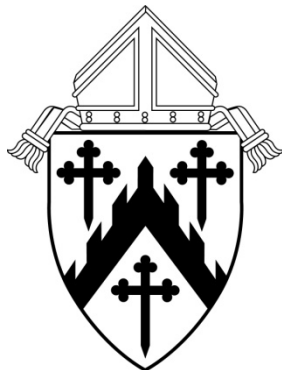


# DIOCESE OF DAVENPORT



## POLICIES RELATING TO SEXUALITY AND PERSONAL BEHAVIOR

Policy promulgated at the Pastoral Center of the Diocese of Davenport—effective July 3, 1998

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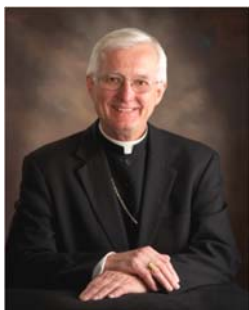
Revised March 10, 2015

Most Reverend Martin J. Amos  
Bishop of Davenport

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DIOCESE OF DAVENPORT

Dear Brothers and Sisters in Christ:

Our Savior teaches us that all life is sacred and should be protected. We all have a special responsibility to protect the children and vulnerable adults in our society against harm.

In the past, mistakes have been made that have caused harm to the people who needed our protection. The sexual abuse of children and vulnerable adults by some priests and bishops has caused suffering to people throughout the Church and our society. On behalf of the Church in the Diocese of Davenport, I apologize for the harm that was done.

Valuable lessons have been learned and applied to the *Policies Relating to Sexuality and Personal Behavior* in the Diocese of Davenport. These policies have created a standard of conduct and protection that upholds the dignity of all people and promotes their safety.

The Diocese of Davenport joins with the dioceses in the United States in promoting the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* issued by the United States Conference of Catholic Bishops (USCCB). The goals of the *Charter* and *Norms* are to:

- Protect our Children
- Promote Healing and Reconciliation with Victims
- Guarantee an Effective Response to Reports
- Restore Trust in the Priesthood
- Ensure Our Own Accountability

The policies in the Diocese of Davenport have been reviewed according to standards set by the *Charter*, the *Norms* and the needs of the Diocese. In addition, the *Memorandum of Understanding* with Michael Walton, the Scott County Attorney, has been renewed.

The four dioceses of Iowa continue to use the Protecting God's Children™ program and other elements of the VIRTUS© program to help alleviate this societal problem. The goal of these programs is to empower each person with steps to help prevent sexual abuse within the Church and within society in general. The expectation is that all staff and volunteers who are in regular contact with children and dependent adults are required to complete these programs in addition to passing extensive background checks including statewide and multi-state criminal history checks and sex offender registries. All adults are encouraged to take part in these programs to protect children and vulnerable adults in our society.

Thank you for your efforts and diligence in protecting those who cannot protect themselves.

Yours in Christ,

+ *Martin Amos*

Most Rev. Martin Amos  
Bishop of Davenport

## §II-7000 POLICIES RELATING TO SEXUALITY AND PERSONAL BEHAVIOR

### Introduction

*On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People with revisions adopted on November 13, 2002 (hereinafter Charter). The Charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by clergy and other Church personnel (i.e., employees, teachers and volunteers). The abuse of minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago, will not be tolerated. The bishops stated that they 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 the reputation of the individuals involved. Further, the bishops have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.*

*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. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.*

*Therefore, to ensure that each diocese in the United States of America will have procedures in place to respond promptly to all reports of sexual abuse of minors, the United States Conference of Catholic Bishops on June 14, 2002 also decreed Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, revised November 13, 2002 (hereinafter Essential Norms). Having received recognition of the Apostolic See on December 8, 2002, and having been legitimately promulgated by the United State Conference of Catholic Bishops on December 12, 2002, these norms constitute particular law for all the dioceses of the United States effective March 1, 2003. The Charter and Norms were revised by the USCCB in June 2005. These norms 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.*

*Many of the provisions of the USCCB's Charter and the Essential Norms have been contained in the Diocese of Davenport's policies and procedures since 1987, the first time that policies were enacted. To the extent that they were inconsistent, Bishop Franklin directed that the policies and procedures of the Diocese of Davenport be amended so as to incorporate the provisions of the USCCB Charter and Essential Norms. These amendments were discussed with the Bishop's staff and the Diocesan Review Board (hereinafter "Review Board"). Following these consultations, Bishop Franklin approved these revised policies and procedures on June 1, 2003, becoming effective immediately. They were promulgated by posting the full text on the Diocese of Davenport Internet web page, mailing to all Diocesan clergy, parishes, principals, directors of religious education, youth ministers, and Diocesan staff. A summary was published in The Catholic Messenger, the official newspaper of the Diocese of Davenport. The policies and procedures were again revised to incorporate any changes made in the revised Charter and Essential Norms and to incorporate the requirements contained in the Memorandum of Understanding made with the Scott County Attorney in December, 2004. (A copy of the Memorandum is in the Appendix.)*

*These policies recognize that any and all sexual abuse of minors is a special problem with a profound impact on the lives of those affected. In the case of sexual abuse of a minor by a cleric or others in ministry, the integrity of the Church itself as the servant of the people of God is damaged as well. When servant becomes abuser, the relationship of trust necessary for ministry is diminished for all.*

*The solution to this problem must involve the whole Church. The following policies and procedures reflect the Diocese's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission while protecting the reputation and dignity of clerics and others who may be subject to inaccurate or false reports.*

### **§II-7001 GENERAL PROVISIONS**

*The teachings of the Catholic Church are the foundation for all who minister in her name. They provide basic teachings of responsibility and accountability for one's behavior as well as requirements of chastity for all the baptized and adherence to public vows and commitments. These commitments include those taken by bishops, priests and unmarried deacons to lead celibate lives. It is important that those in ministry understand appropriate conduct relating to sexuality and personal behavior.*

*There is a sacred relationship that exists between the Church and her members, whether they are adults or children. This relationship involves respect and trust. When that respect and trust is violated by inappropriate use of the Internet, sexual abuse, sexual misconduct, sexual assault and/or sexual exploitation when occurring within the context of the Church, it is a tragedy which misrepresents the Good News to those who have been victimized and indeed to all people. Every instance of sexual misconduct toward those who are the most vulnerable amongst us is a matter of the gravest concern. Knowledge of these instances calls for an organized diocesan response so that healing may occur and the safety of the community is assured.*

*The Diocese of Davenport upholds the highest ethical standards for its members and personnel and strives to maintain safe environments for its people. Therefore, the Diocese has adopted the following policies regarding conduct relating to sexuality and personal behavior. Acceptance, understanding and acknowledgement of receipt of these policies are required of all persons involved in ministry in the Diocese prior to ordination, assignment, employment or acceptance of regular voluntary services involving interaction with children or dependent adults.*

*Sexual misconduct violates human dignity as well as the moral teaching and mission of the Church. These policies establish appropriate behavior and address issues of sexual misconduct, including review of the fitness for ministry of any individual within the Diocese. These policies seek to be as fair and responsive as possible to the pastoral needs of those to whom we minister. In particular, they address instances of reported misconduct and the pastoral needs of the victim, the victim's family, the parish or institution involved, the community and the person the report is regarding. These policies shall facilitate cooperation and avoid interference with civil authorities responsible for investigating reports of abuse. The primary purposes of these policies and their procedures are the safety of children, protection of the vulnerable, the well being of the community and the integrity of the Church.*

*Section 7001 contains general statements of policy from which specific procedural recommendations follow. It also recognizes the Diocese's responsibility to establish appropriate procedural recommendations for clergy about the nature and effect of sexual abuse of minors and establishes appropriate policies and procedures for other Church personnel (i.e., employees, teachers and volunteers).*

### §II-7001.1 Policy to Prevent and Address Sexual Abuse of Minors<sup>1</sup>

#### **II-7001.1 Policy**

It is the policy of the Diocese of Davenport that sexual abuse of minors and dependent adults by personnel of the Diocese of Davenport while employed by or volunteering for the Diocese of Davenport is contrary to Christian principles. Sexual abuse of minors is clearly contrary to the duties, responsibilities and employment of all personnel of the Diocese of Davenport. It is not to be tolerated and is grounds for immediate termination of employment/assignment and may necessitate canonical proceedings regarding continued ministry by clergy. All clergy, staff and volunteers 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 abuse of minors.

The Diocese of Davenport will not tolerate retaliatory acts of any nature against persons who in good faith make reports and provide information implementing these policies.

### §II-7001.2 Establishment of Policy

#### **II-7001.2 Policy**

Sexual abuse by anyone of a minor or dependent adult violates human dignity, ministerial commitment and the mission of the Church; therefore, the Diocese establishes these policies and procedures to review the fitness for ministry of anyone reported to have sexually abused a minor or dependent adult. The policies and procedures shall involve the people of the Church in a substantive role.

The primary purpose of these policies and procedures are the safety of children and dependent adults, the well being of the community and the integrity of the Church. These policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community and the person whom the report is against. These policies and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating reports of sexual abuse.

The Diocese shall continue to make its policies and procedures related to sexual abuse available in published form and as the subject of periodic public announcements so that those affected can readily seek and receive the assistance which the policies provide. (see *USCCB Charter*, art. 2)

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<sup>1</sup> Definitions for purposes of this policy only: See Appendix A

### §II-7001.3 Application to Personnel

#### **II-7001.3 Policy**

The following policies will apply to all personnel of the Diocese of Davenport to include:

- a) All bishops and incardinated clerics;
- b) All religious priests and deacons who have received faculties in the Diocese of Davenport and are working in a Diocesan assignment;
- c) All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the *Code of Canon Law*;
- d) All clerics incardinated in other dioceses who are working solely in the Diocese. Visiting clerics must comply with their home diocese's policies where they maintain residence.
- e) All male and female religious working in the Diocese;
- f) All paid personnel in the offices and parishes of the Diocese;
- g) All volunteers in the offices and institutions who work with minors and dependent adults;
- h) Volunteers completing court-ordered community service requirements must i) be checked for non-inclusion on the abuse registry, ii) be cleared by their probation officer for work at the parish or school, and iii) be included in the procedures used for adults who have regular contact with children and dependent adults. If the volunteer refuses to comply with this policy the volunteer cannot work at the parish or school.
- i) Such other personnel as designated by the Bishop of Davenport.
- j) Unless specifically included above, Catholic corporate entities within the Diocese of Davenport which are listed in the *Official Catholic Directory* or the Diocesan Directory that do **NOT** have the Bishop of Davenport as their President are **NOT** covered by these policies. (St. Ambrose University, for example, while following the general outline of these policies, has its own policy regarding these issues which are particularly appropriate to these concerns in higher education.)

### §II-7001.4 Distribution of Policies

#### **II-7001.4 Policy**

These policies are to be distributed to all personnel listed above and to the following:

- a) All those who seek ordination in the Diocese at the time they are admitted into an ordination formation program and
- b) All clerics of other jurisdictions who seek assignment or appointment for work in the Diocese.
- c) The Diocese will promulgate its relevant policies to all members of the community through dissemination to its parishes, the diocesan newspaper, *The Catholic Messenger*, and through the diocesan web-site, [www.davenportdiocese.org](http://www.davenportdiocese.org). References will also be available there.
- d) A copy of this policy will be offered to any person coming forward with a report of sexual abuse of a minor or dependent adult.

**§II-7001.5 Acknowledgement by Personnel**

**II-7001.5 Policy**

All personnel are asked to complete a brief questionnaire and electronically sign an acknowledgment of receipt that signifies the understanding and acceptance of these policies. To protect members of the Church, waivers allowing background checks are also included for screening of those who would work with certain vulnerable populations. Compliance with this policy shall be verified through random checks during audits conducted by the Chief Financial Officer, the Safe Environment Coordinator or his or her designee.

Acknowledgment of receipts are forwarded to the Vicar General of the Diocese or his designee each quarter.

**Acknowledgements are forwarded as follows:**

<b>Personnel</b>	<b>Recipient</b>
a) Bishops and incardinated clerics	Vicar General
b) Extern clerics with faculties working in the Diocese	Vicar General
c) Religious clerics with faculties working in the Diocese	Vicar General
d) Parish Life Administrator per Canon 517	Vicar General
e) Seminarians	Director of Vocations
f) Principals and School Presidents	Superintendent
g) All school employees and volunteers	Principal
h) Diocesan employees and volunteers	Chief Financial Officer
i) Non-ordained parish personnel (employee or volunteer) not associated with a parish school	Pastor or parish/school designee
j) Anyone not listed above	Vicar General

**§II-7001.6 Funding, Staff and Facilities**

**7001.6 Policy**

The Diocese shall provide sufficient funding, staff and facilities to assure the effective implementation of the programs established by these provisions.

