

### **III. POLICY TO PREVENT AND ADDRESS PHYSICAL ABUSE OF MINORS AND PHYSICAL OR DEPENDENT ADULT ABUSE**

#### **1.0 Policy**

It is the policy of the Diocese of Davenport that physical abuse of minors and physical or sexual abuse of dependent adults by personnel of the Diocese of Davenport while performing the work of the Diocese of Davenport is contrary to Christian principles and is clearly outside the scope of the duties, responsibilities and employment of all personnel of the Diocese of Davenport. It is not to be tolerated and is grounds for discipline including immediate termination of employment/assignment. All personnel of the Diocese of Davenport must comply with (1) this policy and (2) all applicable federal and state law pertaining to such abuse.

#### **2.0 Definitions**

2.1 A minor is anyone under age 18 unless otherwise defined.

2.2 A dependent adult is a person 18 years or older who is unable to protect his or her own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.

#### **3.0 Reporting**

Reports required by law must be made in accordance with that law. Reports should also be made to the supervisor of the alleged perpetrator, Victim Assistance Coordinator or in accordance with other applicable policies of the entity involved. (See [www.davenportdiocese.org](http://www.davenportdiocese.org) for helpful links.)

## **IV. POLICY TO PREVENT AND ADDRESS ADULT SEXUAL MISCONDUCT**

### **1.0 Policy**

It is the policy of the Diocese of Davenport that sexual misconduct by personnel of the Diocese of Davenport while performing the work of the Diocese of Davenport is contrary to Christian principles and is clearly outside the scope of the duties, responsibilities and employment of all personnel of the Diocese of Davenport. Sexual misconduct is not to be tolerated and is grounds for immediate termination of employment. All personnel of the Diocese of Davenport must comply with (1) this policy and (2) all applicable federal and state law pertaining to actual or suspected sexual misconduct.

### **2.0 Definitions**

For purposes of this policy only:

2.1 "Sexual Misconduct" means any sexual conduct which is unlawful as described by federal law, the laws of the State of Iowa or these policies or is contrary to the moral instructions, doctrines and Canon Law of the Catholic Church and causes injury to another. (See [www.davenportdiocese.org](http://www.davenportdiocese.org) for helpful links.)

2.2 Sexual Misconduct regarding adult victims is prohibited by this policy. Included as a broad reference at the time of the latest revision, three of the primary areas of prohibited conduct with adults are sexual abuse, sexual exploitation and sexual harassment, and generally can be described as follows:

2.3 Sexual abuse of an adult is a sex act done by force, coercion, manipulation, or against the will of the other. (See earlier policies regarding minors or dependent adults.)

2.4 Sexual exploitation is any kind of sexual conduct, whether verbal or non-verbal, between counselor and client or in any other relationship which involves an imbalance of authority between the parties as further defined by Iowa law.

2.5 Sexual harassment is defined by state and federal law and includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education or housing;

2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education or housing; or

3) That conduct or communication has the purpose or effect of substantially

interfering with an individual's employment, public accommodations or public services, education or housing, or of creating an intimidating, hostile, or offensive employment or housing environment.

### **3.0 Education**

The Diocese will provide programs which include knowledge or training regarding this policy. Some personnel of the Diocese of Davenport, such as principals, licensed school employees, counselors, etc., are governed by special training requirements (e.g., mandatory reporting laws). All personnel and regular volunteers must attend designated educational programs concerning sexual misconduct issues.

### **4.0 Reporting and Investigation**

4.1 Diocesan personnel will comply with any current state and federal reporting requirements at all times.

Otherwise, reports may be made to the Victim Assistance Coordinator or his or her designee. (See chart in Preamble for guidance.) If the accusation is made against a designee the report shall be made to the Victim Assistance Coordinator or Vicar General.

4.2 Reasonable care will be taken to separate the complainant and alleged perpetrator until the investigation is completed. Such action will not imply guilt or innocence.

4.3 Contact by the appropriate Diocesan staff with the alleged victim should, if appropriate, be promptly initiated. Outreach shall be given as warranted with no comment or implication as to the truth of any accusation. Medical, psychological and spiritual assistance may be offered in the spirit of Christian justice and charity.

