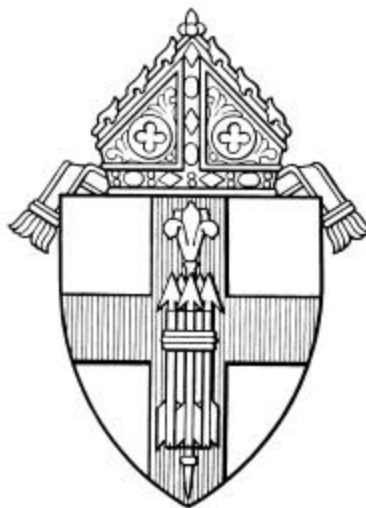


# **DIOCESE OF MANCHESTER**

## **DIOCESAN TASK FORCE ON SEXUAL MISCONDUCT POLICY**

**Report to the Bishop of Manchester**

***January 16, 2003***



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Introduction

We, the members of the Diocesan Task Force on Sexual Misconduct Policy, are pleased to respond to the request of Bishop John B. McCormack for recommendations on the revision of the Diocesan Policy on Sexual Misconduct in light of the Charter for the Protection of Children and Young People (“Charter”) and the Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (“Essential Norms”).<sup>1</sup>

We are mindful that our mandate is to recommend changes, and those recommendations are contained in this document. Further, the Bishop has welcomed our desire to go beyond our original mandate and to participate in the drafting of a revised Policy for promulgation and implementation by the Bishop of Manchester, and we are grateful for that opportunity. The drafting of the revised policy will include consultation with appropriate theological and canonical experts to ensure that the draft conforms to the tradition and law of the Roman Catholic Church and with appropriate civil authorities.

It is our understanding that after the draft policy is submitted, Bishop McCormack will consult with the Diocesan Pastoral Council, the Council of Priests, and the Diocesan Finance Council prior to the promulgation and implementation of a revised Policy. We are also aware that the Bishop has made a commitment to review the draft with the priests and deacons of the Diocese of Manchester.

**Part I. Recommendations for the Policy on Sexual Misconduct**

Child sexual abuse is an appalling sin and a crime in our Church and in our society. It is a matter of the gravest concern for our Diocese and our Church, and we seek to participate in the further development of the next generation of policy and practice that not only will respond to accusations of sexual misconduct, but also will endeavor to prevent the

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<sup>1</sup> On June 14, 2002, the United States Conference of Catholic Bishops (“USCCB”) approved a Charter for the Protection of Children and Young People to address the commitment of the Church to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel. The USCCB also promulgated the Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (“Essential Norms”) to ensure that standard processes were established in each diocese to appropriately address allegations of sexual abuse of minors by diocesan and religious priests or deacons. Those Essential Norms were revised and ultimately approved by the Holy See on December 8, 2002, and effective March 1, 2003, will be “particular law” (or church law applicable in one country or region) in the United States. The full text of the Charter and the Essential Norms can be found on the USCCB’s website: [www.usccb.org](http://www.usccb.org).

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tragedy of child sexual abuse from occurring in our Church in the future. We are committed to ensuring that the Diocese of Manchester will continue to assist anyone who may have been harmed in the past.

Criminal laws in New Hampshire allow for the investigation and prosecution by civil authorities of allegations of abuse. We recognize that there are circumstances under which those alleged to have sexually abused children cannot be prosecuted under criminal laws and that the Diocese of Manchester does not have the legal authority to determine whether a crime has been committed in the State of New Hampshire. We believe that reliance on our criminal laws alone to rid the Church and our community of child abuse would be inadequate. Moreover, we believe that the ultimate objectives for our Diocese should be prevention of abuse before it occurs, responding with compassion and respect to those who allege that they have been harmed by abuse committed by priests, deacons, and other Church personnel, and due process and respect for the rights of those who have been accused of sexual abuse. We believe that the People of God — the Christian faithful and everyone in our society — will be better served if the Diocese adopts a policy that meets these objectives and is broader in scope than what is required under our civil laws.

We are aware that revisions to our recommendations may be necessary in order to comply with the Essential Norms, canon law,<sup>2</sup> civil law, the protocols to be developed by the United States Conference of Catholic Bishops (“USCCB”),<sup>3</sup> and the Agreement between the Diocese of Manchester and the State of New Hampshire (“Agreement”).<sup>4</sup> On or before March 31, 2003, we will submit our recommended revised policy to the Bishop. Every effort will be made to use in the policy language that is clear and direct.