### **§II-7001.7 Education of Seminarians, Clerics and other Church Personnel**

#### **II-7001.7 Policy**

The Diocese shall develop and maintain “safe environment” programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They are to be conducted cooperatively with parents, civil authorities, educators and community organizations to provide education and training for children, youth, parents, ministers, educators and others about ways to make and maintain a safe environment for children. The Diocese will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (see *USCCB Charter*, art. 12)

The seminary of the Diocese shall provide programs about the nature and effect of sexual abuse of a minor for the education of seminarians.

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).

### **§II-7001.8 Review and Amendment**

#### **II-7001.8 Policy**

The Diocesan Review Board [hereafter referred to as Review Board] established in Section II-7003.4 shall periodically review these policies and procedures and make any recommendations for amendment to the Bishop. The Bishop may amend these policies and procedures at any time upon the recommendation of the Review Board or at his own initiative. (see *USCCB Essential Norms*, 4.B)

**§II-7002 CODE OF CONDUCT FOR CLERGY, ADMINISTRATORS, STAFF AND VOLUNTEERS**

*The private and public conduct of priests, deacons, administrators, staff and volunteers in the Catholic Church must uphold Christian values and conduct. This Code of Conduct sets these standards.*

**§II-7002.1 Conduct for Pastoral Counseling and Spiritual Direction**

**II-7002.1 Policy**

Clergy, staff and volunteers who provide pastoral, spiritual and/or therapeutic counseling services to individuals, families or other groups must respect the rights and advance the welfare of each person.

***Procedures***

All staff and volunteers who work with children and dependent adults who in any way are engaged in pastoral counseling or spiritual direction (to be broadly interpreted):

- a) Shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- b) If possible, should avoid entering into an ongoing counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend or other pre-existing relationship).
- c) Should not create video or audio recordings of sessions without the written consent of the client.
- d) Must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual physical contact as well as forced physical contact and inappropriate sexual comments.
- e) Shall not engage in sexual intimacies with individuals who are close to the client – such as relatives or friends of the client – when there is a risk of exploitation or potential harm to the client. They should presume that the potential for exploitation or harm exists in such intimate relationships.
- f) Assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- g) Physical contact should only be public, appropriate and nonsexual between the counselor and the persons they counsel.
- h) Should conduct sessions in appropriate settings at appropriate times.
- i) Avoid conducting sessions in private living quarters.
- j) Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- k) Shall maintain reasonable records as appropriate respecting privacy and confidentiality.

## §II-7002.2 Ministry to Minors and Dependent Adults

*Because of its extensive ministries to minors and dependent adults, the Church perhaps has more involvement with these individuals than many other organizations. These individuals have no choice but to be dependent upon adults, particularly those adults in positions of trust and leadership.*

### **II-7002.2 Policy**

It is vitally important that prudence be exercised by all adults in both ministerial and social relationships with minors and dependent adults. In the case of at-risk individuals who are extremely vulnerable, adults should be particularly cautious and sensitive. It is expected that those who deal with these individuals consult regularly with appropriate supervisors.

Following is a set of procedures for all clergy, religious, lay employees and volunteers of the Diocese of Davenport in dealing with minors and dependent adults. These guidelines are not meant to be exhaustive but rather to serve as some general principles. At the same time, they are not intended to prevent the performance of ministry but rather to assist in employing good sense in dealing with minors and dependent adults. If it is necessary to depart from these guidelines, adults should be aware of any departure and be able to justify their actions. There are times when one-on-one involvement is unavoidable. In these cases, extreme discretion should be used in relationships with these individuals. Proceed as a prudent person would in similar circumstances.

### ***Procedures***

- a) Avoid inappropriate physical contact when alone with minors and dependent adults. In other situations where physical contact is necessary and proper, such as in certain moments in the celebration of the sacraments, use sound discretion and moderation. If a person initiates physical contact out of affection, a response is appropriate if it is not prolonged.
- b) Do not be alone with a minor in a residence, sleeping facilities, a locker room, restroom, a dressing facility or other closed rooms that are less desirable to a ministry relationship.
- c) Seek responsible adults to be present at events involving minors, such as games and athletic activities.
- d) Groups of minors should rarely be left alone. Youth group trips must have enough adult chaperones to provide adequate supervision based upon the type of activity.
- e) Do not take an overnight trip alone with a minor or minors.
- f) Inappropriate language (including profanity) or inappropriate conversation topics should not be used. When people initiate such conversations or use such language in order to seek help or because they lack appropriate vocabulary, you should remain prudent and sensitive.
- g) Do not provide alcohol to anyone under the age of 21. (Wine appropriately used in the celebration of the Eucharist is an exception to this directive.)
- h) Avoid inviting a minor by himself or herself into your house or automobile.
- i) Always maintain a professional posture in dealing with people, avoiding emotional attachment and being aware of the powerful attraction of adults in positions of authority and trust. If one recognizes personal or physical attraction developing, consult a supervisor or refer the person to another qualified adult, particularly in counseling situations.

## §II-7000 Policies Relating to Sexuality and Personal Behavior

- j) If one-on-one pastoral care of a minor should require frequent or regular appointments, parents should be notified that these appointments are occurring. If the subject matter precludes such notification, the minister should consult his or her supervisor.
- k) When practical, two adult supervisors should be present for any church activity outside the classroom situation. Whenever two adults are not present, the adult should refrain from being alone with a minor unless necessary for the nature of the ministry. In those instances, the adult should be in clear view, e.g., through a window or an open door.
- l) Volunteers should be invited to work with minors or dependent adults only after they are known to some degree within the parish or Diocese. For those volunteers not known, a six-month time period to get to know that person would be required. Background checks will also be done in accordance with these policies.
- m) No person should ever strike, bully or purposely humiliate, ridicule, threaten, harm or degrade anyone.
- n) Drivers on trips must be 21 years of age or older with vehicle insurance and a valid driver's license. They must complete a Driver Information Sheet and attach to it a copy of their driver's license and vehicle declaration page listing insurance coverage annually or if information changes. The Driver Information Sheet is retained locally.
- o) All people have an obligation to protect minors and dependent adults, particularly when they are in the care of the Church.
- p) If there is reason to believe that anyone is violating these directives, the person should be challenged in a forthright manner or reported to a supervisor. If there is reason to suspect that child abuse has occurred in a diocesan related entity, this matter must be reported to the supervisor or to the Victim Assistance Coordinator of the Diocese. Mandatory or permissive reports must also be made to the proper authorities. (see Appendix C)

### §II-7002.3 Confidentiality

#### **II-7002.3 Policy**

Information disclosed to a person providing pastoral counseling or spiritual direction during the course of counseling, advising or spiritual direction shall be held in the strictest confidence possible. Under no circumstances whatsoever can there be any disclosure – even indirect disclosure – of information received through the Sacrament of Reconciliation. Additional rights of confidentiality are found in the *State Code of Iowa* (Ch 622.10.1).

#### **Procedures**

- a) Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
- b) If there is clear and imminent danger to the client or to others, they may disclose only the information necessary to protect the parties affected and to prevent harm.
- c) Before disclosure is made, if feasible, they should inform the person being counseled about the disclosure and the potential consequences.
- d) They should discuss the nature of confidentiality and its limitations with each person in counseling.

§II-7000 Policies Relating to Sexuality and Personal Behavior

- e) Knowledge that arises from professional contact or communication should not normally be used in teaching, writing, homilies or other public presentations unless effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- f) While counseling a minor, if it is discovered that there is a serious threat to the welfare of the minor, communication of any confidential information to a parent or legal guardian should disclose only the information necessary to protect the health and well-being of the minor. Consultation with the appropriate Church supervisory personnel is required.
- g) When a report of sexual abuse of a minor is received, the person receiving the report must inform the person making the report that confidentiality may not be guaranteed if required by the judicial system. It is important that this be documented on the appropriate form.

**§II-7002.4 Sexual Conduct**

**II-7002.4 Policy**

Clergy, staff and volunteers must not, for any reason, but especially for sexual gain or intimacy, exploit the trust placed in them by the faith community.

***Procedures***

- a) All Christ's faithful are called to lead a chaste life in keeping with their particular states of life.
- b) Clergy, staff and volunteers who provide counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. These personnel must behave in a professional manner at all times.
- c) No clergy, staff or volunteer may exploit another person for sexual purposes.
- d) Reports of sexual misconduct should be taken seriously and reported in accordance with the appropriate policy, which will include reporting to civil authorities if the situation involves a minor or dependent adult.
- e) Following diocesan policy and procedures, care will always be taken to protect the rights of all parties involved, particularly those of the person reporting to have been sexually abused and of the person against whom the report has been made. When a report has been shown to be unfounded, every step possible will be taken to restore the good name of the person whom the report has named. (see *USCCB Essential Norms*, 13)
- f) Clergy, staff and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the State of Iowa and should follow these mandates. (see [www.davenportdiocese.org](http://www.davenportdiocese.org) for links)

## §II-7002.5 Harassment

### **II-7002.5 Policy**

Personnel must not engage in or tolerate physical, psychological, written or verbal harassment of anyone. Any personnel subject to the *Policies for Diocesan Faith Formation and Education Programs must also abide by that Handbook*. Clergy, staff and volunteers shall provide a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.

### **Procedures**

- a) Harassment encompasses a broad range of physical, written, electronic or verbal behavior, including but not limited to the following:
  1. Physical or mental abuse.
  2. Racial insults.
  3. Derogatory ethnic slurs.
  4. Unwelcome sexual advances or touching.
  5. Sexual comments or sexual jokes.
  6. Requests for sexual favors used as:
    - a condition of employment, or
    - to affect other personnel (or educational) decisions, such as promotion or compensation, (or grades).
  7. Display of offensive materials.
  8. Demeaning or belittling statements or actions
- b) Harassment can be a single, severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating work environment.
- c) Reports of harassment should be taken seriously and reported immediately in accordance with the appropriate policy.
- d) Following diocesan policy and procedures, care will always be taken to protect the rights of all parties involved, particularly those of the person reporting to have been sexually abused and of the person against whom the charge has been made. When a report has been shown to be unfounded, every step possible will be taken to restore the good name of the person against whom the charge has been made. (see. USCCB *Essential Norms* 13)

## §II-7002.6 Conflicts of Interest

### **II-7002.6 Policy**

Personnel should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

### **Procedures**

- a) Clergy, staff and volunteers should disclose all relevant factors that potentially could create a conflict of interest.
- b) Clergy, staff and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
- c) No personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political or business interests.

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- d) Generally, counseling services should not be provided to anyone with whom one has a business, professional or social relationship. When this is unavoidable, and it may well be in Church-related situations, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
- e) When counseling or spiritual direction services are provided to two or more people who have a relationship with each other, it would be advisable to anticipate any conflict of interest, take appropriate actions to eliminate the conflict, and obtain from all parties consent to continue services, preferably in writing.
- f) Conflicts of interest may arise when independent judgment of a person providing pastoral counseling or spiritual direction is impaired by prior dealings, becoming personally involved or becoming an advocate for one person against another. In these circumstances, the person shall advise the parties that he or she can no longer provide services and refer them to another for counseling or spiritual care.

**§II-7002.7 Internet Safety**

**II-7002.7 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.

***Procedures***

*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:*

- a) 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 child pornography discovered shall be reported to law enforcement authorities and the offender removed from ministry.
- b) Any network or computer may be monitored for improper use, network diagnosis and virus detection.
- c) 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. Computers and networks that access the Internet must maintain a firewall that limits access to required services. Firewall and wireless access points shall not use vendor-supplied defaults for system passwords and other security parameters. Network logging is maintained. Security assessments shall be performed on a regular basis to ensure network integrity.
- d) 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

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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. Minors should sign and a guardian co-sign the Internet Use Policy for minors found in the *Policies for Faith Formation and Education Programs, Policy 615.1*.

