



THE DIOCESE OF YAKIMA • PASTORAL OFFICE
LA DIÓCESIS DE YAKIMA • CENTRO PASTORAL

Memo

To: Catholic Faithful of the Diocese of Yakima
From: Carlos A. Sevilla, S.J.
Bishop of Yakima
Date: September 29, 2009
RE: Policy Regarding Sexual Abuse of Minors

Accompanying this memo you will find a draft policy regarding sexual abuse of minors by personnel of the Diocese of Yakima. The Diocese's first such policy was implemented in 1993. It was revised 10 years later, in 2003, at the same time that the Diocesan Lay Advisory Board (DLAB) was created to advise the Bishop on the handling of cases of sexual misconduct and abuse. After extensive review, the DLAB has recommended adoption of a new policy that is more closely conformed to the Essential Norms promulgated by the U.S. Conference of Catholic Bishops for the handling of allegations of sexual abuse of minors.

The focus of the proposed new policy is on abuse of minors. To ensure that allegations of sexual misconduct with vulnerable adults continue to be handled in a responsible manner, a draft policy regarding such misconduct has also been proposed. Together, these two new policies will continue to assist me and future Bishops in our work of providing safe environments for the faithful of the Diocese of Yakima.

I invite you to comment on these policies before they are adopted. You may do so by sending an e-mail to: policy@yakimadiocese.org or by sending a letter to my chief of staff, Fr. Robert Siler, at: Diocese of Yakima, 5301-A Tieton Drive, Yakima, WA 98908. Please note which policy on which you are commenting.

Please send your comments by Friday, November 6, 2009, and include your name, address, and daytime phone number, should we need to contact you.

May God bless you abundantly always.

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Copies to:
Office of the Bishop
Ministry & Education Center
Office of Canonical Concerns
Catholic Charities of Yakima

**§2000 THE DIOCESE OF YAKIMA POLICY REGARDING
SEXUAL ABUSE OF MINORS BY
CLERICS, MEN and WOMEN RELIGIOUS, SEMINARIANS, EMPLOYEES AND
VOLUNTEERS**

Introduction:

On June 14, 2002, the United States Conference of Catholic Bishops (USCCB) approved the Charter for the Protection of Children and Young People, with revisions adopted on November 13, 2002, and further revised June, 2005. The Charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by diocesan personnel. The Bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. The Bishops also stated that the Church would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and reputation of the individuals involved. Finally, the Bishops committed themselves to the pastoral care, spiritual care and emotional well-being of those who have been sexually abused and of their families, as well as of the perpetrators of the abuse.

In addition, the Bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. The Bishops have also pledged to evaluate the background of seminary applicants as well as of all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops also established Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, revised on November 13, 2002 and again in June, 2005. These norms constitute particular law for all dioceses/eparchies of the United States effective March 1, 2003. They also are complementary to the universal law of the Church, which has traditionally considered the abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

The following policies and procedures of the Diocese of Yakima regarding sexual abuse of minors have been promulgated in accordance with the Charter for the Protection of Children and Young People and the corresponding canonical document of the Essential Norms.¹ In the Diocese of Yakima the following policy applies to all diocesan personnel

¹ Diocesan policy must be promulgated in accord with the *Essential Norms* which are Church law. The *Charter* basically serves as a commentary and supporting document.

as defined below. These policies and procedures recognize that sexual abuse of minors has a profound impact on the lives of those affected. Sexual abuse of a minor by diocesan personnel, damages the priesthood, diaconate² and the Church itself. The following policies and procedures reflect the Diocese of Yakima's continuing efforts to provide for the safety of the people through whom it carries on its pastoral mission while protecting the reputation of clerics and other diocesan personnel who may be subject to inaccurate or false allegations. These policies and procedures do not address sexual abuse in general, but only the special circumstances described herein.

§2000.1 Definitions

- 1) **Administrative Leave** – The term "administrative leave" means the placement of diocesan personnel on leave from all job duties/assignments pending investigation into allegations of sexual abuse by the personnel or for any other reason that is determined by the Bishop to be in the best interest of the diocese. Administrative leave will be with or without pay as determined by the Bishop. In addition to relieving the personnel from all assigned duties, it may also include a prohibition from contact with certain individuals during the investigation, a prohibition on returning to the work place or other diocesan property during the leave period and/or a prohibition from participation in certain work-related activities unless specific permission is granted by the Bishop. Diocesan personnel on administrative leave may be required to remain available for contact during normal work hours.

The term "administrative leave" does not exist in canon law. In effect, an administrative leave is a directive on the part of a legitimate ecclesiastical authority removing a cleric from the exercise of ministry. There are canonical reasons for taking such an action: for example, the declaration of an impediment which would prohibit the exercise of ministry by a priest or deacon for appropriate reasons [cf. canon 1044 of the Code of Canon Law] or the exclusion of a priest or deacon from the exercise of ministry during a penal process. (cf. canon 1722).

Whenever an administrative leave is imposed, it is important not to impair a person's rights by, for example, removing a priest's or deacon's faculties, which would constitute the imposition of a penalty without due process of law. Rather, an administrative leave is a prohibition from exercising ministry for a just and necessary reason.

- 2) **Bishop** refers to the Ordinary of the Diocese of Yakima, WA, the Vicar General, or the Diocesan Administrator of that diocese.
- 3) **Chief of Staff** is the administrator of the Bishop's office.
- 4) **Cleric (clergy)** is a priest or deacon.²

² "Clergy" in the context of the *Essential Norms* and the Charter refers only to priests and deacons. (Bishops are not included by reason of Canon 1405, §1, 3. See the footnote to §2003, page 8, which describes how an allegation of sexual abuse against the Bishop would be handled.)