### **5.0 Investigation of Reported Incidents**

5.1 Each reported incident will be investigated as soon as reasonably possible. Care will be taken not to interfere with any criminal investigation. The investigation will be conducted with a high level of Christian care, concern and as much confidentiality as practical for the alleged victim, the family of the alleged victim, the person reporting the incident and the accused. The Bishop or his designated investigator shall investigate each reported incident, and this shall be done as soon as reasonably possible. Those conducting the investigation may consult with and seek the advice of the Diocesan attorneys, as deemed appropriate.

5.2 In the Diocesan investigation, the accused may be represented by counsel of his or her own choosing. In the case of a cleric or ecclesiastical office holder, he or she may wish to have a canon lawyer as well. In any criminal proceedings the accused is responsible for obtaining his or her own legal counsel. In any case, any legal expense where an allegation is found to be proven is the responsibility of the accused. The Diocese will not necessarily assume legal fees. The Diocesan legal counsel shall not

act as counsel for the accused. The accused shall not make further contact with the alleged victim after the initial charges have been made.

- 5.3 For accusations against all personnel, the accused should be interviewed by the Bishop or his designated investigator. The accused should be advised of the provision of Section 5.2 and should be informed of his/her rights and that anything said may be used against the accused in a criminal proceeding or in a civil lawsuit. The accused should be presented with the specific allegations. The accused should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations after consultation with his/her counsel. The investigator has the right to review the accused's personnel file. The investigative process may include an evaluation conducted by a professional counselor or therapist.
- 5.4 The investigator will ordinarily meet with and interview the complainant and persons identified as witnesses or persons likely to possess information relevant to the investigation as the investigator thinks necessary for purposes of the investigation. The investigator will assure any complainant of the Church's pastoral concern in these situations and will give the complainant a complete and caring hearing. While respecting the complainant's rights, the investigator will inform the complainant of the necessity of the complainant's willingness to be identified if the process is to move forward in a way that will stop misconduct and to be able to prove it occurred.
- 5.5 Upon completion of the investigation, if done by his designee, a report will be provided to the Bishop outlining the findings of the investigation.
- 5.6 If the alleged claim is substantiated, or if it appears it can be substantiated, the alleged perpetrator, in accordance with canonical and other considerations, will be placed on administrative leave pending the outcome of the internal and any outside investigation. Such leave will be with or without pay or benefits as the Bishop or his designee may decide.
- 5.7 Appropriate records of each incident reported and of the investigation and the results thereof will be kept by the Bishop or his designee as directed by the Diocesan Attorneys.
- 5.8 Notification of the incident shall be given to the Director of Human Resources of the Diocese as soon as possible.
- 5.9 Any media inquiries regarding allegations of sexual misconduct by Church personnel or volunteers should be directed to Diocese of Davenport Communication Office at the Pastoral Center. In keeping with the above-stated policies, the Diocese is committed to dealing with alleged incidents of sexual misconduct in a responsible manner. At the same time, in light of the permanent harm that can result from such allegations, even if they ultimately prove to be unfounded, the Diocese respects the strict confidentiality and privacy of all persons who are involved in such incidents. (See *Communication Policy and Response to Those Impacted by the Pain of Sexual Misconduct.*)

## **6.0 Action Where A Violation is Determined**

Any non-cleric of the Diocese who admits to, does not contest, or is found to have violated this sexual misconduct policy following an investigation under this policy shall be disciplined which may include immediate termination from employment and any position of responsibility with the Diocese. Any priest or deacon of the Diocese, ecclesiastical officeholder, non-incardinated priest or deacon and religious personnel in similar circumstances will be placed on administrative leave from ministry. Only following diagnosis, evaluation, treatment and successful after-care may an individual priest or deacon of the Diocese of Davenport be considered for reassignment with the Diocese and then only under such conditions and limitations as deemed appropriate by the Diocese. Further penal sanctions including, but not limited to, dismissal from the clerical state may be considered.