- e) Appropriate language shall be used while respecting the rights of others.
- f) 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 should be reported to law enforcement.
- g) Internet information is not guaranteed to be confidential. The dissemination of credit card information is prohibited unless a secure system of encryption is available.
- h) 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 are prohibited. Any user identified as a security risk may be denied access to the network.
- i) All computers should continuously run anti-virus/malware software while in operation. Computer equipment used in home offices that exchange data with Diocesan or Diocesan entity computer networks shall use anti-virus/malware software approved by the Diocesan Director of Technology. Any information downloaded from the Internet should be scanned for viruses before use. Computers and network equipment should utilize current service pack or firmware versions with all applicable current security patches installed.
- j) 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. Users are responsible for backing up data not stored on the network.

### §II-7002.8 Administration

#### **II-7002.8 Policy**

Employers and supervisors shall treat clergy, staff and volunteers justly in the day-to-day administrative operations of their ministries.

#### **II-7002.8.1 Policy**

Employment-related and other administrative decisions made by clergy, staff or volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and diocesan policies.

#### **II-7002.8.2 Policy**

No clergy, staff or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

**II-7002.8.3 Policy**

Prudent fiscal management as well as diocesan policies regarding Internal Controls, Accounting Guidelines and civil and canon law should be observed.

**II-7002.8.4 Policy**

All unsupervised volunteers providing services to minors and dependent adults, all clergy and all staff must read the *Policies Relating to Sexuality and Personal Behavior*, understand its meaning, agree to conduct themselves in accordance with the policy and electronically sign his or her agreement before providing services.

**§II-7002.9 Clergy, Staff and Volunteer Well-Being**

**II-7002.9 Policy**

Clergy, staff and volunteers have the duty to be responsible for their own spiritual, physical, mental and emotional health.

***Procedures***

- a) Clergy, staff and volunteers should be knowledgeable and informed of the warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
- b) Clergy, staff and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- c) Support from a spiritual director is highly recommended.
- d) Inappropriate or illegal use of alcohol or drugs is prohibited.

**§II-7002.10 Parish, Religious Community/Institute, and Organizational Records and Information**

**II-7002.10 Policy**

Confidentiality will be maintained in creating, storing, accessing, transferring and disposing of parish, religious community/institute, or organizational records.

***Procedures***

- a) Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.
- b) Personnel records of parishes, religious community/institute, schools or entities are confidential unless review is required by the Diocese or an appropriate government agency.
- c) Individual contribution records of the parish, religious community/institute or organization shall be regarded as private and shall be maintained in strictest confidence.

**§II-7002.11 Code of Conduct**

**II-7002.11 Policy**

Those reported of disregarding the policies of this document will be subject to remedial action, which may take various forms, from verbal reproach to removal from ministry for clergy and termination for laity depending on the specific nature and circumstances of the offense and extent of the harm. When a report of sexual abuse is made against clergy or laity, the reported abuser will be put on leave while an investigation is made to determine if the report is credible.

**§II-7002.12 Whistle Blower**

**II-7002.12 Policy**

It is the intent of Diocese to adhere to all laws and regulations that apply to it. The Diocese will not retaliate against any person who in good faith, has made a protest or raised a complaint against some practice of the Diocese, or of another individual or Diocesan entity with whom the Diocese has a relationship, on the basis of a reasonable belief that the practice is in violation of law.

### §II-7003 SPECIFIC POLICIES REGARDING CLERGY

*Section 7003.1 recognizes the Church's pastoral responsibility to assist all those affected by sexual abuse of clerics with minors: the victim and the victim's family, the community, and the cleric. Section 7003.1 establishes a Victim Assistance Coordinator whose duties will include the identification of pastoral and professional resources which will be made available to assist the victims of abuse. In addition, the Church's outreach to communities affected will be organized to promote understanding and healing. Finally, the role of Vicar for Clergy as pastor to the clergy of the Diocese is addressed.*

#### §II-7003.1 Assistance to Those Affected

##### **II-7003.1 Policy**

The Diocese shall make appropriate assistance available to those who have been the victim of sexual abuse as a minor, whether the abuse was recent or occurred years in the past. This outreach will include provision for counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse are to be fostered and encouraged by the Diocese and in local parish communities. (*USCCB Charter*, art. 1)

#### §II-7003.1.1 Assistance to Victim/Survivor

##### **II-7003.1.1 Policy**

The first obligation of the Church with regard to the victims is for healing and reconciliation. The Diocese shall designate a Victim Assistance Coordinator (VAC) who shall minister to the victim, victim's family or other persons affected, doing so with a sincere 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 a victim or other person. In the case of any disclosure of sexual abuse of a minor, the VAC shall report the fact to the Vicar General. (see *USCCB Charter*, articles 1 & 2, and *USCCB Essential Norms*, 3) The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. (see *USCCB Charter*, art. 3) Through pastoral outreach to victims and their families, the Bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the Bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred. (see *USCCB Charter*, art. 1)

##### **Procedures**

- a) Upon referral to the Victim Assistance Program the Victim Assistance Coordinator shall explain the Counseling Services Policy, Obtaining Providers of Counseling Services Policy, Medication and Counseling Reimbursement and Chart Review Policy to the victim.
- b) The Victim Assistance Coordinator shall work in a cooperative effort with the victim to locate a choice of three providers of service within the preferred provider list provided by the victim's primary insurance company that also has the appropriate credentials to counsel those who have been sexually abused. In order for consideration of reimbursement by the Diocese of Davenport this preferred provider must also be on the approved provider of services list that the Diocese of Davenport Victim Assistance Program maintains.
- c) If the preferred provider is not on the approved provider of service list the Victim Assistance Coordinator shall call the licensed mental healthcare professional and explain the process of paperwork that needs to be completed to become a provider of service for the Diocese of Davenport.

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- d) Once appropriate providers have been located, the Victim Assistance Coordinator shall discuss the appropriate providers with the victim to determine which provider he/she would like to make an appointment with for an initial evaluation.
- e) The Victim Assistance Coordinator shall encourage the victim/survivor to make the appointment, requesting that he/she submit his/her insurance information to the provider of service as primary payer and the Victim Assistance Coordinator's name, address and phone number so that the Diocese of Davenport will be regarded as the secondary payer.
- f) The recipient of care will provide the Victim Assistance Coordinator with the following information regarding the pharmacy of his/her choice: pharmacy name, address and telephone number. The pharmacy can direct bills to the Diocese of Davenport.
- g) Prior to authorization of reimbursement, full initial referral procedures must be met:
  - 1. The Diocese requires abiding by any pre-authorization requirements of the insurance company. All other available avenues of reimbursement will be utilized first and considered the primary payer. Diocese reimbursement will be regarded as the secondary payer.
  - 2. Compliance with the psychological/psychiatric treatment plan is required.
  - 3. Medical chart review may occur on a scheduled or random basis.
  - 4. The recipient of care shall provide the Victim Assistance Coordinator with a copy of member ID numbers to confirm his/her primary insurance with respect to mental health coverage and preferred providers.
  - 5. If the ordering physician and recipient of care are in agreement then generic medications may be ordered.
  - 6. A background check of the mental health provider shall be completed.
- h) A medical record review may consist of professional discussion between reviewers and the care provider. The medical review may consist of a psychiatrist, social worker, psychologist and/or other appropriate medical professionals.
- i) The Victim Assistance Coordinator will notify the recipient of care either by phone or mail that the medical review will take place to be scheduled according to acceptable standards of care. Every attempt will be made to have the review completed within a reasonable amount of time upon receiving the chart/medical documentation.
- j) The reviewer's determination will be sent to the Victim Assistance Coordinator to summarize and forward to the recipient of care and provider of service by phone and by mail.
- k) If determination is made that care is outside the acceptable Standards of Care in the Behavioral Health Field then the Victim Assistance Coordinator will work with the provider and recipient of care for safety and best outcomes. This may include referring to alternative providers if necessary.
- l) If the current provider is unable to work within the acceptable Standards of Care in the Behavioral Health Field, reimbursement from the Diocese of Davenport may be terminated. Notification would be by phone and in writing to the provider and the recipient of care. The Victim Assistance Coordinator and recipient of care would work together to identify another provider of service within a reasonable amount of time.

### §II-7003.1.2 Assistance to Community

**II-7003.1.2 Policy**

The Diocese shall develop and maintain “safe environment” programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children and dependent adults. The Diocese will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (see *USCCB Charter*, art. 12)

**§II-7003.1.3 Assistance to Clergy**

**§II-7003.1.3 Policy**

In the case of any disclosure of sexual abuse of a minor by a cleric, a report shall be made to the Vicar General or the Victim Assistance Coordinator. The Vicar General, with assistance from the Vicar for Clergy and the Director of the Diaconate, ministers to the priests and deacons of the Diocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals. An offending cleric will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (see *USCCB Charter*, art. 5)

He 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 to the cleric in question. (see *USCCB Essential Norms* art. 7)

**§II-7003.2 Screening for Formation, Education & Assignment to Ministry**

*Section II-7003.2 contains provisions confirming the Diocese’s responsibility to screen candidates for the ordination and enhance educational programs regarding sexuality and sexual abuse. The Diocese’s cooperative relationships with religious communities and clerics of other dioceses are clarified and the authority to review the fitness of clerics seeking assignments is confirmed.*

**II-7003.2 Policy**

The Diocese shall evaluate the background of all Diocesan personnel. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (see National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513). The Diocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (see *USCCB Charter*, art. 13)

***Procedures***

- a) Psychological Profile. Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephebophilia. The psychological profile shall be maintained as part of the seminarian’s or deacon candidate’s permanent personnel file. The profile may be updated as necessary or appropriate.
- b) Developmental Programs. The Diocesan seminary and formation programs shall offer, as part of their formation programs, age appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and priestly commitment. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there are clear and well-

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publicized Diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other Church personnel in positions of trust who have regular contact with children and young people (see §II-7002 Code of Conduct). (*USCCB Charter*, art. 6)

- d) Seminary programs will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* (1992). (see [www.vatican.va/](http://www.vatican.va/))
- e) The Diocese will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation. (*USCCB Charter*, art. 17. see [www.usccb.org](http://www.usccb.org))

**§II-7003.3 Assignment and Transfer of Clergy outside their Jurisdiction**

**II-7003.3 Policy**

Clerics of the Diocese who exercise ministry in another diocese are required to request a letter in good standing (celebret) be sent by the office of the Bishop to the ordinary of the diocese or religious superior where ministry will be exercised. Copies of the letter are sent to the parish being visited and to the cleric requesting the letter. (see c.903, *USCCB Essential Norms*, 12)

Any cleric coming to the Diocese of Davenport to perform any ministry, even for only one event, is required to provide a letter of good standing (celebret) to the office of the Bishop from his own diocese or religious superior.

For clerics who have established residence outside of the Diocese but remain incardinated in the Diocese, a request for verification of compliance with the USCCB safe environment requirements will be sent to the diocese of the cleric's residence annually.

### §II-7003.3.1 Priests and Deacons of the Diocese of Davenport

#### **II-7003.3.1 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.

When it is learned that a priest or deacon from the Diocese of Davenport has changed residence to another diocese/eparchy, the Bishop or his delegate (Vicar General) shall forward, in a confidential manner, to the local Bishop/eparch of the place of residence 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. This also applies to the priest or deacon who will reside in a local community of an institute of consecrated life or society of apostolic life. In proposing a priest or deacon for residence outside the Diocese, the bishop or his delegate (Vicar General) shall provide the receiving bishop/eparch or religious ordinary with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (see *USCCB Charter*, art. 14, and *USCCB Essential Norms*, 12)

### §II-7003.3.2 Religious Communities and Clergy of Other Dioceses

#### **II-7003.3.2 Policy**

No religious or extern priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment into the Diocese of Davenport. (see *USCCB Charter*, art. 14), and *USCCB Essential Norms*, 12)

### §II-7003.3.3 Relationship with Religious Communities

#### **II-7003.3.3 Policy**

Religious communities whose cleric members maintain or seek faculties to minister in the Diocese of Davenport shall abide by the Diocesan policies and procedures relating to sexual abuse of minors.

