocese, utilizing the resources of law enforcement and other community agencies.

No person who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another parish, diocese or religious province.

Before any cleric may be transferred for residence in the Diocese of Sioux City, the Bishop shall receive written documentation from the cleric's bishop or major religious superior that no allegations exist against that cleric. The Diocese will seek appropriate references for lay employees and volunteers from former employers or those who have knowledge of their paid or volunteer work experiences. Similarly, the Bishop of Sioux City shall provide written documentation that no allegations exist against a cleric while assigned to minister in the Diocese before that cleric may be transferred for residence in another diocese. When requested, the Bishop or his designee will provide another diocese with appropriate references for present and former employees.

If an allegation is made against a cleric, an employee or volunteer from another diocese or from a religious order who is ministering or has ministered in the Diocese, the Bishop will communicate immediately with that cleric's, employee's or volunteer's bishop or major superior in order to coordinate their roles in the investigation of the allegation.

Sexual abuse of a minor is contrary to Christian morals and violates civil law. All those who minister on behalf of the church must comply with all applicable church, federal, state and local laws regarding incidents of actual, alleged or suspected sexual abuse as well as procedures outlined herewith. All who minister on behalf of the church shall sign an acknowledgement of receipt, understanding and acceptance of this policy.