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<sup>2</sup> The 1983 Code of Canon Law is the latest codification of church law for the Latin Rite of the Roman Catholic Church. Canon law is based on the entire tradition of the Roman Catholic Church — divine law as revealed in Scripture and the tradition of the Church and ecclesiastical law as it has developed over the ages. The State of New Hampshire has codified its laws and statutes as well. Canon law acknowledges the legitimate authority of civil law and conforms to it unless it violates divine law. We understand that the policy that we recommend must comply both with civil law and canon law.

<sup>3</sup> The USCCB is in the process of developing protocols (or standard procedures) in light of the Essential Norms for the administration and resolution of incidents of sexual abuse by deacons and priests.

<sup>4</sup> On December 10, 2002, the Diocese of Manchester and the State of New Hampshire entered into an agreement that ended a criminal investigation by the Attorney General’s office. Under that Agreement, the Diocese has agreed to a system of oversight and accountability and has recommitted to cooperation with the civil authorities, to training regarding sexual abuse of minors, and to take steps to ensure that there is no one in ministry or employment who has sexually abused a minor.

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The following are our recommendations for the policy:

### **A. General Guidelines and Principles.**

#### **1. Preamble.**

The policy should include a preamble that has a theological and spiritual component that grounds the policy in the Roman Catholic tradition. This section should be based on Scripture, the tradition of the Church, including the 1983 Code of Canon Law, and the pastoral principles that underlie it.

#### **2. General Principles.**

The policy should include a “General Principles” section that emphasizes the goals of protection of children, young people, and vulnerable adults and specifically prohibits sexual abuse, exploitation, and other forms of inappropriate conduct of a sexual nature. The General Principles section should address the need to respond with compassion to those who report having been abused by someone in the Church, the need to protect the rights of the accused person and provide for due process, and the need to act openly and with transparency. The General Principles section should promote the importance of education, training, and guidance in the area of child sexual abuse and of reporting allegations of abuse of children to the civil authorities.

#### **3. Application of Policy.**

The policy should apply to all “Church Personnel,”<sup>5</sup> applicants to become “Church personnel,” and independent contractors of the Diocese and diocesan parishes, schools, institutions, and agencies.<sup>6</sup>

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<sup>5</sup> We understand that there are a number of non-diocesan Catholic schools, institutions, and agencies located in New Hampshire to which Diocesan policies do not apply. We encourage those schools, institutions, and agencies to adopt policies that incorporate the recommendations and fulfill the objectives set forth in this Report.

<sup>6</sup> We recognize that the Diocese does not have the same level of control over independent contractors as it does over Church Personnel. However, we believe that there are some reasonable steps that may be taken with respect to independent contractors that can assist in the protection of minors and vulnerable adults.

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**B. Definitions.**

**1. Title.**

Upon the conclusion of the drafting process, the policy should be renamed in a manner that adequately expresses its purposes more clearly and specifically. We recognize that the Essential Norms provide a specific set of rules and protocols for matters involving sexual abuse of minors by priests and deacons, rules and protocols that do not apply to matters involving other forms of misconduct and do not apply to Church personnel other than priests and deacons, and we believe that the policy should reflect this important distinction.<sup>7</sup>

**2. Church Personnel.**

The term “Church Personnel” should include all who are employed or engaged in ministry for the Diocese, including, but not limited to, all those clerics (bishops, priests, and deacons) who are either incardinated<sup>8</sup> in or granted faculties in the Diocese of Manchester; seminarians assigned to pastoral work in the Diocese of Manchester; women and men religious assigned to ministry in the Diocese, its parishes, schools, or agencies; all paid personnel and all volunteers of the Diocese, its parishes, schools, and agencies.

**3. Complainant.**

The term “complainant” should be used to refer to any individual who allegedly was sexually abused or allegedly was subjected to sexual exploitation or inappropriate conduct of a sexual nature and anyone who registers a complaint on his or her behalf. The term “accused” should be used to refer to anyone accused of

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<sup>7</sup> We believe that it is very important for the Diocese to adopt written policies regarding sexual misconduct and other inappropriate conduct by Church personnel, particularly priests and deacons, whom we believe should be held to a higher standard than lay employees and volunteers. We understand that a Code of Conduct for Church Personnel currently is in development, and we recommend that the Code offer guidelines for ethical and moral behavior, and prevention of abuse, exploitation, and harassment.