#### ***Procedures***

- a) The community must provide a copy of its own policies and procedures to the Bishop's delegate.
- b) The presenting community shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties in the Diocese, as provided in the model promulgated by the Conference of Major Superiors of Men. In the case of any incident of sexual abuse of a minor, the presenting community shall submit to the Bishop's delegate a comprehensive narrative of the report and its disposition. (see II-7003.3.1).
- c) If a religious cleric exercising public ministry or an apostolate in the Diocese of Davenport is named in a report of sexual abuse of a minor, the Bishop's delegate and the competent religious superior shall confer with each other. Concerning withdrawal from ministerial functions, the Diocese will determine whether or not the cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (see. cc. 392 and 678, 1). If the Diocese determines that a religious cleric may no longer exercise such ministry in the Diocese, his faculties will be revoked, and his proper Ordinary will be requested to recall the cleric immediately. The religious community retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the cleric named in the report.
- d) If sexual abuse of a minor is reported involving a religious priest or deacon ministering in a parish, school or other entity under the auspices of the Diocese of Davenport, the Diocese retains the right to initiate the

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process of investigation and follow-up with the Review Board and take whatever action it deems appropriate. Since religious are also subject to their own proper superiors and to the discipline of their institute (c. 678, 2), the religious community may also choose to review the report in keeping with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him after having informed the Bishop (c. 672, 2), the cleric's Diocesan faculties will be revoked. However, any determination about return to ministry in the Diocese and restoration of Diocesan faculties will be made according to Diocesan policies and procedures in this regard.

- e) The Scott County Attorney shall be notified of any report of sexual abuse of a minor in accordance with the *Memorandum of Understanding*.

**§II-7003.3.4 Extern Clerics**

**II-7003.3.4 Policy**

With due regard for the faculties granted to clerics according to canon law, all clerics who are not incardinated in the Diocese of Davenport shall be required to obtain the permission and faculties from the Bishop in order to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate. He must present a valid *celebret* issued by his bishop or superior according to the standards set by the Bishop of Davenport, certifying that he is a cleric in good standing with faculties granted by the Code of Canon Law (c. 903).

Extern clerics shall abide by the Diocesan policies and procedures relating to sexual misconduct with minors.

**§II-7003.3.5 Sexual Misconduct of a Minor by an Extern Cleric**

**II-7003.3.5 Policy**

The Diocese shall maintain and periodically review its policies affecting extern clerics who seek or maintain faculties in the Diocese. The cleric's bishop or superior shall certify whether he is aware of anything in the cleric's background which would render him unsuitable to work with minors. In the case of any report or incident of sexual abuse of a minor, the cleric's bishop or superior shall submit to the Bishop a comprehensive narrative of the report and its disposition.

***Procedures***

- a) If an extern cleric exercising public ministry or an apostolate in the Diocese of Davenport is reported to have been involved in the sexual abuse of a minor, the Diocese must confer with his bishop or superior. The Diocese will determine whether or not the cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (see. cc. 392 and 678, 1). If the Diocese determines that an extern cleric may no longer exercise any ministry in the Diocese, his faculties will be revoked, and his bishop or superior will be requested to recall the cleric immediately.
- b) If sexual abuse of a minor is reported, the Diocese retains the right to initiate the process of investigation and follow-up with the Review Board and take whatever action it deems appropriate. Any determination about return to ministry and restoration of faculties will be made according to Diocesan policies and procedures.
- c) The Scott County Attorney shall be notified of any report of sexual abuse of a minor in accordance with the *Memorandum of Understanding*.

### **§II-7003.3.6 Diocesan Deacon**

#### **II-7003.3.6 Policy**

The Diocese shall maintain and periodically review its policies affecting deacons who seek or maintain faculties in the Diocese. In the case of any report or incident of sexual abuse of a minor, the Bishop's delegate shall refer the matter to the Vicar General, who shall follow the policies and procedures established in II-7003 in so far as they apply to deacons and the case under review including the *Memorandum of Understanding*.

### **§II-7003.3.7 Extern Deacon**

#### **II-7003.3.7 Policy**

When a deacon relocates into the Diocese and requests faculties to minister, his bishop or superior shall certify whether he is aware of anything in the deacon's background which would render him unsuitable for ministry. In the case of any report or incident of sexual abuse of a minor, his bishop or superior shall be notified, and the policies and procedures in II-7003 shall be followed in so far as they apply to deacons and the case under review, including the *Memorandum of Understanding*.

### **§II-7003.3.8 Vicar for Clergy**

#### **II-7003.3.8 Policy**

The Vicar General shall work together with the Vicar for Clergy when a deacon is involved in any incident or report of sexual abuse of a minor.

### **§II-7003.4 Review Process for Continuation of Ministry**

*Section §II-7003.4 establishes the process by which the fitness for ministry of a cleric named in a report of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations made to the Bishop.*

*The Diocese of Davenport has contracted with a Victim Assistance Coordinator to receive reports of sexual abuse by a cleric with a minor. Reports of sexual abuse by a cleric with a minor will initially be received by the Victim Assistance Coordinator who will notify the Vicar General, who in turn will make a recommendation to the Bishop. A Diocesan Review Board shall be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The Review Board will review the initial recommendation of the Vicar General as well as all subsequent issues regarding the fitness for ministry of the cleric named in the report. The Vicar General and Review Board serve as advisors to the Bishop. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing. In this context the safety and well-being of the community is of primary concern. Of equal concern is protecting the reputation of clerics who may be subject to inaccurate or false reports. The responsibility of the Vicar General to cooperate with civil officials is confirmed 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.*

### **§II-7003.4.1 Establishment of Process**

**II-7003.4.1 Policy**

Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of a report of sexual abuse of a minor shall be made to the Bishop according to the consultative and advisory process established in Section II-7003.

**§II-7003.4.2 Reporting Requirement, Compliance and Cooperation**

**II-7003.4.2 Policy**

Diocesan personnel will comply with the current state and federal reporting requirements and will cooperate with any investigation. As a reference at the time of this revision, Iowa Code Section 232.69 defines mandatory reporters. Iowa Code Section 232.70 requires mandatory reporters to file a report with the Department of Human Services if they reasonably believe a child has suffered abuse. Iowa Code 232.70 requires those who are mandatory reporters to make an oral report within 24 hours to the Department of Human Services to be followed by a written report within 48 hours if they reasonably believe a child has suffered abuse. (See [www.davenportdiocese.org](http://www.davenportdiocese.org) for some helpful links.)

In every instance, the Diocese of Davenport will advise and support a person's right to make a report to public authorities. (see USCCB Essential Norms, 11 and II-7003.4.16 and II-7003.4.19 of these Diocesan policies) In addition, all Diocesan clergy and all religious, employees, and volunteers working for the Diocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly notify reports of a cleric's sexual abuse of a minor to the VAC or Vicar General unless prohibited by applicable Church law. Other clerics and religious working in the Diocese of Davenport are expected to cooperate with the process consistent with their particular status within the Diocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Diocese will take all appropriate steps to protect the good name and reputation of all persons involved in this process. (see Canon 220 and USCCB Essential Norms, 6).

*Procedures*

- a) The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors. (See. *USCCB Essential Norms*, endnote 7)
- b) Reports that a cleric of the Diocese of Davenport engaged in sexual abuse of a minor may be reported either by telephoning, writing, or by meeting in person with the Victim Assistance Coordinator (VAC) or Vicar General.

The VAC may be reached by calling (563) 349-5002, e-mailing: [vac@diodav.org](mailto:vac@diodav.org) or writing to: Victim Assistance Coordinator, PO Box 232, Bettendorf, Iowa 52722-0004.

- c) To the extent possible, the person making the report should provide the VAC or Vicar General with: the name of the cleric who is the subject of the report, the name or names of the victim or victims, and the basic facts of the report of abuse, the relevant dates, and the circumstances in which the abuse occurred.
- d) If the VAC or Vicar General learns of a report through the media or in some other fashion, the VAC or Vicar General shall make appropriate inquiries and proceed substantially in the same manner as with any other report.
- e) Anonymous Reports: The VAC or Vicar General ordinarily will not process anonymous reports or reports that do not contain enough information to permit reasonable inquiry. The VAC or Vicar General shall

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notify the Scott County Attorney regarding all such reports. The Review Board shall be notified of these reports at its next regularly scheduled meeting and they shall review the VAC or Vicar General's actions.

- f) Resigned Clerics: a report against a cleric who has resigned from active ministry shall be processed in the same manner as all other reports. The Diocese will facilitate the outreach to those affected. The Vicar General will determine whether the resigned cleric is still ministering or employed in an ecclesial setting where minors may be at risk.
- g) Deceased Clerics: A report against a cleric who is deceased shall be received by the VAC or Vicar General, who shall make a written summary of the report. The VAC will offer appropriate pastoral care. The VAC will consult with other qualified persons in identifying the nature and extent of pastoral care that would be appropriate under the circumstances. Reports involving deceased clerics will be reviewed by the Diocesan Review Board, but will not be sent to the Scott County Attorney in accordance with the *Memorandum of Understanding*.
- h) Retired Clerics: Since retired clerics often continue to exercise ministry and administer the sacraments, a report against a cleric who has retired from an official assignment shall be processed in the same manner as any other report 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 did engage in sexual abuse of a minor.
- i) Cleric Who Has Been Laicized: The Diocese of Davenport has no jurisdiction over a cleric who has been laicized.
- j) Compliance with the *Memorandum of Understanding* will be maintained regarding all reports.
- k) Bishops: If a bishop is reported to have abused a minor, the reported bishop is obliged to inform the Apostolic Nuncio. If another bishop becomes aware of such a report of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws. In cases of financial demands for settlements involving reports of any sexual misconduct by a bishop, he, or any bishop who becomes aware of it, is obliged to inform the Apostolic Nuncio. The VAC conveys the report received to the vicar general who forwards it to the Diocesan attorney. The report to the Scott County Attorney is made by the Diocesan attorney. After approval by the Scott County Attorney, the vicar general notifies the nuncio and the diocesan attorney notifies the Archbishop of Dubuque (metropolitan of the Province). The report to the nuncio is made by the bishop who has been named or by another bishop and by the Archbishop of Dubuque. The Review Board may be requested by the nuncio to investigate the report.

### §II-7003.4.3 Diocesan Review Board

#### **II-7003.4.3 Policy**

The recommendations described in II-7003.4.1 shall be made to the Bishop by the Diocesan Review Board, which will function as a confidential consultative body to the Bishop in discharging his responsibilities; see USCCB Charter, art. 2, and USCCB Essential Norms 4):

### §II-7003.4.4 Membership of the Review Board

**II-7003.4.4 Policy**

The Diocese of Davenport will have a Review Board functioning as a confidential consultative body for the Bishop. The majority of its members will be lay persons not in the employ of the Diocese. The Review Board will consist of at least five members of outstanding integrity and good judgment who are in full communion with the Church. 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 expertise in the treatment of sexual abuse of minors. It is desirable that the Promoter of Justice participate in the meetings. The functions of this Board may include:

- a) advising the Bishop in assessment of reports of sexual abuse of minors and in his determination of suitability for ministry,
- b) reviewing policies and procedures dealing with sexual abuse of minors and
- c) offering advice on all aspects of responses required in connection with these cases.

(see *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 Review Board. The Nominating Committee should be composed of respected persons with sound judgment. For the nomination of the clerical members of the Review Board, the Nominating Committee could consult with the Vicar for Clergy, the Presbyteral Council, the Diocesan Directors, and the VAC.
- b) Review Board Member Orientation: In order to familiarize Review Board members with their duties as well as with the pertinent policies and procedures, there should be a Review Board Member Orientation conducted periodically with input from appropriate Diocesan officials and outside consultants.
- c) Compensation: None of the members of the Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

**§II-7003.4.5 Term**

**II-7003.4.5. Policy**

Appointments shall serve terms of five years, which can be renewed, and shall continue until a successor is appointed. (see *USCCB Essential Norms*, 5)

**§II-7003.4.6 Officers of the Review Board**

**II-7003.4.6 Policy**

The Bishop or the Board shall designate one board member as chairperson and one board member as vice chairperson for one-year terms.

**Procedures**

- a) The chairperson will ordinarily convene and preside at meetings of the Review Board. The vice-chairperson will perform these functions when the chairperson is unable to do so. The Review Board will meet at least quarterly.

**§II-7003.4.7 Relationship with the Bishop**

**II-7003.4.7 Policy**

The Review Board shall serve as the principal advisor to the Bishop in his assessment of reports of sexual abuse of minors and in his determination of suitability of ministry. They are not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business. (see *USCCB Charter*, art. 2, and *USCCB Essential Norms*, 4)

**§II-7003.4.8 Quorum and Majority for Doing Business**

**II-7003.4.8 Policy**

Half of the total membership of the Review Board plus one member constitutes a quorum. The concurrence of half of the total membership of the Review Board plus one member shall be necessary for a determination or recommendation.