- 5) **Diocesan Personnel** refers to (a) all members of the clergy of the Diocese of Yakima and other clergy members with assignments from the Bishop of Yakima; (b) members of religious congregations or institutes of consecrated life who staff a parish or institution of the Corporation of the Catholic Bishop of Yakima or reside on diocesan property; (c) lay persons who are employees of, or volunteer in, parishes and other agencies of the Corporation of the Catholic Bishop of Yakima; (d) visiting individuals approved by the Bishop.
- 6) **Diocese** refers to Diocese of Yakima, WA.
- 7) **Diocesan Lay Advisory Board** (DLAB) shall be a group of respected individuals of sound judgment who are appointed by the Bishop to serve as the principal confidential advisors to the Bishop both in his assessment of allegations of sexual abuse of minors by diocesan personnel and also in his determination of their suitability for ministry. (Cf. *Charter*, art. 2, and *Essential Norms*, §4)
- 8) **Minors** are those under eighteen years of age. For purposes of this policy, the term also includes the developmentally disabled who, because of physical or mental impairment, have the same vulnerability as a minor.
- 9) **Professional Responsibility Coordinator (PRC)** shall be a lay professional who is experienced in investigation of, and, specifically, the analysis of allegations of sexual abuse of minors.
- 10) **Promoter of Justice**, appointed by the Bishop, is a canonically appointed attorney who may be a cleric or lay person with an unimpaired reputation, is proven in prudence and in zeal for justice and, preferably, holds a doctorate or licentiate in canon law.
- 11) **Sexual Abuse** refers in this document to sexual activity with minors which is contrary to the moral teachings, doctrines and canon law of the Catholic Church. It can include, but is not limited to, acts of sexual seduction or grooming, sexual molestation, sexual exploitation of a minor or other behavior by which an adult uses a minor as an object of sexual gratification, such as the viewing of child pornography which is deemed to be a violation of Washington State or federal criminal law. (Restated from the USCCB Charter and Essential Norms.)
- 12) **Victim** refers to a person claiming to have experienced sexual abuse as a minor by diocesan personnel.
- 13) **Victim Assistance Coordinator (VAC)** is a licensed mental health professional with expertise in the area of treating sexual abuse victims.

- 14) **Extern Priest or Deacon** – While the term “extern” is not found in canon law, it is understood to describe any diocesan priest or deacon who is legitimately serving outside of his diocese of incardination. Hence, if a priest or deacon has the permission of his own bishop of incardination to exercise ministry in the Diocese of Yakima and the Bishop has provided him with an assignment, he then would be considered an “extern” priest or deacon. An extern priest or deacon would enjoy the same rights as an incardinated cleric in the ministry or service that he is offering.

The term “extern” can also be applied to a religious priest or deacon who is not assigned to ministry within the Diocese of Yakima by his Order but who is legitimately exercising ministry in the diocese with the consent of his Superior.

§2001 GENERAL PROVISIONS

Introduction

Section 2001 contains general statements of policy from which specific procedural recommendations follow. This section acknowledges the responsibility of the Diocese to institute appropriate policies and educational programs regarding the nature and effect of sexual abuse of minors.

§ 2001.1 Establishment of Policy

<p>2001.1 Policy Sexual abuse of a minor by diocesan personnel violates human dignity, ministerial commitment and the mission of the Church. Therefore the Diocese of Yakima institutes these policies and procedures to review the fitness for ministry of diocesan personnel accused of sexual abuse of a minor. The major purposes of these policies and procedures are the safety of minors, the well-being of the community and the integrity of the Church.</p>
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§2002 DIOCESAN LAY ADVISORY BOARD (DLAB)

<p>2002 Policy The Bishop shall appoint a DLAB which will serve as the principal confidential advisor of the Bishop in his assessment of allegations of sexual abuse of minors and also in his determination of suitability for ministry. (cf. <i>USCCB Charter</i>, art. 2, and <i>Essential Norms</i>, §4)</p>

§2002.1 Membership

<p>2002.1 Policy The DLAB shall be comprised of eight members of outstanding integrity and good judgment. Seven members shall be lay individuals who are not employees of the diocese, and one member shall be a priest who is an experienced and respected pastor of the diocese. The priest member shall be non-voting. Wherever</p>

possible, it is desirable that individual DLAB members shall include a psychologist or social worker, an attorney and representatives of the Church at large. Wherever possible, at least one of the members should have particular expertise in the treatment of the sexual abuse of minors. (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, §5)

Procedures

- a) Nominating Committee The Bishop may appoint a Nominating Committee to propose the names of candidates for the DLAB. The Nominating Committee should be composed of respected persons with sound judgment. The Nominating Committee may, at its discretion, consult with appropriate professional societies and other consultative bodies.
- b) Appointment of DLAB Members The Bishop shall have the sole authority to appoint DLAB Members.
- c) DLAB Member Orientation In order to familiarize DLAB members with their duties as well as with pertinent policies and procedures, there shall be a DLAB Member Orientation conducted periodically with input from appropriate diocesan officials and outside consultants.
- d) Compensation None of the members of the DLAB shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

§2002.2 Term

2002.2 Policy Each DLAB member shall be appointed for a renewable term of five years and shall continue until a successor is appointed. (Cf. *USCCB Essential Norms*, §5)

§2002.3 Officers

2002.3 Policy The Bishop shall designate one DLAB member as chairperson and one DLAB member as vice-chairperson, after consulting with the Board, for five-year terms.

Procedure

The chairperson will ordinarily convene and preside at meetings of the DLAB. The vice-chairperson will perform these functions when the chairperson is unable to do so.