<sup>8</sup> “Incardination” is the canonical term for the formal relationship established between a cleric and the Church. Deacons, priests, and bishops are incardinated into a particular diocese by virtue of their ordination or a canonically valid transfer (excardination) from another diocese. Once incardinated into a diocese, a cleric has certain rights of continued ministerial employment in that diocese, and the cleric is accountable to the diocesan bishop.

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sexual abuse, exploitation, or inappropriate conduct of a sexual nature toward or in the presence of a minor or vulnerable adult.

**4. Sexual Abuse.**

The policy should specifically prohibit and define “sexual abuse” in a manner consistent with New Hampshire law.<sup>9</sup> The policy should prohibit and address sexual abuse of a minor or a vulnerable adult by any other person (an adult or minor). The term “minor” should be defined as an individual who has not yet reached his or her eighteenth birthday (consistent with New Hampshire Revised Statutes Annotated (“RSA”) 169-C, canon law, and the Essential Norms). The term “vulnerable adult” should be specifically defined and should include individuals who have reached their eighteenth birthday and who do not have the capacity to consent because of a mental or physical disability.

**5. Sexual Exploitation.**

The policy should specifically prohibit and define “sexual exploitation” and should include examples of such misconduct. This definition should cover sexual activity between an adult and another receiving pastoral care and sexual activity between adults with unequal power or perceived power (e.g., a priest and a parishioner; a choir director and a choir member; a principal and a teacher).<sup>10</sup>

**6. Other Inappropriate Sexual Conduct.**

The policy should specifically address inappropriate behavior of a sexual nature toward or in the presence of a minor or vulnerable adult that does not rise to the level of “sexual abuse.” We believe that such inappropriate behavior toward or in the presence of a minor or vulnerable adult may be an early warning indicator of sexual abuse. The policy should include examples of such

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<sup>9</sup> “Sexual abuse” is defined in the New Hampshire Child Protection Act, Revised Statutes Annotated 169-C:3,XXVII-a, which provides that sexual abuse “means the following activities under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm: the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.”

<sup>10</sup> Sexual exploitation outside Church relationships should be addressed in a Code of Conduct.

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inappropriate behavior (e.g., making comments or telling jokes of a sexual nature; displaying sexually suggestive pictures or items).

**C. Prevention.**

**1. Screening.**

**a. Applicants for ecclesiastical studies for ordination as deacons and priests of the Diocese of Manchester.** The Diocese should continue its practice of conducting thorough background checks of all seminarians and applicants for ordination as deacons and priests, including, but not limited to, written reference checks from former employers, friends, and adult family members and thorough psychological testing. In addition to the current practice, the Diocese should conduct criminal records and sex offender registry checks, and interview all references and maintain a written record of such interviews.

**b. Diocesan priests, deacons, and members of religious institutes who are assigned to or reside in New Hampshire.** The Diocese should conduct criminal records checks and check the sex offender registry on all diocesan priests, deacons, and members of religious institutes who are assigned to or residing in New Hampshire.

**c. Employees, volunteers, and independent contractors.**<sup>11</sup> We recognize that employees, volunteers, and independent contractors have different levels of interaction and contact with minors, and the risk of child sexual abuse varies depending upon their positions. The Diocese therefore should conduct or ensure appropriate levels of screening for employees, applicants for employment, volunteers, and independent contractors, based on their respective levels of risk for child abuse. In conducting screening, the Diocese should refer to the internal database described in section F (below).

**d. Disqualification.** The policy should provide that individuals who have been found to have committed sexual abuse or who have been convicted of a crime that would prohibit them from working

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<sup>11</sup> We believe that it is important for the protection of minors to obtain some written assurance from independent contractors who regularly have contact with minors in diocesan parishes, schools, or institutions, that they have not been convicted of any crime that would disqualify them from employment with the Diocese.