**§II-7003.4.9 Meetings of the Review Board**

**II-7003.4.9 Policy**

The Board shall conduct its business at meetings, which shall be scheduled to occur quarterly or as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.

***Procedures***

- a) **Generally**: The Review Board ordinarily will meet in person but by exception may meet by telephone conference call. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside Review Board meetings, except that the Bishop and Vicar General may communicate with Review Board members as required by this process or as otherwise appears appropriate.
- b) **Attendance**: The Bishop, other persons designated by the Bishop, and the Vicar General may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes their recommendation. They may attend other portions of the meetings subject to the discretion of the Review Board and the Bishop. Other than the person making the report or the cleric who is the subject of the report, all other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require. It is desirable that the Promoter of Justice participate in the meetings of the Review Board if not a member of the Review Board. (see *USCCB Essential Norms*, 5) Since the Promoter for Justice is involved in any penal process, he may attend the Review Board meetings with voice in the discussions, but with no vote in the Review Board's determinations and recommendations unless he or she is a member of the Review Board. After the Review Board process is completed and, if warranted by the outcome, after the Congregation for the Doctrine of the Faith is notified, the Promoter for Justice will proceed as instructed by the Bishop in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances. (see *USCCB Essential Norms*, 8A)
- c) **Committees**: The Chairperson with the consent of the Review Board may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose, except that the power to make a definitive recommendation following a review meeting may not be delegated to any such committee.

**§II-7003.4.10 Duties of the Review Board**

**II-7003.4.10 Policy**

The Review Board shall have the duty to:

- a) advise the Bishop in his assessment of reports of sexual abuse of minors and in his determination of suitability for ministry (see *USCCB Charter*, art. 2, and *USCCB Essential Norms*, 4. A.)
- b) offer advice on all aspects of these cases, whether retrospectively or prospectively (see *USCCB Essential Norms*, 4.C.)
- c) make such other recommendations which the Board in its sole discretion determines to be appropriate to reduce the risk to children.
- d) recommend guidelines for the proceedings of the Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;
- e) submit, with the assistance of the Vicar General, an annual budget proposal. The budget proposal shall be incorporated into the Diocesan budget process.
- f) review these policies and procedures for dealing with sexual abuse of minors; (see *USCCB Essential Norms*, 4.B)
- g) cooperate with the Vicar General and the Vicar for Clergy in developing and implementing educational programs for themselves and those participating in this process; and
- h) seek the advice of such experts and consultants as the Board deems necessary and appropriate.

### §II-7003.4.11 Right to Appear Before the Review Board

#### **II-7003.4.11 Policy**

The person making a report and the cleric who is the subject of the report each have a right to meet with the Board before the Review is concluded. The Board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

#### **Procedures**

- a) When a person making a report or the cleric who is the subject of the report meets with the Review Board, the Review Board shall schedule their appearances in such a way that they not meet each other, even inadvertently, unless such contact is expressly approved by the Review Board.

### §II-7003.4.12 Right to Counsel

#### **§II-7003.4.12 Policy**

Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel.

#### **Procedures**

- a) For the sake of due process, the party who is the subject of the report will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When necessary, the Diocese will supply canonical counsel to the priest or deacon. (*USCCB Charter, art. 5, and USCCB Essential Norms 6 and 8.A*) Any person appearing before the Review Board may do so with counsel or in the Review Board's discretion which shall be exercised liberally, with such other advisor for whom the person may, in advance of the meeting, request the Review Board's consent. The Review Board shall not permit the participation of counsel or other advisor unduly to delay this process. Attorneys licensed to practice civil law, but not canon law, serving as counsel to the person making the report or the person who is the subject of the report, may attend such meetings and advise their clients involved in these ecclesiastical processes, with the understanding that such proceedings are conducted according to those policies and procedures and the provisions of canon law; they are not hearings subject to the rules of civil law.

### §II-7003.4.13 Victim Assistance Coordinator

#### **§II-7003.4.13 Policy**

The Diocese of Davenport shall contract to have a victim assistance coordinator to receive reports and reach out to victims with provision of counseling, spiritual assistance, support groups or other services. The VAC will listen with compassion and concern, facilitate any additional meetings between the Bishop or another designee and the victim.

#### §II-7003.4.14 Qualifications

##### **II-7003.4.14 Policy**

The VAC shall be a competent Catholic professional who maintains appropriate qualifications. This person shall be responsible for coordinating assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy.

#### §II-7003.4.15 Appointment

##### **II-7003.4.15 Policy**

The Bishop shall appoint and may remove the VAC with the advice of the Review Board.

##### **Procedures**

- a) The VAC shall be compensated and evaluated according to the standards of the profession as an independent contractor.

#### §II-7003.4.16 Duties

##### **II-7003.4.16 Policy**

Under the supervision of the Vicar General, the VAC shall have the duty to:

- a) receive information and reports of sexual abuse by a cleric with a minor; promptly and objectively interview the person making the report, which includes committing the information to written form and allowing the person interviewed to review and sign what has been committed to writing. If the person making the report is a minor, the minor's guardian will review and sign what has been committed to writing;
- b) notify the Vicar General any report of sexual abuse of a minor or adult, comply with all applicable civil laws with respect to the reporting of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the *Memorandum of Understanding*. In every instance, the VAC will advise victims of their right to make a report to public authorities and will support this right. (Cf. USCCB Charter, art. 4, and II-7003.4.16 and II-7003.4.19 of these Diocesan policies). Specifically, the VAC will comply with the current state and federal reporting requirements. As a reference at the time of this revision, Iowa Code Section 232.69 defines mandatory reporters. Iowa Code Section 232.70 requires mandatory reporters to file a report with the Department of Human Services if they reasonably believe a child has suffered abuse. Iowa Code 232.70 requires those who are mandatory reporters to make an oral report within 24 hours to the Department of Human Services to be followed by a written report within 48 hours if they reasonably believe a child has suffered abuse;
- c) perform such other duties as may be prescribed by the Bishop, his delegate, or Review Board from time to time.

### §II-7003.4.17 Receipt of Information

#### **II-7003.4.17 Policy**

To assist the VAC in implementing this process, the Diocese shall establish and publicize a separate telephone number and e-mail address to facilitate receipt of information. The VAC will answer calls during business hours and an appropriate recording device shall be used at other times.

Alicia Owens, LBSW, Victim Assistance Coordinator  
PO Box 232  
Bettendorf IA 52722-0004  
Phone: 563-349-5002 - vac@diodav.org

### §II-7003.4.18 Confidentiality and Disclosure of Information

#### **II-7003.4.18 Policy**

Information generated in connection with the process set forth in II-7003 shall be maintained in a confidential manner, in order to protect the rights of all concerned, and may be disclosed only in accordance with this section.

#### ***Procedures***

- a) The Vicar General is the custodian of all information described in Sections 7003 and shall develop an appropriate record keeping system to ensure accountability for and security of the information.
- b) The Vicar General shall maintain the information in a confidential fashion, in order to protect the rights of all concerned, and may not disclose such information except as follows:
  - 1) the Vicar General shall provide the cleric who is the subject of the report with information sufficient to enable him to respond to the report; either party shall have access to his or her own statements and the statements of the other party pertaining to the report. The Vicar General may provide both the person making the report and the cleric who is the subject of the report with such additional information as necessary to process the report;
  - 2) after the Bishop has made a decision in a matter brought before the Review Board, the Vicar General shall provide the person making the report and the cleric who is the subject of the report with appropriate and timely information about the Review Board's determinations and recommendations and the Bishop's actions;
  - 3) the Vicar General shall provide access to information to the Review Board, the Bishop, and other persons the Bishop may designate;
  - 4) the Vicar General shall provide access to information to the competent superior in connection with reports about a member of a religious community or another Diocese;
  - 5) the Vicar General shall disclose such information as may be required by law and the *Memorandum of Understanding*;
  - 6) the Diocese will develop a policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (*USCCB Charter*, art. 7)

- c) The Diocese will not enter into settlements which bind the parties to confidentiality unless done for grave and substantial reasons requested by the victim/survivor and noted in the text of the agreement. (*USCCB Charter*, art. 3)

#### §II-7003.4.19 Preliminary Actions and Investigation

##### **II-7003.4.19 Policy**

The Diocese of Davenport will take all reports of sexual abuse seriously. The starting point for processing every report is the *Memorandum of Understanding*.

##### ***Procedures***

- a) Upon receipt of the report, the Vicar General shall promptly notify the public authorities of any report of sexual abuse of a minor, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. A written statement containing information about the right to notify public authorities of a report will be provided to the person making the report. (see. *USCCB Charter*, art. 4, *USCCB Essential Norms*, 11)
- b) If the Scott County Attorney determines after initial investigation that the report of sexual abuse are unfounded or elects not to pursue a criminal charge for any reason or reasons, it will return to the Diocese of Davenport any reports, documents or other materials that were forwarded to it by the Diocese during the course of investigation, shall turn over to the Bishop and the Diocese all information and results of its investigation, and shall hold the report and all information and materials generated by such report and investigation confidential without releasing such report and the names of anyone involved, information and materials, to others. The Scott County Attorney's Office will also provide a document identifying all materials returned to the Diocese. (*Memorandum of Understanding #6*)
- c) If the Scott County Attorney's Office finds that the report of sexual abuse is well founded and elects to pursue criminal charges, it should do so in the normal course and at its discretion. (*Memorandum of Understanding #7*)

#### §II-7003.4.20 Actions by the Chancery Staff

##### ***Procedures***

- a) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Bishop for the sake of the common good. (see canon 223, 2 of the *Code of Canon Law and Diocesan Policies* II-7003.4.28 and II-7003.4.33).
- b) In making such assessments and recommendations, the Vicar General may consult with the Bishop, his delegate, and persons designated by the Bishop.
- c) Before initiating a judicial or administrative process to impose or declare penalties, the Bishop should seek the cleric's voluntary cooperation to restore justice and reform the offender through various means of pastoral solicitude. (see c.1341)
- d) The person named as the offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and the person named as the offender, so long as this does not interfere with the investigation by civil authorities. (see *USCCB Charter*, art. 5, and *USCCB Essential Norms*, 7)

### §II-7003.4.21 Diocesan Investigation

#### **§II-7003.4.21 Policy**

After a case is returned by the Scott County Attorney, an investigation by the Diocese in harmony with canon law will be conducted promptly and objectively (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of everyone involved. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, 6) The canon law investigation may be delayed for good reason, such as to await the completion of action by public bodies.

#### **Procedures**

- a) Whenever the Bishop determines that the information of an offense at least seems to be true, the Bishop shall contract with an auditor (see. canon 1428) to conduct the investigation in accord with canon 1717.
- b) The auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of the report.
- c) The auditor conducting the investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process. The auditor will present the findings of the investigation to the Review Board for its consideration.

### §II-7003.4.22 Questions for the Review Board

#### **II-7003.4.22 Policy**

At the Review for Cause, the Review Board shall determine

- a) whether there is reasonable cause to suspect that the person named as the offender engaged in sexual abuse of a minor;
- b) whether prior determinations as to ministry by the cleric should be altered; and
- c) what further action, if any, should be taken with respect to the report.

#### **Procedures**

- a) The Review Board shall consider the auditor's report and any other information which the Review Board believes helpful and is able to obtain.

### §II-7003.4.23 Determinations and Recommendations

#### **II-7003.4.23 Policy**

The Review Board shall determine whether it is reasonable to return the cleric to ministry or keep the cleric in ministry in view of all the facts and circumstances, giving appropriate consideration to the safety of children and the rights of the cleric. They shall make appropriate recommendations to the Bishop about the following:

- a) if the cleric has already been withdrawn from ministry pending inquiry, whether such withdrawal should continue; if it should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
- b) if the cleric has not been withdrawn from ministry, whether he should remain and, if so, whether any restrictions should be imposed on him;
- c) whether the investigation should be held open for some reason;
- d) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears desirable and suggestions as to possible action, and
- e) such other matters as the Review Board deems appropriate.

### §II-7003.4.24 Administrative Leave: Temporary Withdrawal from Ministry

#### **II-7003.4.24 Policy**

When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The Bishop shall then apply the precautionary measures mentioned in canon 1722, i.e., remove the person named in the report from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the most Holy Eucharist pending the outcome of the process. (Cf. *USCCB Essential Norms*, 6)

### §II-7003.4.25 Supplementary Reviews

#### **II-7003.4.25 Policy**

The Review Board may conduct such Supplementary Reviews as necessary to discharge its duties. They may consider new information about a determination or recommendation made in connection with a prior review.