§2002.4 Relationship with the Bishop

2002.4 Policy The DLAB shall serve as the principal confidential advisor to the Bishop both in his assessment of allegations of sexual abuse of minors and also in his determination of suitability for ministry. The DLAB is not accountable to other officials of the diocese except to the Administrator of the Diocese when the See is vacant. (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, §4)

§2002.5 Quorum

2002.5	Policy	A simple majority of the DLAB members shall constitute a quorum.
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§2002.6 Meetings

2002.6	Policy	The DLAB shall conduct its business at meetings which shall be scheduled as necessary to perform its duties. These meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. Moreover, the meetings are not hearings, but sessions at which the DLAB receives and considers information, deliberates, and formulates its determinations and recommendations. The DLAB may, at its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.
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Procedures

- a) Generally The DLAB will meet in person, but, by exception, may meet by telephone conference. The members of the DLAB shall not discuss the business of the DLAB outside DLAB or committee meetings, except as follows: 1) when the PRC may communicate with DLAB members; 2) among themselves in order to conduct the business of the DLAB.
- b) Attendance Persons other than DLAB members, at the DLAB's discretion, may attend those portions of meetings during which information is presented to the DLAB and the DLAB makes its recommendations.
- c) Committees The Chairperson, with the consent of the DLAB, may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose.

§2002.7 Duties

2002.7	Policy	The DLAB is responsible to:
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- 1) recommend to the Bishop a candidate or candidates for the position of Professional Responsibility Coordinator (PRC), and recommend to the Bishop board members to serve as chairperson and vice-chairperson;
- 2) supervise the PRC in cooperation with the diocesan Chief of Staff or other delegate of the Bishop;
- 3) inform the Bishop regarding allegations of sexual abuse of minors and determination of suitability for ministry (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, §4.A.);
- 4) offer advice on all cases that come before it, whether retrospectively or prospectively; (Cf. *USCCB Essential Norms*, §4.C.);

- 5) make recommendations which the DLAB determines to be appropriate to reduce risk to minors ;
- 6) recommend programs for treatment, rehabilitation and supervision of diocesan personnel;
- 7) submit, with the assistance of the diocesan Chief of Staff, an annual budget proposal to the Bishop at a time to be specified by the Chief of Staff;
- 8) review these policies and procedures for dealing with sexual abuse of minors every three years or as needed; (Cf. *USCCB Essential Norms*, §4.B.);
- 9) cooperate with the PRC, the Bishop, and the Executive Committee of the Council of Priests in developing and implementing educational programs for themselves and those participating in this process; and
- 10) seek the advice of such experts and consultants as the DLAB deems necessary and appropriate.

§2002.8 Professional Responsibility Coordinator (PRC)

§2002.8.1 Qualifications

2002.8.1 Policy The PRC shall be a lay professional with substantial experience in investigation and, specifically, the analysis of allegations of sexual abuse of minors.

§2002.8.2 Appointment and Conditions of Employment

2002.8.2 Policy The Bishop shall appoint a Professional Responsibility Coordinator (PRC) with the advice of the DLAB. The PRC may be removed by the Bishop only for good cause, after consultation with the DLAB.

Procedure

The PRC shall be compensated according to diocesan standards and will be evaluated by the DLAB.

§2002.8.3 Duties

2002.8.3 Policy The PRC shall be responsible to:

- 1) receive information and allegations of sexual abuse of a minor by diocesan personnel;
- 2) report to civil authorities (eg. Child Protective Services and law enforcement agencies) any allegation of sexual abuse of a minor, cooperate with civil authorities about reporting cases when the person is no longer a minor, and cooperate in their investigation in accord with the laws of the jurisdiction in question. In every instance, the PRC will advise victims/parents/guardians of

their right to make a report to civil authorities and will support this right (Cf. USCCB Charter, art. 4);

- 3) after consultation with civil authorities and with their permission, communicate in an appropriate manner with the alleged victim and/or person making the allegation and the accused;
- 4) submit a written report to the DLAB and the bishop regarding the investigation and related findings; and
- 5) perform such other duties as may be prescribed by the DLAB.

§2002.8.4 Vacancy

2002.8.4 Policy In the event the Diocese is unable to fill the position of PRC, or a vacancy occurs, the chair of the Diocesan Lay Advisory Board will be responsible for carrying out the duties stated in 2002.8.3, to the extent necessary to ensure that all complaints of sexual abuse of minors received by the Diocese are promptly and thoroughly investigated.

§2003 OBLIGATION TO REPORT INCIDENTS OF SEXUAL ABUSE OF MINORS

Introduction

Sections 2003 through 2007 recognize the Diocese of Yakima's responsibility to establish policies and procedures outlining the process for reporting sexual abuse by diocesan personnel, processing complaints of sexual abuse and ministering to victims of sexual abuse.³

2003.1 Policy Everyone who knows or has reason to believe that a specific incident of sexual abuse of a minor by diocesan personnel has occurred shall immediately report such abuse to law enforcement authorities and to the Diocese by calling **888-276-4490**. A priest cannot reveal, and therefore, cannot report anything said to him by a penitent in the Sacrament of Penance or Reconciliation (Confession).

It is the responsibility of the PRC to report any alleged incident involving a minor first to law enforcement authorities, then the Bishop and the DLAB. It is also the duty of everyone with knowledge of such incidents to comply with all applicable civil laws which require that allegations of abuse or neglect of minors be reported to civil authorities. For example, professional school personnel (such as teachers, administrators, counselors, and nurses), child care providers as well as their employees and social service counselors are required to report suspected child abuse no later than forty-eight hours after there is reasonable cause to believe that abuse or neglect has occurred. (See *Chapter 26.44 Revised Code of Washington (RCW)* and the Diocese of Yakima Employee Policies handbook, Sec 2.B.)