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in a school in New Hampshire are not qualified to be assigned, employed, or engaged as a volunteer for the Diocese.<sup>12</sup>

**e. Rebuttable Presumption.** The policy should also contain provisions creating a presumption that individuals who have been found to have engaged in sexual exploitation or inappropriate conduct of a sexual nature with a minor or vulnerable adult (other than sexual abuse) are not qualified to be assigned to, employed by, or engaged as volunteers for the Diocese. The policy should provide that the presumption may be rebutted on a case by case basis and should specify to whom such recourse is made, the factors and considerations which would justify an exception to the general prohibition, including, but not limited to, the type and frequency of the behavior, the context in which the behavior occurred, and how recently the behavior took place.

**f. Training of Those Responsible for Screening.** The individual(s) designated to conduct screening for the Diocese should be appropriately trained and should document the basis for any disqualifications or exceptions to the presumption described in section e (above). This documentation should be submitted to the database described in section F (below). The policy should include guidelines and criteria to be followed by the appropriately trained individual(s).

**2. Training and Education.**

**a. Initial Training.** The Diocese should continue to require of all priests, deacons, members of religious institutes assigned to parish, school, or institutional ministry and employees and volunteers who work with minors to undergo diocesan-approved training about child sexual abuse and the mandatory reporting requirements for Church personnel. Employees should be required to undergo training as part of their orientation process. Volunteers should be required to undergo training as soon as

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<sup>12</sup> Under New Hampshire law (N.H. Revised Statutes Annotated 189:13-a), individuals convicted of the following crimes may not be employed in any school in New Hampshire: capital murder, first degree murder, second degree murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, sexual assault, kidnapping, incest, endangering the welfare of a child or incompetent, indecent exposure or lewdness in the presence of a child under 16 years old, prostitution, child pornography, and computer pornography and child exploitation.

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practicable. Training should be conducted by qualified, knowledgeable professionals.

**b. Training of Independent Contractors.** The Diocese should obtain some written assurance that independent contractors who regularly have contact with minors in diocesan parishes, schools, and institutions have undergone appropriate levels of training on child sexual abuse and the reporting obligations under New Hampshire law.

**c. Follow-up or Refresher Training.** The Diocese should develop a follow-up or refresher training program on child sexual abuse and should require all priests, deacons, members of religious institutes assigned to parish, school, or institutional ministry and employees and volunteers who work with minors to undergo periodic follow-up or refresher training. The frequency of the follow-up or refresher training should be related to the level of interaction with minors and risk of abuse. All such training should include an assessment or quality assurance component.

**d. Instruction on Mandatory Reporting Requirements.** All Church personnel should receive instruction on the mandatory reporting requirements for Church personnel and should be required to sign an acknowledgement that they have received such instruction and agree to abide by the requirements.

**D. Intervention.**

**1. Reporting Process.**

**a. Sexual Abuse.** The policy should include a reporting process for allegations of abuse that is consistent with the reporting process under civil law and the Agreement. In addition, the policy should state that whenever any Church personnel has a reason to suspect that other Church personnel has abused a minor, Church personnel must first notify the Division for

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Children, Youth & Families (if applicable) and law enforcement,<sup>13</sup> and then notify the Office of the Delegate.

**b. Sexual Exploitation and Other Forms of Inappropriate Conduct of a Sexual Nature (other than Sexual Abuse) toward a Minor or Vulnerable Adult.** The policy should provide that allegations of sexual exploitation or other forms of inappropriate sexual conduct by Church Personnel should be reported to the Office of the Delegate.

**c. Policy Noncompliance.** The policy should provide that any complaints of failure to comply with any provision of the policy by a priest or deacon, the delegate or the Diocesan Review Board be reported to the Bishop of Manchester for investigation and disciplinary action, up to and including appropriate canonical penalties. The policy should provide that any complaints of failure to comply with any provision of the policy by a bishop be reported to the appropriate representative of the USCCB and the Holy See in accordance with the protocol established by the USCCB's Office of Child Safety and Protection. The policy should provide that any complaints of failure to comply with any provision of the policy by other Church Personnel that have not been resolved at the parish, school, or institutional level should be reported to the Office of the Delegate.

**d. Failure to Report.** The policy should provide that individuals who fail to make reports in accordance with civil law, the policy, and the Agreement will be subjected to appropriate disciplinary action, up to and including appropriate canonical penalties for priests and deacons and termination from employment or from volunteer ministry with the Church.