#### ***Procedures***

- a) The Review Board may consider the application for review, the Auditor's reports and any additional information which the Review Board believes helpful and is able to obtain.

### §II-7003.4.26 Initiation

#### **II-7003.4.26 Policy**

A Supplementary Review may be initiated by the Review Board, the Vicar General, the Bishop, or the Bishop's delegate. In addition, an affected cleric or his family, a person who made a report, or a victim or the family of a victim may apply to the Review Board in writing for such a review and shall include in the application a statement of the question or point for review, the applicant's position with respect to the matter, and any supporting explanation or information.

### §II-7003.4.27 Determinations and Recommendations of Supplementary Review

#### **II-7003.4.27 Policy**

The Review Board may make the same kinds of determinations and recommendations as in a prior review or make other determinations and recommendations as it deems appropriate.

### §II-7003.4.28 Monitoring

#### **II-7003.4.28 Policy**

Monitoring protocols and programs for those who have been reported to have or have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the Church. Monitoring is deemed appropriate when a cleric has been temporarily withdrawn from ministry pending further investigation, or when a cleric has been permanently removed from ministry but allowed to remain a cleric, when sexual abuse by the cleric is admitted or is established after an appropriate investigation in accord with canon law.

#### ***Procedures***

- a) Monitoring programs need to be flexible to recognize individual circumstances and the fact that knowledge and insight continue to develop. They should be evaluated periodically for this reason. These programs should also recognize, in an appropriate way, redemption and forgiveness and seek to provide hope for those dealing with the dysfunction that causes sexual abuse. They must be consistent and fair, and the application in a given case not be arbitrary, but recognize individual circumstances.
- b) The Vicar General and the Vicar for Clergy shall work cooperatively in the treatment, rehabilitation and monitoring of clerics. They shall be primarily responsible for the development, implementation, and operation of the program for monitoring clerics. They shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat clerics as well as pastoral and spiritual life concerns and treatment questions.

### §II-7003.4.29 Monitoring Following Removal from Ministry

#### **II-7003.4.29 Policy**

A cleric who has been reported to have or has engaged in sexual abuse of a minor will be subject to appropriate monitoring for the remainder of his life as a cleric of the Diocese and his files shall remain open.

#### ***Procedures***

- a) Recovery from the dysfunction which causes sexual abuse of minors is considered, in the light of the experience and research presently available, an ongoing and lifelong process. Therefore monitoring in such cases is a lifelong process.
- b) The Diocese of Davenport has no jurisdiction over a cleric who has been laicized.

### §II-7003.4.30 Elements of Monitoring

#### **II-7003.4.30 Policy**

Monitoring programs and protocols should be applied on a case by case basis but must include certain essential components.

#### ***Procedures***

- a) While the monitoring protocol approved by the Review Board in a given case might include controls or restrictions that have proven helpful, all cases must include certain essential elements. They may include the following:
  - 1) continuing oversight by the Review Board or its delegate with periodic reports to the Bishop;
  - 2) a written protocol signed by the cleric which sets forth the particular requirements applicable to him;
  - 3) restrictions from being alone with anyone under the age of 18;
  - 4) periodic physical evaluation and psychological reports as recommended by the Review Board;
  - 5) regular individual spiritual direction;
  - 6) communication with Diocesan officials as to changes in residence, approval of vacations or overnight stays away from his residence;
  - 7) prohibition from the public celebration of the sacraments;
  - 8) submitting reports of activities;
  - 9) meeting with Diocesan officials on a regular basis;
  - 10) prohibition from wearing a Roman collar or presenting himself as a priest to the public;
  - 11) submission to random visits from Diocesan officials or persons retained by the Diocese;
  - 12) any other requirements as directed by the Congregation for the Doctrine of the Faith.

### §II-7003.5 Canonical Considerations

*Section 7003.5 recognizes that a cleric who has admitted or been found to have engaged in sexual abuse of a minor may never return to ministry. We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”*

#### §II-7003.5.1 Removal from Ministry, Penalties and Restrictions

##### **II-7003.5.1 Policy**

When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, 2). While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing an abundant mercy of God’s infinite graces, the Church also acknowledges the need to do penance for one’s sins, that there are consequences for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness.

- a) In every case involving canonical penalties, processes provided for in the *Code of Canon Law* must be observed, and the various provisions of canon law must be considered. (see *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; *Graviora Delicta, Letter from the Congregation for the Doctrine of the Faith*, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Bishop how to proceed (see Article 13, “*Procedural Norms*” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787, [www.vatican.va](http://www.vatican.va)). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the person named in the report is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process.
- b) If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest. (see *USCCB Charter*, art. 5, and *USCCB Essential Norms* 8)
- c) The cleric is to abide by the precept presented to him.

## §II-7003.5.2 Executive Power of Governance

### **II-7003.5.2 Policy**

At all times, the Bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly or diaconal ministry. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (c. 1395, 2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (*USCCB Essential Norms*, 9)

### **Procedures**

- a) The Bishop may exercise his executive power of governance to take one or more of the following administrative actions (cc. 381 and 129ff):
  - 1) He may request that the person named in the report freely resign from any currently held ecclesiastical office (cc. 187-189);
  - 2) Should the person named in the report decline to resign and should the Bishop judge the person named in the report to be truly not suitable (c.149, 1) at this time for holding an office previously conferred (c.157), then he may remove that person from office observing the required canonical procedures (cc. 192-195, 1740-1747);
  - 3) For a cleric who holds no office in the Diocese, any previously delegated faculties may be administratively removed (cc. 391, 1 and 142, 1), while any *de jure* faculties may be removed or restricted by the competent authority as provided in the law (c. 764);
  - 4) The Bishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (c. 906). The Bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
  - 5) Depending on the gravity of the case, the Bishop may also dispense the cleric from the obligation of wearing clerical attire (c. 284) and may urge that he not do so, for the good of the Church and for his own good.
  - 6) These administrative actions shall be taken in writing and by means of decrees (cc. 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (cc. 1734ff).

(The above procedures are outlined in *USCCB Essential Norms*, 9, footnote 6.)

### §II-7003.5.3 Dispensations and Dismissals from the Clerical State

#### **II-7003.5.3 Policy**

The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request from the Holy See the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon. (*USCCB Essential Norms*, 10)

#### **Procedures**

- a) A cleric described in Section II-7003.5.1 and who has not been dismissed from the clerical state may either live in a supervised setting designated by the Diocese in accord with Section II-7003.4.33 or resign from active ministry as a cleric and petition for laicization. The Diocese ordinarily will offer such resigned clerics an opportunity for continuing therapy as part of an appropriate severance program. If the cleric does not express a desire to live in such a supervised setting or petition for laicization, the Diocese may pursue appropriate courses of action permitted under the *Code of Canon Law*.
- b) A cleric who is assigned to live in a supervised setting as described above must sign a written agreement with the Diocese. The agreement must include such provisions as to his restrictions, residence, therapy, supervision and other matters as may be recommended by his therapists or the Review Board, or required by the Bishop. The cleric's compliance with the terms of the agreement and overall performance will be monitored from time to time by the Vicar General or Vicar for Clergy. The Vicar General will present written reports of the monitoring to the Review Board at least annually. The Review Board, the Bishop or cleric may initiate a Supplementary Review of the situation in accordance with the procedures in Section II-7003.4.25

### §II-7003.5.4 Protection of Rights and Unfounded Reports

#### **II-7003.5.4 Policy**

Care will always be taken to protect the rights of all parties involved, particularly those of the person reporting to have been sexually abused and the person against whom the charge has been made. When the report has been proven to be unfounded, every step possible will be taken to restore the good name of the person who was named in the report. (*USCCB Essential Norms*, 13)

### §II-7003.5.5 Cleric's Failure to Comply

#### **II-7003.5.5 Policy**

A cleric's failure to comply with the agreement he has signed or any of the relevant conditions or restrictions imposed shall be the basis for the initiation of a Supplementary Review which may result in other appropriate recommendations by the Review Board for action by the Bishop.

### §II-7003.6 Clergy Personnel Records

*Section II-7003.6 requires the Diocese to maintain a unified clergy personnel record keeping system to enable those responsible for ministerial assignments to consider the full record of a cleric. Under the unified system, the record of a cleric will commence upon his entry into seminary training or diaconate formation and continue to be maintained throughout his career.*

#### §II-7003.6.1 Clergy Personnel Record Keeping

##### **II-7003.6.1 Policy**

The Diocese shall maintain a unified clergy personnel record keeping system to enable the Bishop and other responsible persons to consider the full record of a cleric in the making of ministerial assignments. The record of each cleric shall commence upon entering seminary training and continue to be maintained throughout the career of the cleric.

##### **Procedures**

- a) Diocesan policies and procedures shall provide for the administration of the unified cleric personnel record keeping system consistent with law and sound personnel records management. For the purposes enunciated in these policies and procedures, the record shall include records of formational assessment, psychological evaluation, the record and disposition of any proceedings of the Review Board and any other information suggesting a propensity for sexual abuse of minors.

#### §II-7003.6.2 Seminary Reports and Evaluations

##### **II-7003.6.2 Policy**

Periodic reports and annual evaluations from the seminary shall be sent to the Bishop for review with the Director of Vocations for incorporation into the priest personnel record keeping system.

#### §II-7003.6.3 Confidentiality of Records

##### **II-7003.6.3 Policy**

All records maintained pursuant to this Section shall be confidential. Information contained in a priest's personnel record may be disclosed by the Vicar General to the Bishop and his delegate, and in the following instances:

- a) upon request of the Priests' Personnel Board for consideration by the Board in making assignments;
- b) upon request of the Vicar General as contemplated in Sections II-7003.4 and II-7003.5 of these policies and procedures;
- c) upon request of a priest subject to conditions and limitations set forth in applicable policies and procedures; and
- d) to the Scott County Attorney in accordance with the *Memorandum of Understanding*;

All such disclosures shall be made in a manner consistent with applicable law and sound personnel records management.

##### **Procedures**

- a) Secure provision for the records shall be approved by the Vicar General and an appropriate file system established.

### **§II-7003.7 Openness and Transparency in Communications Regarding Sexual Misconduct**

*It is important to be open and credible with parish leadership and parish communities when a cleric serving there has been withdrawn from ministry for the safety of children as well as when a cleric is returned to ministry due to a finding that such a report cannot be substantiated. Therefore, the Diocese of Davenport has developed a policy and procedure that will foster openness while still respecting the privacy and reputation of the individuals involved.*

*Matters under litigation, unsubstantiated reports, and information that an adult victim has asked the Diocese to keep private are examples of circumstances necessitating confidentiality.*

#### **§II-7003.7.1 Communication with Parish Leadership and Parish Communities**

##### **II-7003.7.1 Policy**

The Diocese of Davenport will notify parish leadership and parish communities as soon as reasonably possible when a cleric serving there has been withdrawn from ministry by the Bishop after he has accepted the recommendation of the independent Review Board that the safety of minors or dependent adults requires the withdrawal of the cleric from ministry. Parishes will also be notified when the Bishop accepts the recommendation of the pertinent canonical authority in the case of the return of a cleric to ministry due to a finding that such report cannot be substantiated. Parishes and other entities where a deceased or incapacitated cleric or clergy served will be notified after the Bishop has accepted a recommendation from the Review Board following the finding of the existence of a credible report.

##### ***Procedures***

- a) The Vicar General will inform the Director of Communication as soon as possible when the Bishop has approved the recommendation of the Review Board regarding the withdrawal from or return to ministry of any cleric.
- b) The Bishop or his delegates will meet with the leadership of any parish or entity affected by a cleric's withdrawal from ministry to review the communication materials and to receive input on the distribution of these materials. A team will be formed to assess the immediate needs of the parish or entity and other issues of healing that may arise. It should meet with the Bishop or his designee at least quarterly for the first year following the parish meeting. In the instance of a cleric returned to ministry due to a finding that such report cannot be substantiated, the Bishop or his delegates will meet with, and provide necessary communications materials to, the leadership of any parish involved.
- c) Communication materials will first be shared with parishes or entities involved, then with *The Catholic Messenger* for publication in its next edition. The same material will be posted on the Official Web Site of the Diocese of Davenport.
- d) The Director of Communication or a designated representative will disseminate the announcement of the cleric's withdrawal from or return to ministry to the public through the media and provide a brief biographical sketch including the cleric's ministerial assignments.
- e) The Diocese may inform members of former parishes or other entities of a cleric who had been assigned to the parish or entity who is the subject of a credible report of sexual misconduct so that persons who may have been victims of misconduct in those other settings will know that they may come forward for assistance. Diocesan officials will assess the applicability of this procedure to each former parish or entity. Generally speaking, the current pastor or administrator will be consulted in making this determination. If disclosure is called for, then the following steps will be taken:

## §II-7000 Policies Relating to Sexuality and Personal Behavior

- 1) Leadership of the parish or entity will be informed of the report, the follow-up steps that are planned, and the potential impact of the news on their own parish or other entity. They will work with Diocesan officials to plan for the best way to inform the people at large, or others who may be affected by the news.
- 2) The pastor or administrator, after consulting with Diocesan officials and the parish leadership, will announce the report against their former cleric. The announcement of disclosure also indicates that some process for immediate follow-up has been put in place. This is generally a meeting of the parish or other group impacted, but other options may be used.
- 3) A team will be formed by the Bishop to assess the ongoing impact of the disclosure in the parish/entity. The team should meet at least once with the Bishop or his designee within a month after the initial disclosure. Additional meetings may be scheduled if needed.