³. If the Bishop is accused of sexual abuse, the matter will be immediately referred to the Archbishop of Seattle, who will consult with the proper Vatican authorities to handle the allegation appropriately.

§2004 RESPONSE TO THE REPORT

2004 Policy Each reported incident will be investigated promptly with a high degree of care and concern for all involved. The investigation may be conducted by the PRC or by an investigator appointed by the DLAB and the Bishop. The investigation shall be under the supervision of the PRC. Upon completion of the investigation, the DLAB will review the PRC's findings, determine the validity of the allegations or specific charges made and submit recommendations to the Bishop regarding what action should be taken by him. Appropriate confidentiality shall be observed, while at the same time complying with all applicable legal reporting requirements.

The person alleged to have violated this policy will be relieved of all responsibilities in the diocese and placed on administrative leave or other consequences as may be deemed appropriate by the Bishop for the sake of the common good (see canon 223, §2). Such a leave will be with or without pay and benefits as the Bishop may decide. At this stage, great care must be taken that the person's good name not be damaged in any way.

Procedure

- a) The person alleged to have violated this policy shall be informed by the Bishop with specific charges in writing; given an opportunity to respond to the charges; and provided updates on the investigation as appropriate.
- b) The PRC shall promptly respond to and completely investigate a report of alleged sexual abuse of a minor as follows: (1) contact the alleged victim/family and offer counseling/therapy through the diocesan Victim Assistance Coordinator (VAC); (2) offer compassionate concern, support and solace.
- c) It shall be the goal of PRC to complete the investigation process within sixty days from the date the DLAB receives the sexual abuse complaint.
- d) The DLAB and the Bishop shall be given a full written account of the investigation by the PRC.
- e) Before initiating a judicial or administrative process to impose or declare penalties, the Bishop should seek the alleged perpetrator's voluntary cooperation to avoid or repair scandal, restore justice and reform the alleged perpetrator through pastoral care (Cf. canon 1341).
- f) The alleged perpetrator may be requested to seek an appropriate medical and psychological evaluation at a facility acceptable to the Bishop provided it does not interfere with the investigation by civil authorities, or the PRC, or waive the requirements imposed upon the PRC and the Bishop as set forth in §2005 (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, §7)
- g) During the investigation the person alleged to have violated this policy and the alleged victim may be represented by legal counsel at their own expense.

§2005 ACTION IF THE ALLEGATIONS ARE TRUE

2005 Policy Following a thorough investigation under this policy, any alleged perpetrator who admits to, or does not contest the allegation, or is found, by investigative evidence presented by the PRC or DLAB, to have engaged in sexual abuse of a minor, shall be relieved by the Bishop of all ministerial responsibilities.

§2006 ACTION IF THE ALLEGATIONS ARE FALSE

2006 Policy Based upon the evidence submitted to him by the PRC or DLAB, other evidence, and recommendations of the DLAB, the Bishop may find that the allegations are false and administrative leave, if it has been imposed, be terminated and the person alleged to have violated this policy be reinstated. In making this determination, the good of the Church and the good of the individual will be considered. Every effort will be made to restore the good name and reputation of the person wrongfully accused.

§2007 ASSISTANCE TO THOSE AFFECTED

Introduction

Section 2007 recognizes the Church's pastoral responsibility to assist all those affected by sexual abuse of minors by diocesan personnel; namely, the victim and the victim's family, the parish community, and the alleged perpetrator. Section 2007 reiterates the specific duty of the Victim Assistance Coordinator (VAC) to identify the pastoral and professional resources which will be made available to assist victims of abuse.

§2007.1 Assistance to All Affected

2007.1 Policy The Diocese shall make appropriate assistance available to all those who are or have been affected by the alleged sexual abuse of a minor by diocesan personnel. This outreach may include providing counseling, spiritual assistance, and other social services agreed upon by the victim and the Diocese.

§2007.2 Ministering To Victims and Their Families

2007.2 Policy The first obligation of the Church to a victim is for healing and reconciliation. The Bishop will appoint a VAC to take responsibility for ministering to victims of sexual abuse and their families or other persons affected, and do so with a commitment to their spiritual and emotional well-being. The VAC shall identify professional and other resources and make them available to aid in the pastoral care of the victim or other person(s). At an appropriate time, the Bishop will express compassion and concern to the victim/family. (Cf. *USCCB Charter*, articles 1 & 2, and *USCCB Essential*

Norms, §3). (See Appendix for full description of the duties of the VAC.) Victims shall be advised by the VAC that complaints regarding the availability of resources will be referred to the chair of the DLAB.

§2007.3 Confidential Settlements

2007.3 Policy The Diocese will not enter into a confidential settlement agreement, except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement. (Cf. *USCCB Charter*, art. 3)

§2007.4 Assistance to Community

2007.4 Policy The Diocese shall develop and maintain “safe environment” programs. The Diocese will cooperate with parents, civil authorities, and educators to provide education and training for children, parents, and diocesan personnel to develop and maintain a safe environment for children. The Diocese will make clear to diocesan personnel and all members of the community the standards of conduct for diocesan personnel and other persons in positions of trust with regard to sexual abuse. (Cf. *USCCB Charter*, art. 12.)