**e. No retaliation.** The policy should specifically prohibit retaliation against those who make good faith reports in

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<sup>13</sup> The Agreement outlines the mandatory reporting requirements for Church personnel. These requirements are broader than the reporting obligations under civil law. All adults in New Hampshire have an obligation to report to the Division for Children, Youth and Families ("DCYF") whenever they have reason to suspect that a child has been abused or neglected, and the child is still a minor. (See N.H. Revised Statutes Annotated 169-C.) The Agreement requires that Church personnel also report suspected sexual abuse of a minor to law enforcement, regardless of the current age of the alleged victim.

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accordance with civil law, the policy, and the Agreement and should provide a reporting procedure for allegations of retaliation. Anyone found to have engaged in retaliation should be subjected to appropriate disciplinary action, up to and including appropriate canonical penalties for priests and deacons and termination from employment or from volunteer ministry with the Church.

**2. Statute of Limitations.**

**a. Prescription under Canon Law.** The 1983 Code of Canon Law establishes a period of prescription (that functions like a statute of limitations) for investigating and adjudicating any canonical crime. In the United States, the canonical prescription for the crime of sexual abuse of a minor by a priest or deacon is 10 years following the complainant’s 18th birthday.

**b. The Policy.** The new policy should incorporate the provisions of the Essential Norms that require that the Bishop apply to the Holy See for an exception to the canonical prescription (statute of limitations) in cases involving accusations of sexual misconduct with a minor by a priest or deacon because the welfare of children and young people is of paramount concern to the Christian faithful—the laity, religious, deacons, priests, and bishops—of the Diocese of Manchester.<sup>14</sup>

**3. Investigative Process and Role of the Office of the Delegate.**

**a. Sexual Abuse.** The Diocese should adopt protocols for an investigative process for allegations of abuse that assures that investigations will be conducted in a manner that does not interfere with, obstruct, or jeopardize any ongoing investigation by civil authorities. An acquittal in a criminal proceeding or a decision not to prosecute by civil authorities should not automatically terminate any internal investigation by the Diocese. Internal investigations by the Diocese must be conducted by individuals trained in conducting investigations and must be

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<sup>14</sup> The Essential Norms provide, in pertinent part, “[I]f [a case involving sexual abuse of a minor by a priest or deacon] would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons.”

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consistent with canon law and the protocols for the implementation of the Essential Norms to be developed by the USCCB.

**b. Sexual Exploitation and Other Forms of Inappropriate Conduct of a Sexual Nature (other than Sexual Abuse).** The investigative process for allegations of sexual exploitation and inappropriate conduct of a sexual nature toward or in the presence of a minor or vulnerable adult should be consistent with canon law and the protocols to be developed by the USCCB. Internal investigations should be conducted by individuals trained in conducting investigations.

**c. Staffing.** The Office of the Delegate should be staffed by appropriately-trained individuals and should be easily accessible and dedicated to the handling of allegations of sexual abuse, exploitation, and other inappropriate conduct of a sexual nature toward minors and vulnerable adults.

**d. Informed Consent of Complainants.** The Office of the Delegate should notify those who make reports of sexual abuse to the Office of the Delegate that their allegations will be reported to DCYF (if applicable) and law enforcement.

**e. Submission to the Diocesan Review Board.** The Office of the Delegate will submit its findings and investigation to the Diocesan Review Board for its review and recommendations.

**4. Role of the Diocesan Review Board (“DRB”).**

**a. Composition of DRB.** The DRB should be composed of at least five persons, all of whom are of outstanding integrity and good judgment in full communion with the Church and who have knowledge of matters that pertain to sexual misconduct. The majority of the review board members should be lay persons who are not in the employ of the Diocese; but at least one member should be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular

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expertise in the treatment of the sexual abuse of minors. The members should be appointed for a term of five years, which can be renewed. The Promoter of Justice for the Diocese should participate in the meetings of the DRB.<sup>15</sup>

**b. Responsibilities.** The DRB should function as a confidential consultative body to the Bishop in discharging his responsibilities. The functions of the DRB should be to (1) advise the Bishop in his assessment of allegations of sexual abuse, exploitation, and other forms of inappropriate conduct of a sexual nature by priests or deacons during the Preliminary Investigation; that is, the portion of the penal process in which the Bishop determines that there is “sufficient evidence” to warrant a penal process; (2) advise the Bishop in his assessment of allegations of sexual abuse, exploitation, and other forms of inappropriate conduct of a sexual nature by lay employees or volunteers, up to and including recommending appropriate disciplinary action; (3) regularly review the diocesan policies for dealing with sexual abuse of minors; and (4) monitor compliance with the policy, review the operation and effectiveness of the policy, recommend to the Bishop any changes to the policy, and offer advice on all aspects of these cases, whether retrospectively or prospectively.