### §II-7003.7.2 Concern for the People of the Diocese

#### **§II-7003.7.2 Policy**

Of primary concern of the Diocese of Davenport is the pastoral care of all people who are affected by sexual misconduct and ways to prevent others from being victimized. The Diocese will continue to promote the work of the Diocesan VAC, the Safe Environment Program and other resources available to victims through notices in the diocesan newspaper, the diocesan website and electronic mail.

### §II-7003.7.3 Spokesperson for the Diocese

#### **II-7003.7.3 Policy**

The spokesperson for the Diocese on matters concerning sexual abuse and misconduct is normally the Director of Communication. Inquiries concerning matters in litigation may be referred to counsel.

### §II-7003.7.4 Media Interviews

#### **II-7003.7.4 Policy**

All communication from the Diocese to the public through the media will be approved by the Vicar General or Director of Communication in consultation with the Bishop. Diocesan responses to inquiries from the media will be as responsive as possible. Requests from the media for interviews on these issues shall be made through the Diocesan Spokesperson who for these matters will be the Director of Communication. No interviews will be given without scheduled appointments.

## §II-7004 SPECIFIC POLICIES REGARDING LAITY

Specific policies regarding laity can be found in the Policies for Diocesan Faith Formation and Education Programs (see [www.davenportdiocese.org/](http://www.davenportdiocese.org/)), as well as employee handbooks for individual Diocesan entities.

## Appendix A: Definitions

For the purposes of this policy only, the following definitions apply:

“Report”: a report of abuse or sexual misconduct. A report needs to have the following ingredients: (1) a named victim; (2) a named perpetrator; (3) a time (as specific as can be reasonably determined); (4) a place (as specific as can be reasonably determined); (5) a specific act or acts of abuse or misconduct.

“Apostolic Nuncio”: the ambassador of the Pope as head of State of Vatican City to the President of the United States, and delegate and point-of-contact between the Catholic hierarchy in the United States and the Pope.

“Bishop”: the Bishop of the Diocese of Davenport

“Celebret”: A letter from a bishop or superior certifying that a priest is in good standing with faculties granted by the Code of Canon Law, and for this purpose bears testimony that he is free from canonical censures.

“Cleric” or “Clergy”:

- a) Priests incardinated in the Diocese.
- b) Religious Order priests residing or working in the Diocese.
- c) Priests and deacons of other jurisdictions who seek assignment for work in this Diocese or who seek incardination in this Diocese.
- d) Permanent and transitional deacons incardinated in this Diocese.
- e) Bishops in the Diocese

“Community Service”: individuals who have been court-ordered to complete community service hours

“Credible report”: a report that, based on the facts of the case, meets one or more of the following criteria:

- a) more likely than not to have occurred;
- b) corroborated with other evidence or other sources;
- c) acknowledged or admitted to by the person named as the offender.
- d) With regard to a deceased or incapacitated cleric or clergy, a report in which the evidence is clear and convincing because there is no serious or substantial uncertainty about the conclusion to be drawn from it.

*“De jure”*: by right according to the law

*“Delict”*: an offense

“Dependent adult”: a person eighteen years of age or older who is unable to protect the person's 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 as defined by the Iowa Department of Human Services. A person who habitually lacks the use of reason is to be considered equivalent to a minor.

“Diocese” or “Diocesan”: includes the Diocese of Davenport as a corporate entity.

“Minor”: anyone under age 18 unless otherwise defined.

“Personnel”: includes but is not limited to the following categories:

- a) all bishops and incardinated clerics (including all incardinated permanent deacons and all incardinated transitional deacons of the Diocese);
- b) all religious priests, deacons, and brothers working for the Diocese, its institutions or offices;

§II-7000 Policies Relating to Sexuality and Personal Behavior

- c) all those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law;
- d) all clerics of other jurisdictions who are working solely for the Diocese;
- e) all women religious working for the Diocese, its parishes, schools, institutions or offices;
- f) all personnel of Catholic schools of the Diocese (administration, faculty, and support staff);
- g) all religious education directors or coordinators and teachers in the parishes and schools of the Diocese;
- h) all youth ministers in the parishes, schools and institutions of the Diocese;
- i) all personnel of diocesan campus ministries;
- j) all paid personnel in the offices of the Diocese, in the parishes of the Diocese and other Diocesan corporations as determined by the Bishop.
- k) all unsupervised volunteers (not in the presence of a person who is compliant with safe environment and background check policies) who work with children and youth and other vulnerable persons;
- l) such other personnel as designated by the Bishop.

“Promoter of Justice”: provides for the public good in Church courts.

“Review Board”: the Diocesan Review Board.

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

“Sexual 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. The transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue.

In addition to the definitions above, the *Charter* states as follows:

\*"For purposes of this Charter, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology as defined by sections 728.1 of the State Code of Iowa and 18 U.S.C. §2256; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition. In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for making allowance for the legislation of the country where the Conference is located," Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric's suitability for ministry and for complying with civil reporting statutes and the *Code of Canons of the Eastern Churches*, c. 1453 §1 ("A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which other penalties can be gradually added up to deposition, if he persists in the offense")."

Thus the norm to be considered in assessing a report of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment. (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6) A canonical offense against the sixth commandment of the Decalogue need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact or a discernible harmful outcome. Moreover, "imputability (moral responsibility) for a canonical offense is presumed upon

external violation...unless it is otherwise apparent” (CIC, c. 1321 Sec. 3; CCEO c. 1414 Sec. 2) (Cf. CIC canons 1322-27 and CCEO canons 1413, 1415 and 1416).

"If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act."

\*This definition is taken from the *Charter* and should be understood in the context of the Church’s moral teaching on sexual matters. Sexual abuse will include definitions applicable under the laws of the State of Iowa and Federal statutes. (see [www.davenportdiocese.org](http://www.davenportdiocese.org).)

“Sexual exploitation”: 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.

“Sexual harassment”: 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.

“Sexual Misconduct”: 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.)

“Victim Assistance Coordinator”: a self employed individual, contracted by the Diocese, who oversees and coordinates the pastoral care and outreach offered to victims and their families.

**Appendix B: Memorandum of Understanding**

## MEMORANDUM OF UNDERSTANDING

The following will constitute a Memorandum of Understanding between The Most Reverend Martin J. Amos, Bishop of the Roman Catholic Diocese of Davenport, and Michael J. Walton, the Scott County Attorney, regarding the handling of reports of sexual abuse of minors by clergy (bishops, priests and deacons) and religious order men and women within the Diocese of Davenport in Scott County, Iowa, as of January 10, 2007 and shall apply to all reporting of claims of child abuse in the future.

1. Bishop Amos personally shall report to the Scott County Attorney's Office, and shall direct and urge any and all members of the clergy and employees of the Diocese of Davenport, regardless of their title, position or affiliation to report to the Scott County Attorney's Office and the Bishop:
  - (i) when he/they have cause to believe that a person coming before them in their professional or official capacity has been sexually abused by clergy as a minor; or
  - (ii) when he/they have cause to believe that a minor has been sexually abused by clergy based on a report from a parent, guardian, custodian or other person legally responsible for such minor, when such parent, guardian, custodian or other responsible person comes before them and states from facts, conditions or circumstances which, if correct, would render the minor a victim of sexual abuse by clergy.
  
2. Any and all reports regarding the sexual abuse of minors by clergy or religious order men and women which are reported to the Diocese of Davenport or to members of the clergy or to employees of the Diocese in accordance with paragraph 1 above, will be forwarded to the Scott County Attorney's Office without prior screening regarding the truth of the reports. During the pendency of the investigation by the Scott County Attorney's Office, the Diocese will communicate with representatives from the office of the County Attorney before taking any action as it relates to the report or against the person named in the report. The County Attorney will notify the parent, guardian, custodian or other person legally responsible for the victim, at the time a report is made. The Diocese will also notify the County Attorney's Office if it is contemplating the transfer or re-assignment of a member of the clergy or religious against whom a report of child sexual abuse has been made.
  
3. Any report made pursuant to this Memorandum of Understanding shall include, if known to the Diocese of Davenport:
  - (i) the name and address of the person named in the report who is suspected of committing the abuse;
  - (ii) the name, address and telephone number of the victim;
  - (iii) the name, address and telephone number of the person reporting the alleged abuse; and
  - (iv) any facts concerning the abuse which are known to the reporter.

4. Upon receipt of a report of sexual abuse by clergy or religious, the Scott County Attorney's Office will undertake an initial investigation and will report the results of its investigation to the Diocese of Davenport within two weeks. If the initial investigation is not completed within two weeks, the County Attorney's Office will inform the Diocese of the additional time needed to complete the initial investigation. Nothing in this Memorandum of Understanding requires reporting to the County Attorney if the person named in the report is deceased.
5. Any reports, documents or other information received by the Scott County Attorney's office regarding the report of sexual abuse by clergy or religious will be held in the strictest confidence during the course of the initial investigation. In the event that there is a breach of this confidentiality both the Davenport Diocese and the Scott County Attorney's Office will make best efforts to determine the source of that breach and will take appropriate disciplinary action.
6. If the Scott County Attorney's Office determines after initial investigation that the report of sexual abuse is unfounded and/or elects not to pursue a criminal charge for any reason or reasons, it will return to the Diocese of Davenport any reports, documents or other materials that were forwarded to it by the Diocese during the course of investigation, shall turn over to the Bishop and the Diocese all information and results of its investigation, and shall hold the report and all information and materials generated by such report and investigation confidential without releasing such report and the names of the alleged perpetrator and victim, information and materials, to others. The Scott County Attorney's Office will also provide a document identifying all materials returned to the Diocese.
7. If the Scott County Attorney's Office finds that the report of sexual abuse are well founded and elects to pursue criminal charges, it should do so in the normal course and in its discretion.
8. It is understood and agreed that this Memorandum of Understanding shall be reviewed and evaluated after a four (4) year period for updates, revisions, deletions, continuation, or cancellation. This Agreement shall not be binding on the successor to either Bishop Amos or Mr. Walton.
9. Nothing in this Memorandum of Understanding shall require any member of the clergy to divulge a confidential communication made in the course of the confessor-penitent relationship or one covered, protected or privileged under Iowa Code Section 622.10 or other applicable Federal, State, municipal, or Canon law.
10. The Diocese shall make reports to the Scott County Attorney of all reports of sexual abuse of a minor occurring in the Diocese, including reports in counties other than Scott County. The Diocese may also make reports to the county attorneys of the counties where the abuse occurred.

Dated at Davenport, Iowa, on this 27 day of September 2012

+ Martin Amos

MOST REV. MARTIN J. AMOS  
BISHOP OF DAVENPORT

Michael J. Walton

MICHAEL J. WALTON, SCOTT COUNTY ATTORNEY

## **Appendix C: Forms**

Effective July 1, 2013 the Diocese of Davenport implemented a new procedure for performing background checks. Completion of the background information is now done electronically through the VIRTUS Program instead of paper forms.