§2007.5 Assistance to Diocesan Personnel

2007.5 Policy The Diocese, at the sole discretion of the Bishop, based upon the facts and circumstances of each particular case, may pay for professional services for accused diocesan personnel, including medical, psychological, and/or legal services. (Cf. *USCCB Charter*, art. 5)

§2007.6 Promoter of Justice

2007.6 Policy The Bishop will appoint a Promoter of Justice who will (a) review the recommendations made to the Bishop by the PRC in the case of a cleric against whom an allegation of sexual abuse of a minor has been made and (b) ensure that the rights of the accused are protected as prescribed by the law of the church.

§2007.7 Education of Diocesan Personnel

2007.7 Policy The Diocese shall maintain a permanent program of ongoing education regarding sexual abuse for diocesan personnel.

§2008 CODE OF CONDUCT FOR DIOCESAN PERSONNEL

Introduction

Diocesan Personnel have special influence in the lives of the people to whom they minister. Because of the respect and reverence with which many people seek help from the church's ministers, there is an imbalance of power and hence a vulnerability inherent in that relationship. Therefore, in these circumstances, it is likely that there is an absence of meaningful consent to any sexual activity. This imbalance of power makes any sexual activity always inappropriate and immoral. This is especially true in the case of minors.

As in other helping professions, the special nature of the relationship between diocesan personnel and the people they serve calls for a higher ethical standard of behavior. In such relationships the appropriateness or inappropriateness of behavior is judged not by the intent of the agent, but by its impact upon the recipient. It is the policy of this diocese to expect that the behavior of all diocesan personnel complies with professional ethics and Catholic moral standards. Not only must the actual behavior meet appropriate standards, but all diocesan personnel are expected to always act in ways which do not give the appearance of impropriety.

2008 <i>Policy</i> The Diocese shall establish a Code of Conduct for diocesan personnel. (See Appendix)
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§2009 SAFE ENVIRONMENT PROGRAMS

2009 <i>Policy</i> The Diocese shall maintain permanent programs and provide ongoing education regarding safe environment.

Procedure

To help prevent sexual abuse of minors:

- a) All diocesan personnel whose duties involve minors will be required to attend presentations and training dealing with the prevention, recognition and requirements for reporting sexual abuse of minors. This training will be provided annually.
- b) A curriculum for all minors in our diocesan Catholic schools, youth groups and religious education programs will include teaching them about safe touch, instructing them about appropriate boundaries for adults, and giving them support and guidance about reporting abuse to adults who can help them.

§2010 BACKGROUND AND REFERENCE CHECKS; SCREENING, FORMATION, EDUCATION AND ASSIGNMENT TO MINISTRY

Introduction

Section 2010 contains provisions confirming the Diocese of Yakima's responsibility to screen diocesan personnel prior to their assignment or employment within the boundaries of the diocese.

2010 Policy In order to minimize the possibility of sexual abuse, diocesan personnel beginning their assignment, employment or volunteer work in the diocese shall be required to supply references and a complete history of past employment before they may serve in the diocese. The diocese or its agents shall conduct a background check regarding sexual abuse by those individuals. A background check shall also be obtained for diocesan personnel working with minors. Superiors of religious communities shall supply any information they have regarding sexual abuse by their members who apply to serve in this diocese. (Cf. *USCCB Charter*, art. 13)

Section 2010 also contains provisions confirming the Diocese of Yakima's responsibility to screen candidates for the priesthood and to provide educational programs for clerics and seminarians regarding sexuality and sexual abuse. This section also confirms the Diocese's cooperative relationship with religious communities and clerics of other dioceses and the authority to review the fitness of clerics seeking assignment within its boundaries.

§2010.1 Screening and Education of Clerics and Seminarians

2010.1 Policy The Diocese of Yakima shall evaluate the background of all clerics and seminarians serving in or studying for the Diocese. The Diocese shall utilize the resources of law enforcement, community agencies and private investigative firms for this purpose. Additionally, the Diocese shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination and the assignment of clerics for ministry within its boundaries.

Procedures

- a) Psychological Profile. As soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained consistent with applicable ethical, canonical and legal principles. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia and ephebophilia. The psychological profile shall be maintained as part of the seminarian's or candidate's permanent personnel file, with an Authorization to Disclose signed by the individual, and may be updated as necessary or appropriate.

- b) Developmental Programs. As part of its continuing formation program for clerics, the Diocese shall offer educational programs that deal in depth with making moral choices in accord with Church teaching and priestly commitment. To better assist priests in living out their vocation, these continuing formation programs shall be developed in keeping with the recent USCCB document *Basic Plan for the Ongoing Formation of Priests* (2001). (*USCCB Charter*, art. 17) There will be clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for other church personnel. (*USCCB Charter*, art. 6)
- c) Certification: Every cleric who holds faculties from the Bishop shall state in writing that he has read and is familiar with the diocesan policies and procedures regarding sexual abuse of minors. The cleric's statement will be maintained in his personnel file.
- d) Screening: All current and future diocesan clerics and members of religious orders serving in the Diocese of Yakima shall submit to a background check to ensure that no reported events from the past, which could pose a future risk to minors, are present. The Diocese shall retain files on the results of the background checks.

§2010.2 Transfer and Assignment of Clergy

§2010.2.1 Priests and Deacons of the Diocese of Yakima

2010.2.1 Policy No diocesan priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a diocesan priest or deacon can be transferred for residence in another diocese/eparchy, the Bishop shall forward to the local Bishop/eparch and/or religious ordinary of the proposed place of residence all information concerning any act of sexual abuse of a minor and any other information related to his being a danger to minors. (Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, §12) This shall apply even if the priest or deacon will reside in an institute of consecrated life or society of apostolic life.

