

Catholic Diocese of Charleston

Questions and Answers Regarding Allegations of Child Sexual Misconduct and Abuse and Credibly Accused Priests

How was the list compiled?

The list of names is a result of allegations received by the Diocese and a review of priest personnel files, as well as relevant diocesan clergy or other files (including any files classified as confidential) to search for possible allegations of sexual misconduct or abuse of a minor. The period covered is 1950 to the present. Reports from that search were then brought before the independent Sexual Abuse Advisory Board for the Diocese. Even if an allegation was borderline for meeting the criteria for inclusion in the published list, the allegation was brought before the Board for its recommendation. Bishop Robert E. Guglielmone accepted all of the Board's recommendations with respect to the list.

What are the criteria for inclusion on the list?

In order for a name to be included on the list, the Diocese of Charleston must have knowledge of an allegation made against the person to be named and the allegation must include all of the following:

1. The allegation involved sexual misconduct or abuse.
2. The alleged victim was a minor at the time of the alleged sexual misconduct or abuse.
3. The alleged perpetrator was a priest at the time of the alleged sexual abuse or misconduct or was ordained sometime thereafter.
4. The alleged abuse is claimed to have been committed:
 - a. by a priest of the Diocese within the geographic jurisdiction of the Diocese
 - b. by a priest of the Diocese who at the time of the sexual misconduct was a layperson but who was later ordained by the Diocese, without knowledge of the allegation; or
 - c. by a priest who served in the Diocese, but the sexual misconduct or abuse did not occur within the geographic jurisdiction of the Diocese.
5. After review of the reasonably available relevant information by the independent Sexual Abuse Advisory Board, there was reason to believe the allegation was credible.

Is this list complete?

The list reflects the information reasonably available to the Diocese at the present time. The Diocese continues to encourage all victims of abuse to first report that abuse to law enforcement, and then to contact the Diocese's Victims Assistance Coordinator, Louisa Storen, at 800-921-8122, to request access to pastoral resources, including a counseling referral when appropriate. Bishop Guglielmone is committed to ongoing disclosure to the faithful of the names of those priests who are the subject of a credible allegation of sexual misconduct or abuse of a minor. The list will be updated in the future if and when an allegation is determined to be credible.

Why is the Diocese releasing this information now?

The list is being published as part of the Diocese's ongoing commitment to transparency and to encourage persons sexually abused by clergy, or by anyone working on behalf of the Church, to come forward. Additionally, the disclosure of the list is made as part of the Diocese's ongoing efforts to ensure the safety of children and to promote healing for all victims of abuse.

How do you define “credible”?

According to the Diocese’s *Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel (2012)*, a credible allegation is defined as “an accusation which at least seems to be true (Canon 1717, Section 1), and/or offers reasonable grounds for being believed. A credible allegation is not manifestly false.”

How do you define "sexual abuse"?

According to the Diocese’s *Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel (2012)*, “Sexual misconduct or abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Consequently, any act or attempt to commit any act of incest, rape, or a sexual offense in any degree, sodomy, or any unnatural or perverted sexual practice, lewd or indecent acts or proposals, including indecent touching or fondling, exploitation, or permitting, encouraging, assisting, or aiding a minor to participate in such acts, constitutes sexual misconduct or abuse of a minor. Sexual misconduct or abuse of a minor includes conduct or interaction with a minor that is external and an objectively grave violation of the Sixth Commandment. Such conduct does not need to be an act of intercourse involving force, physical contact or a discernable, harmful outcome.”

Does inclusion on the list mean that a priest is criminally guilty or civilly liable?

The process for evaluating whether an allegation was credible was not a legal proceeding; it does not indicate that a priest would be found criminally guilty or civilly liable. Rather, if after all of the reasonably available, relevant information was reviewed, there existed reason to believe the allegation was credible, the allegation was included on the list. Examples of information that helped to ascertain credibility include, but are not limited to, admissions by the accused, criminal convictions, other types of adjudications, patterns of conduct, and prior determinations closer to the time of the alleged sexual misconduct or abuse or the time when the matter was first investigated.

What is the 2007 Class Action?

A class action lawsuit was filed on behalf of unnamed plaintiffs alleging child sexual abuse by Diocesan personnel. A Settlement and Arbitration Agreement (the “Settlement Agreement”) was entered into as of January 12, 2007. Under the terms of the Settlement Agreement, the Diocese agreed, among other things, to waive all legal defenses with respect to claims asserted in that proceeding. The Diocese also agreed that the arbitrator had sole discretion as to whether a claim was *bona fide* and the amount awarded to each claimant. His decision was final and not appealable.

What is the independent Sexual Abuse Advisory Board?

The independent Sexual Abuse Advisory Board assesses allegations of sexual misconduct or abuse of minors by Church personnel. The current Board is composed of 10 members who are laypeople not employed by the Diocese. There is also one priest on the Board, for a total of 11. The primary responsibility of the independent Sexual Abuse Advisory Board is to provide to the Bishop its assessment of an allegation of sexual misconduct or abuse of a minor and to assist him in determining the suitability of Church personnel for ministry, employment, assignment, or appointment, in particular cases.

In 2014, it was reported there were 32 priests in the Diocese of Charleston with credible allegations against them. How did that number increase to 42 in five years?

There are two reasons for the increase in number:

- Priests with credible allegations were unknown to the Diocese until their names were included on the lists of religious orders or other dioceses
- Allegations that had not yet been determined to be credible have now been determined to be credible

Are any credibly accused priests still in active ministry?

None of the priests on the list are in active ministry.

What should I do if I have been abused by a priest?