**c. Assistance in Review and Monitoring Effectiveness of Policy.** The policy should provide that the DRB appoint a group of individuals to assist the DRB in its review and monitoring the operation and effectiveness of the policy. The group should consist of at least one member of the DRB, a member of the Task Force, and such other people who have the competence, skills, and experience that would be helpful in assisting the DRB in its review and monitoring.

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<sup>15</sup> The “Promoter of Justice” is a canon lawyer appointed by the diocesan bishop who acts as a protector of Church law and safeguards canonical procedures prescribed in canon law by recommending to the diocesan bishop the prosecution of canonical infractions.

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**E. Remediation.**

**1. Consequences of a violation of the policy.**

**a. Abuse.** The policy should specifically prohibit individuals who have sexually abused a minor from any ministry, employment, or service in the Diocese of Manchester.

**b. Exploitation and Other Forms of Inappropriate Conduct of a Sexual Nature.** The policy should state that those who are found to have engaged in sexual exploitation or other forms of inappropriate conduct of a sexual nature should be subjected to appropriate disciplinary action, up to and including appropriate canonical penalties for priests and deacons and termination of employment or volunteer ministry with the Church.

**2. Notification Regarding Accusation and Responsive Action Taken.**

**a. Notification to the Accused and the Complainant.** The Diocese should provide the accused person and the complainant with as much information as possible regarding the status of the complaint and the results of the diocesan internal investigation.

**b. Notification to Communities Affected.** The Diocese should ensure that truthful, clear, and timely information is provided to the parish and school communities and organizations and institutions affected, about credible allegations of sexual abuse by Church personnel and sexual exploitation by priests and deacons and the results of investigations into such allegations. The policy should address proper notification of the community(ies) involved. Such communications should be mindful of the concern for privacy of the complainant and the complainant's family and the need to protect the rights of the accused.

**c. Notification about Unfounded Allegations.** When allegations have been made public but later are proven to be unfounded, the Diocese should ensure that all reasonable steps

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are taken to restore the reputation of the accused and the confidence in him or her by the members of the community.

**d. Transfer and Relocation of Priests and Deacons.** The components of the Essential Norms, prohibiting and regarding the transfer or relocation of priests or deacons known to have sexually abused a minor, should also be observed.<sup>16</sup>

**3. Pastoral Care of the Complainant.**

**a. Pastoral Care, Counseling, and Spiritual Assistance.** The primary concern of the Diocese with regard to complainants and their families should be to assist them in healing and reconciliation. The Diocese should continue to reach out to them and demonstrate a sincere commitment to their spiritual and emotional well-being. The Assistant to the Delegate for Pastoral Care should continue to coordinate pastoral care and counseling, spiritual assistance, and other social services for complainants and their families, whether the alleged abuse was recent or occurred many years in the past, and should continue to listen with patience and compassion to their painful experiences and their concerns. When appropriate, the Assistant to the Delegate for Pastoral Care should make available counseling resources independent from the Church.

**b. Support Services.** The Diocese should offer support services for individuals who have been sexually abused or subjected to sexual exploitation by Church personnel and for the families of those individuals.<sup>17</sup>

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<sup>16</sup> The Essential Norms provide that “[n]o 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.” The Essential Norms also provide that before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary must forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

<sup>17</sup> We understand that the Diocese soon will announce a support group model for individuals who have been subjected to sexual abuse as children and for the families of those individuals.



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**4. Pastoral Care of the Accused.**

**a. Pastoral Care, Counseling, and Spiritual Assistance.** The Diocese should also continue to provide spiritual and pastoral care to those accused of sexual abuse and exploitation and demonstrate a sincere commitment to their spiritual, psycho-social, and emotional well-being. The Delegate should continue to coordinate pastoral care and counseling, spiritual assistance, and other social services for the accused. When appropriate, the Delegate should make available counseling resources independent from the Church. The Diocese should also consider a support group model for priests accused of sexual abuse.

**b. Support for Families of the Accused.** We recognize that the families of individuals accused of sexual abuse of a minor face enormous strain. The Diocese should also provide these families with appropriate pastoral and spiritual support.