§2010.2.2 Religious Communities and Clergy of other Dioceses

2010.2.2 Policy No extern cleric, Religious, or member of an institute of consecrated life or society of apostolic life who has committed an act of sexual abuse of a minor may be accepted for ministerial assignment in the Diocese of Yakima. Before a cleric, Religious, or member of an institute of consecrated life or society of apostolic life can be accepted for residence in the Diocese of Yakima, his Bishop/eparch or religious ordinary shall confidentially forward to the Bishop all information concerning any act of sexual abuse of a minor and any other information related to his being a danger to minors. Every Bishop/eparch or religious ordinary proposing a priest or deacon for residence in the

Diocese of Yakima must provide the Bishop with all information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, § 12)

§2010.3 Relationship with Religious Communities

2010.3 Policy Religious communities whose members maintain or seek faculties or permission to minister in the Diocese of Yakima shall abide by the Diocesan policies and procedures related to sexual abuse of minors.

Procedures

Religious communities whose members maintain or seek faculties or permission to minister in the Diocese of Yakima shall do the following:

- a) The religious community shall provide a written statement about the status, background, character and reputation of each Religious presented for faculties in the Diocese, as provided in the model promulgated by the USCCB.
- b) If a Religious exercising public ministry or an apostolate in the Diocese of Yakima is accused of sexual abuse of a minor, the Bishop and the competent religious superior shall confer with each other. The Bishop will determine whether the Religious may no longer exercise ministry in the Diocese, whether his faculties or permission to minister will be revoked, and whether his superior will be requested to recall the religious immediately. (Cf. Canons 392 and 678, §1). The religious community retains rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the accused Religious.
- c) If sexual abuse of a minor is alleged to have occurred involving a Religious ministering in any setting under the auspices of the Diocese of Yakima, the Bishop retains the right to initiate the process of investigation and follow-up through the DLAB and PRC and take whatever action is deemed appropriate. Since Religious are also subject to their own Ordinary and to the discipline of their institute (Canon 678, §2), their Ordinary may also choose to review the allegation in keeping with its own policies and procedures. If that Ordinary removes the Religious from the office entrusted to him after having informed the Bishop (Canon 682, §2), the Religious' diocesan faculties will be revoked. However, any determination about the return to ministry in the diocese and the restoration of diocesan faculties will be made according to diocesan policies and procedures.
- d) The Bishop retains the right for a most grave cause to prohibit a Religious from residing in the Diocese. If the Ordinary of that Religious has been advised and neglects to remove the Religious, the matter is to be referred to the Holy See immediately (Canon 679).

§2010.4 Extern Priests and Deacons

2010.4 Policy The Diocese shall maintain and periodically review its policies regarding extern priests and deacons who seek or maintain faculties in the diocese. Prior to service in the Diocese, the priest's or deacon's bishop shall certify whether he is aware of anything in the priest's or deacon's background which would render the priest or deacon unsuitable to work with minors. In the case of any allegation or incident of sexual abuse of a minor, the presenting bishop shall submit to the Bishop a comprehensive report of the allegation and the final determination made regarding the allegation.

Procedures

- a) If an extern priest or deacon exercising public ministry in the Diocese of Yakima is accused of sexual abuse of a minor, the Bishop must confer with his bishop and, as appropriate, follow the procedures set forth in §2003-2007.
- b) Any determination about a return to ministry in the Diocese and the restoration of diocesan faculties will be made according to Diocesan policies and procedures.

§2011 REVIEW PROCESS FOR RETURN OF MINISTRY

Section 2011 establishes the process by which the return to ministry of diocesan personnel accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations be made to the Bishop. Allegations of sexual abuse of a minor by diocesan personnel will initially be considered by the PRC who will make recommendations to the DLAB and the Bishop. The DLAB will review the initial recommendation of the PRC as well as all subsequent issues regarding the return to ministry of the alleged perpetrator. The PRC and the DLAB are established as advisors to the Bishop in this regard. This process is declared to be consultative and advisory, not adversarial and adjudicative. In this context the safety and well-being of alleged victims and of the community is of primary concern. Another concern is the protection of the reputation of the alleged perpetrator who may be subject to inaccurate or false accusations. The responsibility of the PRC to cooperate with civil authorities is affirmed as is the Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of government.

§2011.1 Establishment of Process

2011.1 Policy Recommendations regarding the return to ministry by any diocesan personnel who are the subject of an allegation of sexual abuse of a minor shall be made to the Bishop according to the consultative and advisory process established in Section 2011.

§2011.2 Requirements for Reporting, Compliance and Cooperation

2011.2 Policy All persons of the Diocese of Yakima are expected to comply with all applicable laws with respect to the reporting to civil authorities of allegations of sexual abuse of a minor and are urged to cooperate in the investigation. In every instance, the Diocese will advise and support a person's right to make a report to civil authorities. (Cf. USCCB Essential Norms, §11) In addition, all diocesan personnel shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of sexual abuse of a minor by diocesan personnel to the PRC (unless learned by a priest in the Sacrament of Penance). The Diocese will take all appropriate steps to protect the good name and reputation of all involved persons. (Cf. Canon 220 and USCCB Essential Norms, §6).

Procedures

- a) The required observance of the Church's canonical norms is not intended in any way to hinder the course of any operative legal action. (Cf. *USCCB Essential Norms*)
- b) Allegations that diocesan personnel has engaged in sexual abuse of a minor must be reported to the PRC in written or verbal form as soon as possible. The Diocese of Yakima has established a special telephone line to facilitate the receipt of information (888-276-4490).
- c) Whenever possible, the person making the report should meet in person with the PRC to provide the name of the person being accused, the name or names of the alleged victim(s), an accurate description of the alleged abuse, the relevant dates, times and circumstances in which the abuse allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.
- d) If the PRC learns of an allegation through the media or some other source, the PRC shall make appropriate inquiries and follow the procedures outlined in this policy.
- e) The PRC ordinarily will not process anonymous allegations or allegations that do not contain sufficient information to permit reasonable inquiry.