If you have been abused by a priest, contact law enforcement officials in your area. You should also contact the Diocese's Victim Assistance Coordinator, Louisa Storen, at 800-921-8122, to request access to pastoral resources, including a counseling referral when appropriate.

If I received a sacrament from a priest on the list, is the sacrament still valid?

Even if a priest has been removed because of a credible allegation or is no longer functioning as a priest (i.e., he has been suspended or laicized), sacraments that were administered by him are valid. The validity of the sacrament depends upon the saving action of Christ, not on the personal holiness (worthiness) of the priest conferring it. The only requirements for the priest to be able to administer a sacrament are that he be validly ordained and that he has been given authority by the Church to administer the sacrament.

Will the Diocese of Charleston continue to disclose the names of clergy with a credible allegation of sexual misconduct or abuse of a minor?

Yes, the Diocese of Charleston will continue to update its list of priests with credible allegations of sexual misconduct or abuse of a minor.

What does the Diocese of Charleston do to protect children at its schools and parishes?

The Diocese of Charleston has had a policy on how to address allegations of sexual misconduct against children by Church personnel since 1994. The Diocese's policy was updated in 2003, after the United States Conference of Catholic Bishops (USCCB) issued its original *Charter for the Protection of Children and Young People** (Charter) and its *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (revised in 2011 and most recently in 2018)*** (Norms). The policy of the Diocese was revised again in 2012 and is currently in the process of being revised again.

The Diocese's policy mandates that every employee and every volunteer who has regular access to children undergo a background screen and attend a child abuse prevention education program. This includes, but is not limited to: all religious personnel, athletic coaches, Scout leaders, substitute teachers, car pool drivers, etc. Additionally, employees and volunteers must sign a code of conduct governing their interaction with minors.

Catholic school teachers and staff are also required to attend boundary training. Boundary training is provided to enhance our understanding of how to manage appropriate boundaries in the day-to-day activities of parish and school life. It also reinforces the importance of reporting boundary

violations when they are observed, so that abuse can be stopped before it has the opportunity to occur. Moreover, children and youth are educated, in age appropriate ways, to identify situations that could lead to abuse, in order to encourage and enable them to report situations that make them feel uncomfortable.

Each year, the USCCB engages an outside agency to audit every diocese for compliance with the Charter and Norms. The Diocese of Charleston has passed that audit for the past 17 years; it has never failed the audit.

What does the Diocese do when it receives an allegation of sexual misconduct against a minor?

When the Diocese receives an allegation, we find out if it has been reported to the appropriate authorities. If not, we direct the claimant to make the report immediately and we make a report to law enforcement. If an allegation or suspicion of abuse triggers an obligation to report to the Department of Social Services or law enforcement under the mandatory reporting statute, then it is immediately reported to the authorities. Concurrently, we offer access to counseling immediately, via our Victim Assistance Coordinator, Louisa Storen, a licensed independent social worker and licensed marriage and family therapist, who provides pastoral care, including a counseling referral as appropriate.

When a priest, deacon, religious or layperson is accused of sexual misconduct against a minor, he/she is immediately placed on temporary administrative leave. If the accused is a priest, he cannot function as a priest, wear clerical attire or participate in parish activities during this time. An investigation commences by law enforcement authorities, and to the extent it can be done without violating the prohibition against interfering with a law enforcement investigation, an independent investigator is engaged by the Diocese. After the investigation is completed, the case goes before the Sexual Abuse Advisory Board (SAAB). The Diocese's SAAB is comprised of ten laypeople (at least one has expertise in the treatment of sexual abuse victims and one is the chairperson) and one priest. The board makes a recommendation to the Bishop as to the credibility of the allegation. If the allegation is deemed not credible, the priest, deacon, religious or layperson can return to his/her ministry or job. If the allegation is deemed credible, the Bishop will move to permanently remove him/her from his/her position and apply any additional sanctions he deems appropriate. Civil authorities are responsible for any criminal penalties.

What is the protocol when a priest is transferred or moved to another diocese?

The Norms (number 12) provide as follows, in pertinent part: "No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese.... Every bishop 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." Additionally, the priest must then undergo a background screening. After reviewing and evaluating the information gathered, the diocesan bishop determines whether to accept the priest into the Diocese for non-ministerial assignments.

If a priest with a record of sexual abuse relocates to another diocese for residence only (not for a ministerial assignment), the bishop in the outgoing diocese must inform the bishop in the receiving diocese of the nature of the abuse and his restrictions and any other information indicating that the priest has been and may be a danger to children or young people. Such information is to enable the

bishop to make an informed judgment as to suitable safeguards for the protection of children and young people.

What area is encompassed by the Diocese of Charleston?

The Diocese of Charleston currently covers the entire state of South Carolina.

* According to the USCCB website, the Charter for the Protection of Children and Young People is a comprehensive set of procedures originally established by the USCCB in June 2002 for addressing allegations of sexual abuse of minors by Catholic clergy. The Charter also includes guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse. It was revised in 2005, 2011, and 2018.

The Charter directs action in all the following matters:

- Creating a safe environment for children and young people;
- Healing and reconciliation of victims and survivors;
- Making prompt and effective response to allegations;
- Cooperating with civil authorities;
- Disciplining offenders;
- Providing for means of accountability for the future to ensure the problem continues to be effectively dealt with through the Secretariat of Child and Youth Protection and the National Review Board.

**According to the USCCB website, the Essential Norms are "particular" canon law for the bishops in the United States. Particular canon law is canon law which applies only to a certain group. In the case of the Essential Norms, this "particular law" applies to the Catholic bishops in the United States. The Essential Norms make some of the elements of the Charter the law of the Church in the United States. Non-compliance with the Essential Norms is subject to canonical penalty.