**5. Pastoral Care of the Communities Affected by Allegations.**

**a. Support for Communities Affected by Allegations of Sexual Abuse.** We recognize that an entire community is affected by an allegation of sexual abuse, particularly when the accused is a priest, deacon, or member of a religious institute. We believe that particular pastoral care must be extended to the parishes, schools, or institutions directly impacted by an allegation of this nature.

**b. Support for Communities Affected by an Administrative Leave.** When an individual is placed on or requests administrative leave as a result of an allegation of sexual abuse, the policy should provide that the Delegate will consult the leadership of the parish, school, or institution to determine the type of pastoral response that ought to be made by the Diocese. The response must protect the rights of the accused and the confidentiality of the complainant.

**c. Support for Priests.** We also recognize that the current crisis in the Church has been a tremendous burden on the vast

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majority of the priests in the Diocese who have not been accused of sexual misconduct. The Diocese should consider developing a support group model for priests to be offered at various locations throughout the state.

**6. Aftercare and Monitoring.**

**a. Monitoring of Priests and Deacons.** We realize that the problems with sexual abuse do not always end with the discipline of an accused found to have committed such an offense. In many instances, the Bishop has no authority over the accused found to have committed the offense, either because he or she is no longer engaged in ministry within the Diocese, living within the Diocese, employed by or working for the Diocese, or otherwise subject to the Bishop's jurisdiction. Nevertheless, there are instances in which the Diocese has a continuing relationship with the accused; for example, when the Diocese continues to provide financial support for a priest or deacon on administrative leave, placed on restricted ministry assignment, or removed from ministry. To the extent possible and consistent with canon law, the policy should provide that the Diocese must create a protocol for monitoring priests and deacons on administrative leave, placed on restricted ministry assignment or removed from ministry. The protocol created by the Diocese should include a requirement that priests or deacons removed from ministry and continuing to receive financial support sign an agreement setting forth the restrictions and conditions of financial support applicable to them. In addition, the protocol should contain a provision regarding the information that should be communicated to leaders and others as appropriate in the priest's residence or place of ministry so that they are meaningfully apprised of any restrictions and conditions.

**b. List of Personnel Removed from Ministry.** The Diocese should maintain a current master list of all Diocesan personnel who were removed from ministry as a result of substantiated allegations of sexual abuse or sexual exploitation.<sup>18</sup>

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<sup>18</sup> We support the recommendation of the Cardinal's Commission for the Protection of Children (Archdiocese of Boston) that a National Registry be established to maintain a list of all laicized clergy, all religious, and all staff or volunteers who were removed from ministry as a result of substantiated allegations of sexual abuse.

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**7. Disclosure of Agreements.**

**a. Confidentiality.** The Diocese should not bind any complainants to a condition of confidentiality or nondisclosure of the complaint as part of an agreement to provide services, support, treatment, or in settlement of financial claims.

**b. Disclosure of Settlement Amount.** The policy should provide that the Diocese must publicly disclose the amounts of any financial settlements entered into between the Diocese and any complainants after the effective date of the policy. In making any disclosure, any agreement by the Diocese to keep confidential the identity of the complainant should be observed.

**F. Recordkeeping.**

**1. Confidential Central Database.**

The Diocese should establish a confidential central database that includes certain records of all Church personnel, including, but not limited to, their identities, their dates of service, their positions, the date(s) of training, and results of screening conducted. The database should also indicate any complaints, accusations, or findings of sexual abuse or exploitation. The Diocese should designate an individual to be responsible for maintaining this database and any accompanying records.

**2. Maintenance of Records.**

The Diocese should maintain records regarding any allegations of sexual abuse and exploitation for the longest period of time permitted by canon and civil law.

**3. Access to Records.**

Access to personnel information about Church personnel should be restricted to those with a legitimate need to know in accordance with civil and canon law.

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**G. Dissemination of the Policy.**

**1. Policy Distribution.**

The policy should provide for the broadest dissemination of the policy practicable to Church personnel, the communities of all diocesan parishes, schools, and institutions, and the public. The policy periodically should be re-distributed, and copies should be made available to the public.

**2. Announcements to Parishes.**

The Bishop should also require that the policy be addressed periodically in Church bulletins and publicly articulated at the Liturgy in each parish of the Diocese.