- f)** An allegation of sexual abuse of a minor by diocesan personnel who has resigned from active ministry shall be processed in the same manner as any other allegation to the extent that a determination can be made whether there is reasonable cause to suspect that the alleged perpetrator engaged in sexual abuse of a minor during the time he/she was serving in the diocese and to facilitate outreach to those affected as contemplated by these policies. The initial review, however, will focus on whether the resigned diocesan personnel is still volunteering or employed in a setting where minors may be at risk. If the whereabouts of the resigned diocesan personnel against whom an accusation is made are known or can be determined, the PRC shall contact the diocesan personnel and obtain his/her response to the allegation.
- g)** An allegation against any diocesan personnel who is deceased shall be received by the PRC, who shall then make a written summary of the allegation and follow the procedures of this policy.
- h)** Since retired clerics often continue to exercise ministry and celebrate sacraments, an allegation against a cleric who has retired from an official assignment shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether minors are currently at risk and whether there is reasonable cause to suspect that the retired cleric ever engaged in sexual abuse of a minor.

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APPENDIX

Code of Conduct for Diocesan Personnel

I. Individuals who minister to children and young people must maintain a professional role and be mindful of the trust and power they possess as ministers to children and young people. During such times as those individuals are ministering to children and young people in their capacity as diocesan personnel, they shall:

- 1) Never touch a minor in a sexual or other inappropriate manner.
- 2) Never be alone with a minor in a residence, rectory, sleeping facility, or any other closed room with the exception of the room reserved for the Sacrament of Reconciliation (Confessional), and therapy rooms in a licensed mental health facility.
- 3) Never share a bed with a minor.
- 4) Never take an overnight trip alone with a minor.
- 5) Never provide to a minor sexually explicit or pornographic materials such as music, recordings, films, games, web sites, computer software, or entertainment.
- 6) Never provide to a minor alcohol, tobacco, or illegal drugs, or any mind-altering substance or psychotropic medication that has not been prescribed to that minor.
- 7) Never use, possess, or be under the influence of illegal drugs.
- 8) Never abuse alcohol or legal drugs.
- 9) Never inflict physical (corporal) punishment on a minor.

II. Measures to Aid in the Observance of the Code of Conduct

- 1) Report any suspected child abuse or neglect to the proper authorities immediately.
- 2) Do not engage in physical contact when alone with a minor with the exception of being in a licensed professional setting.
- 3) Do not stay overnight with a minor unless there is another adult present in a supervisory role.
- 4) Do not drive alone in a vehicle with a minor except in an emergency or in a professional capacity such as a therapist transporting a minor.
- 5) Refrain from giving expensive or inappropriate gifts to a minor.
- 6) Do not meet privately with a minor in rooms, offices, or similar areas where there is no window or where the door cannot remain open. If one-on-one pastoral care of a minor is needed (e.g., the Sacrament of Reconciliation), do not meet in isolated locations.
- 7) Exercise caution in communicating with minors through e-mails or on the Internet. Share only work-related or ministry-related e-mail addresses with minors. Do not participate in chat rooms with minors.
- 8) Ensure that all personally assigned activities (extra-curricular, catechetical, youth ministry, scouting, athletics, etc.) have been approved in advance by the appropriate administrator.
- 9) Have an adequate number of adult supervisors at events (generally one adult per seven minors). A minimum of two adults in supervisory roles must be present during activities for minors.

- 10) Release minors only to parents or guardians, unless the parent or guardian has provided permission allowing release to another named adult. If a parent or guardian has forgotten to pick up a minor, the parent or guardian must be contacted before the minor is released to another adult.
- 11) Do not take minors away from the parish, school, or agency for field trips, etc. without another adult present in a supervisory role, except in case of an emergency. Obtain written parental permission before such activities. Permission slips should include the type, locations, dates and times of the activity and emergency contact numbers.

III. Practical Suggestions

A. Conduct that May be Permissible:

Appropriate affection between Church personnel and minors constitutes a positive part of Church life and ministry. Nonetheless, any touching can be misunderstood and must be considered with great discretion. Depending on the circumstances, the following forms of affection are customarily (but not always) regarded as appropriate:

- 1) Verbal praise
- 2) Handshakes
- 3) "High-fives" and hand slapping
- 4) Pats on the shoulder
- 5) Brief hugs
- 6) Holding hands while walking with small children
- 7) Sitting beside small children
- 8) Kneeling or bending down for hugs with small children
- 9) Holding hands during prayer
- 10) Pats on the head when culturally appropriate

B. Conduct that is Not Permissible:

Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are **not** to be used: (this policy is not meant to discourage incidental contact that might occur in the course of first aid or medical treatment).

- 1) Inappropriate or lengthy embraces
- 2) Kisses on the mouth
- 3) Touching buttocks, chests or genital areas
- 4) Showing affection in isolated areas, such as bedrooms, closets, staff-only areas or other private rooms
- 5) Wrestling with minors
- 6) Tickling minors
- 7) Piggyback rides
- 8) Any type of massage given by a minor to an adult
- 9) Any type of massage given by an adult to a minor
- 10) Any form of unwanted affection
- 11) Compliments that relate to physique or body development

Note: #9 may be permissible as part of professional therapy by a professional physical therapist.