- 6.1 The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and accused. For a cleric, such evaluation, if required, may be at the expense of the Diocese. The cleric shall provide the Bishop or his designee with an authorization for the release of diagnostic information to carry out the purposes of this policy. This release is intended to be limited to the purposes of this diocesan policy and not to constitute a waiver of any statutory privilege of confidentiality.
- 6.2 A cleric of the Diocese of Davenport may be required to undergo treatment if he wishes to be considered for future service in the Diocese. Cost of such treatment and release of information from the treatment center will be negotiated between the cleric and the Bishop.
- 6.3 When a cleric of the Diocese of Davenport has completed treatment, the Bishop should receive a written evaluation from those who were responsible for his treatment. The cleric may be required to execute any appropriate release of information forms and take part in an appropriate, supervised after-care program approved by the Bishop.
- 6.4 Following diagnostic evaluation, treatment and successful after-care, the individual priest or deacon may, unless professional advice indicates otherwise, be eligible for consideration of a contractual assignment with such limitations (e.g., excluding ministry to minors or others at risk) as are deemed appropriate after consultation with diagnostic and treatment professionals. He will be expected to participate in a regular program of support and will report to a supervisor assigned by the Bishop.

## V. INTERNET SAFETY POLICY

The Diocese of Davenport recognizes and promotes the increasing availability of Internet access in schools and parishes throughout the diocese. The Internet is an electronic highway connecting thousands of computers all over the world with access to electronic mail, public domain software, discussion groups, libraries of information, and other forms of direct electronic communication.

Along with the inherent freedom of the Internet comes the possibility of accessing material that is not consistent with the Catholic faith. Although precautions should be taken to restrict access to controversial materials, such access may still be possible.

*To safeguard the Internet and its users the Diocese requires that the following regulations be enforced by the system administrators of each Internet access site in the Diocese:*

Transmission or intended reception of any material in violation of any national, state or local regulation is prohibited. This includes, but is not limited to: copyrighted material (without appropriate permission), threatening or obscene material or material protected by trade secret. Use for commercial activities, product advertisement, or partisan political lobbying is prohibited. Intended transmission or reception of materials that would tend to violate the moral teaching of the Catholic Church or be scandalous to the Church is also prohibited.

Any network or computer may be monitored for improper use, network diagnosis and virus detection.

The Diocese requires the use of filtering software or services on all school computers with access to the Internet. This particular filtering and monitoring may also be done on all other computers without previous notice.

When minors are using the Internet, access to visual depictions must be blocked or filtered if they are (a) obscene, as that term is defined in section 1460 of title 18, United States Code; (b) child pornography, as that term is defined in section 2256 of title 18, United States Code; or (c) harmful to minors. Staff may not disable the filters when minors are using them, even with parental or teacher permission and supervision. Appropriate staff may disable filters only for adults who are using filtered computers for bona fide research purposes. Minors' use of the Internet should be monitored.

Appropriate language shall be used while respecting the rights of others.

In general, personal addresses and personal phone numbers should not be made public over the Internet without special permission. Personal addresses and phone numbers of minors should never be given out over the Internet. Illegal activities may be reported to law enforcement.

Internet information is not guaranteed to be confidential. The dissemination of credit card information is prohibited unless a secure system of encryption is available.

Attempts to disrupt the use of the network by destroying data of another user or of the network is prohibited. Attempts to use system administrator access rights or another user's account without written permission is prohibited. Any user identified as a security risk may be denied access to the network.

All computers should continuously run anti-virus software while in operation. Any information downloaded from the Internet should be scanned for viruses before use.

The Diocese of Davenport makes no warranties of any kind, whether expressed or implied, for Internet service including loss of data, delays, non-deliveries, miss-deliveries or service interruptions. Use of any information obtained is at the operator's risk. It is up to the user to verify or validate all of the information obtained.

**Diocese of Davenport  
Internet Safety Policy**

I understand and will abide by the above Internet Safety Policy. I further understand that any violation of the policy is unethical and may constitute a criminal offense that may result in the revocation of privileges, disciplinary action and/or legal action.

User's Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

If the user is under age 18, a parent or guardian must also sign below:

Parent or Guardian: I understand the Internet Safety Policy and hereby give permission to issue an account for my child and certify that the information given on this form is correct.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Complete separate sheet as at end of document (IX) for submission.**

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A copy of this signed agreement should be kept by the local computer system administrator.