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**Part II. Concerns Raised at Listening Sessions**

At the request of Bishop McCormack, during October and November 2002, the Task Force conducted listening sessions in Keene, Manchester, Gorham, and Portsmouth to solicit suggestions from the Christian faithful about changes to the Diocesan Policy on Sexual Misconduct. Over 200 people attended the sessions. In addition, many people offered us written suggestions through electronic or regular mail. Many of those who offered input expressed sadness, anger, a sense of betrayal, and pain at the crisis in the Church.

The process was an enlightening one for members of the Task Force. We were struck by the fact that most of those people who expressed disappointment in the failure of individuals and anger at the response of the hierarchy have not lost their faith in God. Instead, they expressed a desire to work toward changing the conditions that resulted in so much hurt, and many offered constructive suggestions on how to accomplish that goal. We have incorporated many of their ideas into our recommendations.

Many of the comments and concerns raised at listening sessions and through the mail were beyond the scope of our Mandate and beyond the scope of a policy on sexual misconduct. Pursuant to the request of Bishop McCormack, we are providing a summary of the concerns repeatedly raised during listening sessions or through the mail. We are pleased that the Bishop has offered to publicly respond to them.

We believe that the following accurately reflects a summary of the concerns expressed to the Task Force that are beyond the scope of our Mandate. **The fact that we are conveying the information about concerns raised should not be construed as an endorsement of those concerns, as we take no position on them.**

- **Credibility, accountability and moral authority of the leaders charged with implementation of policy.**

The most common sentiment expressed on the part of those speaking at listening sessions was that Bishop McCormack should resign. There was considerable concern that Bishop McCormack does not have the moral authority to implement the revised policy on sexual misconduct nor to lead the church forward in the healing process. Some individuals expressed anger that the

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Bishop assigned to the Jaffrey parish a priest he knew had an affair with an 18-year old man. Some indicated that based on information they learned from the media about Bishop McCormack's experience handling clergy abuse cases in Boston, they did not trust the Bishop to protect children in New Hampshire parishes. Indeed, we heard some attending the listening sessions express skepticism about the credibility of the Task Force because the Bishop appointed us.

- **Involvement and power of the laity in the non-theological activities of the church.**

Some parishioners indicated that they felt that they were being patronized by their pastors and expressed a desire for more involvement in decision making at the parish level. Several suggested that members of all parish and finance councils should be elected by the congregation, rather than appointed by the pastor, and that they should be more engaged in the day-to-day business of the parish. Several participants in listening sessions suggested that parish councils be given the opportunity to review the personnel files of any priests assigned to the parishes prior to their arrival in order to get some assurance that the priests are "men of integrity;" that is, that there are no complaints or findings of sexual misconduct or other "immoral" behavior in their past.

- **Financial disclosure.**

A number of people at the listening sessions indicated that they wanted more information about the finances of the Diocese. Some requested that the Diocese provide parishioners with full disclosure of diocesan assets, both cash and property. Some indicated that they wanted information about the amounts of money that have been paid to settle sexual abuse claims and the sources of these funds. Some informed us that they have been withholding their contributions from weekly collections in protest, because they believe that large portions of the collections are transferred from the parish to the Diocese to settle sexual abuse claims.

- **Celibacy requirements for priests.**

Some people suggested that the Catholic Church should allow priests to marry. While they indicated that they understood that such a change in the doctrine of the Church would have to be initiated by the Holy See, they indicated that they believe that allowing priests to marry would broaden the pool of applicants,

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which they argued would reduce the likelihood of child sexual abuse.

- **Clarification of church teaching on human sexuality, especially church policy with regard to homosexuals.**

Based on the comments we heard at listening sessions, it is apparent to us that there is a difference in the understanding of some people about the Church's teaching on homosexuality, especially the question of whether men with a homosexual orientation are "disordered" and therefore ineligible for the priesthood.

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The members of the Diocesan Task Force on Sexual Misconduct Policy wish to express our deep appreciation for the opportunity to assist the Bishop by recommending changes to a policy that we hope will be the first step in assuring a safe environment in our Church for all people. We believe that our work serves as an example and appropriate acknowledgement of the complementary roles of the clergy and the lay faithful. We look forward to working cooperatively with the Bishop and his staff in developing the final policy.

Respectfully submitted,

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