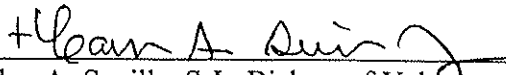
VICTIM ASSISTANCE PROTOCOL

1. The Diocese of Yakima will publish the toll-free number (1-888-276-4⁴990) for use by persons wishing to speak to the Victim Assistance Coordinator (VAC).
2. The toll-free number will ring on the VAC's phone where she will either answer it or listen to any messages left by calling in to the toll-free number and inputting the PIN.
3. The VAC will talk with the caller, introduce herself, offer an opportunity for the caller to share, and offer consolation for what happened, as appropriate.
4. The VAC will request the name, address and phone number of the caller for the purpose of providing same to the Bishop so that he may follow up and call the person. She will provide this information to both the Bishop and the Chair of the Lay Advisory Board (Chair) as soon as possible considering the immediacy and seriousness of the report, but no later than 48 hours. When the Chair is unavailable for an extended period, he will provide contact information for a designated substitute and the VAC will call the designated substitute instead.
5. Note: some calls may be from persons who do not consider themselves victims, in which case only steps from the following that are applicable will be completed. VAC will report calls from non-victims to the Bishop and the Chair.
6. The VAC will provide reflective listening and brief therapy either by phone or in person as the caller requests and as is feasible for the next several weeks.
7. The VAC will assess the desire and need for additional counseling; will discuss options with the caller; and will make referrals as appropriate.
8. The VAC may offer payment by the Diocese for counseling. Typically, the offer of counseling would be for three months of weekly sessions with extensions in 3-month increments based on therapist's progress report and clinical need. Other arrangements may be made on a case-by-case basis and may include a psychiatric or psychological evaluation or medication management. Services beyond standard counseling may be recommended by the therapist, the recommendation reviewed by the VAC and forwarded to the Bishop with the VAC's recommendation for approval or denial, and then approved or denied by the Bishop.
9. If the caller decides to pursue counseling and selects a therapist from the referrals offered or selects their own, the VAC will ask for an Authorization to Disclose (Attachment A-1) to be signed by the caller which will allow the VAC to contact the therapist, make appropriate arrangements and receive progress reports. The VAC will also ask for an Authorization to Disclose (Attachment A-2) to be signed by the caller allowing her to provide **minimal** progress reports (Attachment E) to the Diocese in order to support continued payment to the therapist.
10. The VAC will contact the therapist, make the referral, and ask for an agreement to provide counseling services, to invoice the Bishop and accept payment from the Diocese, and to provide written progress reports at three-month intervals. The VAC will send the therapist a letter (with a copy to the caller) (Attachment B – template may be modified as needed), a copy of the signed Authorization to Disclose, a Psychological Services Information (PSI) form (Attachment C), a Progress Report form (Attachment D) and the Recommendation/Authorization (R/A) form (Attachment E). Therapist will return the completed, signed PSI form, a copy of his/her license, and a copy of his/her malpractice

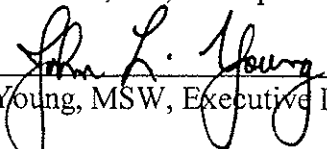
insurance certificate. Receipt of these materials constitutes agreement to provide services and invoice the Diocese.

11. The VAC will review the materials and will call the therapist to discuss qualifications, if necessary. The VAC will then recommend that the Diocese proceed with payment for the services of this therapist, if appropriate, via the R/A form (Attachment E). If not appropriate, the VAC will indicate that on the R/A form. The therapist and the caller will be sent a copy of the R/A form.
12. The VAC will then call the caller to discuss the above arrangements. If services have been authorized, the therapy can commence. If not, the VAC will discuss options for a different therapist with the caller.
13. The VAC will monitor progress by touching base with the caller occasionally, by reviewing the written progress reports and by talking with the therapist, if necessary. Confidentiality will be maintained and details of progress will not be shared. VAC will notify the Bishop (Attachment E) (home fax number) when a progress report is received and whether therapy will continue, but will not share the content of the therapist's progress report.
14. If a caller asks for a monetary settlement, the VAC will ask him/her to put this request in writing along with the reasons for the request. If such a letter is received, the VAC will forward it to the Bishop.
15. If the alleged incident(s) have not previously been reported to the appropriate law enforcement agency, the Chair will assist the caller in deciding whether a report should be made and who should make the report.
16. All activities involving the VAC will be documented in each caller's file. Files will be kept in a locked file cabinet in the VAC's office (inaccessible to the Diocese, the Bishop, the Chair, etc.) and may be destroyed 10 years after closing. If the caller is a minor at the time of the initial contact with the VAC (or the guardian of a minor), the file may be destroyed when the minor turns 21 or 10 years after closing, whichever is later.
17. The CF&CS Outpatient Counseling Program Manager will supervise this program, be back-up when VAC is unavailable and notify the Bishop when she is back-up to the VAC.
18. CF&CS will invoice the Bishop at the usual rate of \$85 per hour for all services provided, including supervision and development of policies and procedures.
19. CF&CS will invoice the Bishop for other expenses incurred during the process of providing assistance to victims, or these expenses may be paid directly by the Diocese. These expenses may include, but not be limited to: pre-approved training (may include conference fees, travel, lodging, meals, etc.), travel to meet with victims (may include lodging, meals, car rental or mileage), long distance telephone charges, and expenses for victims to travel to Yakima to meet with Diocesan officials or the Victim Assistance Coordinator.
20. This protocol is subject to revision on a yearly basis, or as necessary.

This protocol is agreed to on this date: 10/31/05



Carlos A. Sevilla, S.J., Bishop of Yakima



John L. Young, MSW, Executive Director, Catholic Charities

cc: Lay Advisory Board

Rvvd: 10.17.05