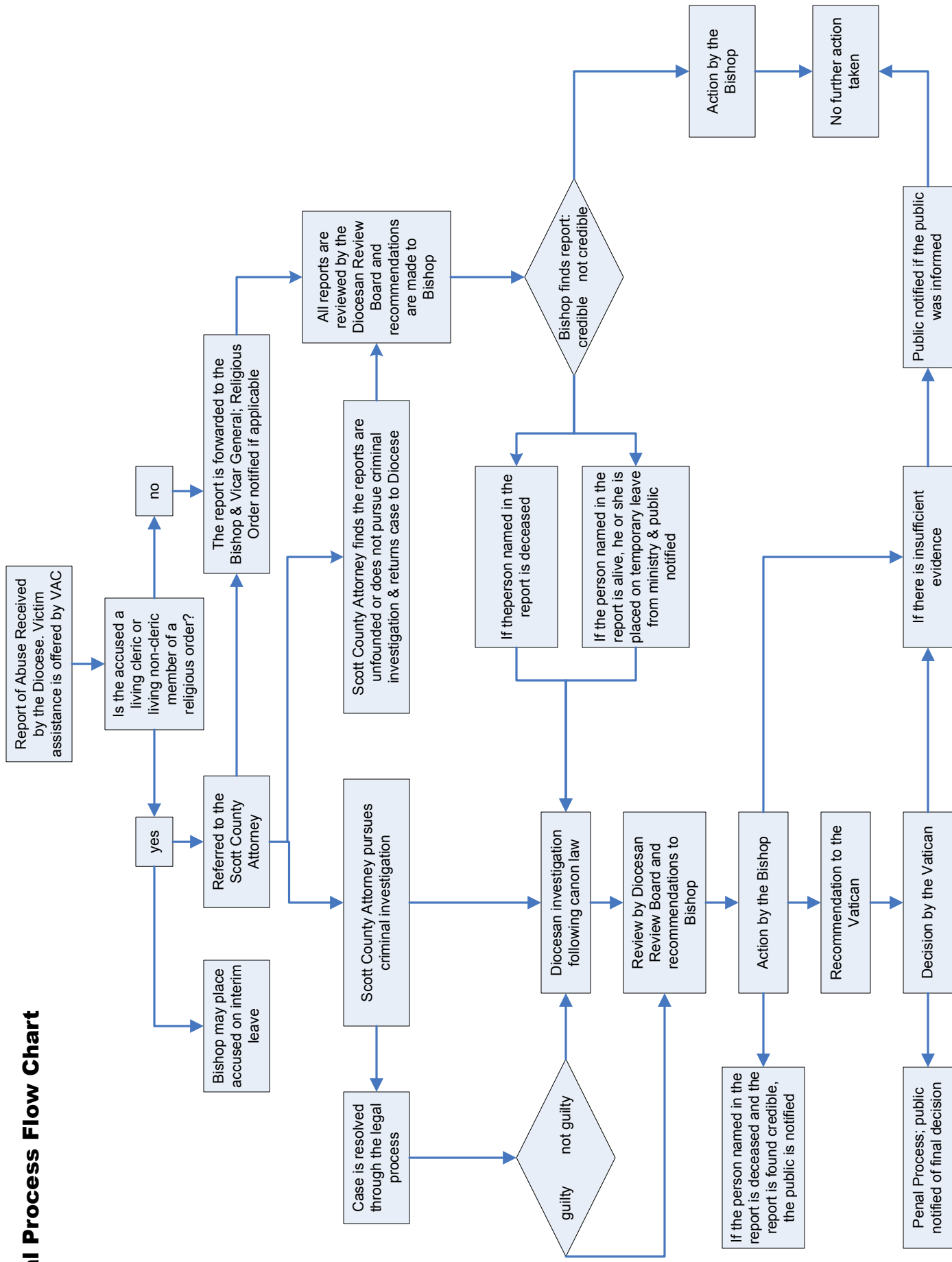
Go to the diocesan Safe Environment webpage for complete information on this process:

<http://www.davenportdiocese.org/Safe%20Env>

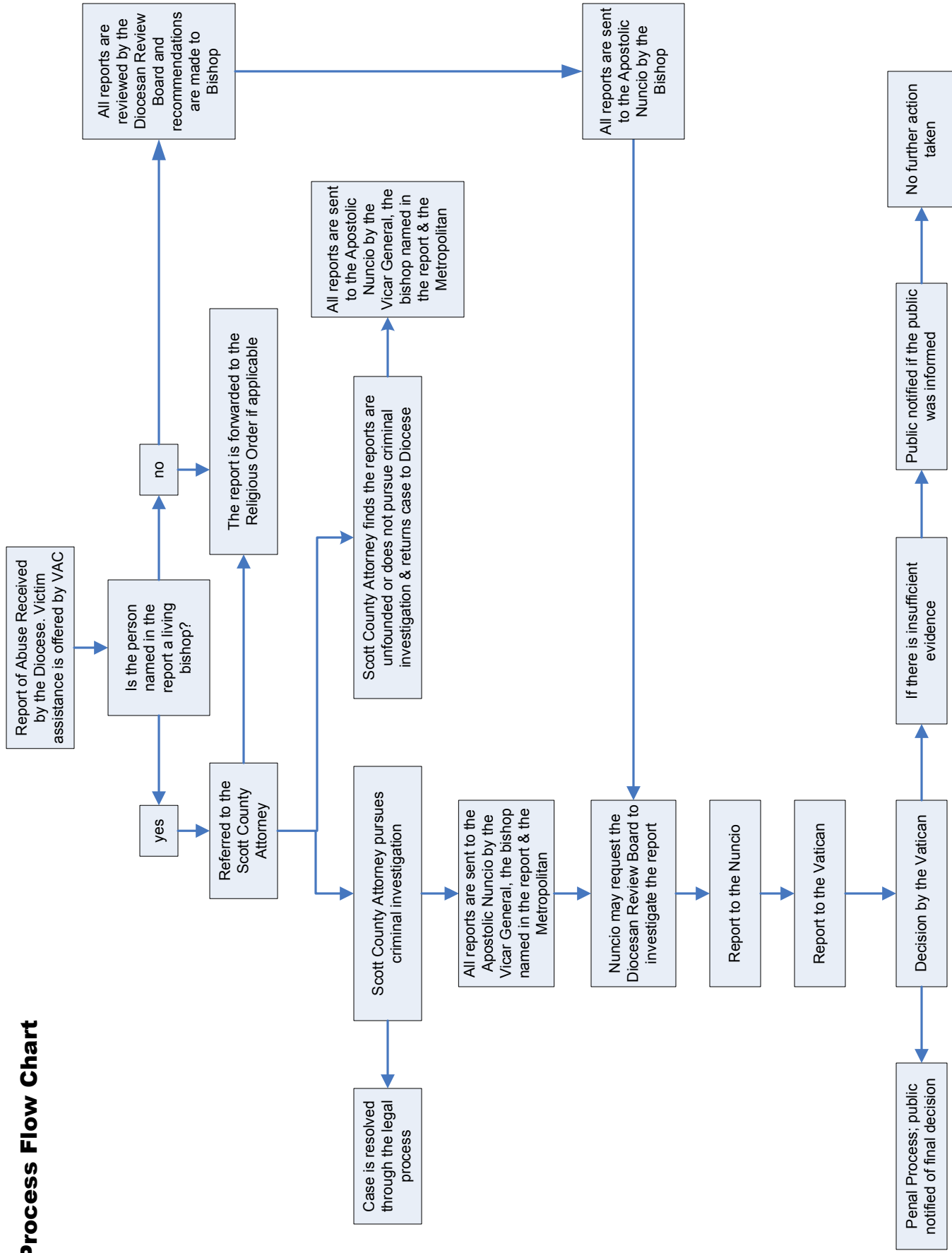
The Safe Environment Library contains instructions on how to complete the online forms as well as an instruction manual for the Safe Environment Local Administrator.

**Appendix D: Flow Charts**

**General Process Flow Chart**



**Bishop Process Flow Chart**



**Appendix E: Registered Sex Offenders Attendance at Mass and Parish Activities  
in the Diocese of Davenport**

**REGISTERED SEX OFFENDERS**  
**ATTENDANCE AT MASS AND PARISH ACTIVITIES IN THE**  
**DIOCESE OF DAVENPORT**

When a pastor or Parish Life Coordinator (“PLC”) becomes aware of someone who is a Registered Sex Offender who wishes to participate in Mass and other parish activities, there is a need to strike a balance between their desire to be reconciled to Christ within the Church community and the need to protect children and the parish community.

While a Catholic’s access to the sacraments must be respected, access to other events and activities may need to be restricted or even prohibited altogether as a precaution to protect children and the parish community.

The individual may be allowed to attend Mass and certain events or activities, but only if other adults are present. The individual must inform the pastor or PLC and provide his or her name, address, and phone number. If the individual is on probation, the probation officer should be contacted and the individual must authorize that any probation orders in effect are provided to the pastor or PLC. If the probation orders do not prohibit the offender from attending the Church, the offender is subject to the following conditions:

- The exclusion zones listed in Iowa Code Section 692A.113 apply to all individuals (see attached).
- The individual may not serve in any ministerial capacity, including but not limited to: usher, lector, communion distributor, choir member, member of church councils or committees, or volunteering at church functions or festivals.
- Written permission from the pastor or PLC is required before the individual may appear on parish grounds.
- The individual may not be employed by a parish or parish school.
- The individual may not appear on parish grounds unless accompanied by a same-sex chaperone (in case restroom is needed) who has been identified and cleared by criminal background check.
- The individual should attend Mass that has the fewest children present. The pastor or PLC should specify the time of the Mass.
- If at all possible, the individual is to be seated away from children.
- The individual may drive to church with her or her children as passengers, but no other children may be transported.
- The individual may be in the Church no more than 15 minutes prior to Mass and must depart within 15 minutes after Mass has concluded. Attendance at coffee and donuts events is not allowed.

- The individual may be allowed to attend certain events or activities but only if solely adults are present. The individual must inform the pastor or PLC if he or she would like to attend a particular event or activity, e.g., a men's prayer breakfast. The pastor or PLC has final say over which events or activities the individual may or may not attend.
- These restrictions also apply to any parish facilities that provide services to dependent adults or events where dependent adults participate in programming (persons eighteen years of age or older who cannot protect their own interests or perform or obtain services to meet essential needs as a result of physical or mental condition).
- The individual may not attend any parish events if they are held on school premises or child care premises, even if school activities are not involved.
- A violation will mean loss of privileges if an individual is unwilling to abide by these requirements.

These requirements do not envision every situation that might arise nor do they foresee particular circumstances that would call for a different pastoral approach. Any deviation from this policy must be discussed with the Victim Assistance Coordinator. The Diocese understands that these restrictions may seem severe. However, it is important that these measures are taken to protect all children, in accordance with the United States Bishops' *Charter for the Protection of Children and Young People* and the Diocese's policies.

A separate School Safety Plan has been promulgated by the schools and faith formation programs of the Diocese of Davenport with regard to parents of children in these programs who are Registered Sex Offenders. The School Safety Plan is as follows:

**School Safety Plan**  
**(School Name/ Faith Formation Program)**

(Person's name) is the (relationship) of (child's name) who is currently enrolled in (School/FF Name) (Person's name) is currently on the Sex Offender Registry in the State of Iowa. This Safety Plan is designed to protect the children and family members of the (School Name) community as well as (Person's name) interests and those of (child's name).

1. (Person's name) shall not enter the (School Name) premises for reasons other than Parent-Teacher Conferences, Special Events, i.e., Christmas Programs, Athletic or Social Events in which (Child's Name) is a participant, or as otherwise directed by the Principal, faculty and/or staff.
2. When attending Special Events, (Person's Name) shall be accompanied by another family member or adult who is aware of his status on the Registry, at all times.
3. For other activities/clubs/organizations, such as Brownies, Boy Scouts, etc., (Person's Name) will drop (Child's Name) off and pick (Child's Name) up at the end of each session. Again, if there are any events associated with activities/clubs/organizations, (Person's Name) shall be accompanied by another family member or adult who is aware of his/her status on the Registry, at all times.
4. (Person's Name) will arrive shortly before and leave immediately after any Special Event, activities/clubs/organizational events.
5. (Person's Name) shall refrain from interacting with the other school children at (School/FF Name) at all times. At no time will he/she be in a position where he/she is alone with any child. (Person's Name) is limited to greeting others as appropriate but is restricted from carrying on any conversation with students of (School/FF Name).
6. (Person's Name) will not enter any room of (School/FF Name) unattended, where children are present.
7. (Person's Name) will not be allowed to volunteer for any activities that require him/her to be around, supervise or chaperone any students of (School/FF Name).
8. (Person's Name) shall continue to follow any and all other existing Code of Conduct Rules currently established by (School/FF Name).
9. While in the school for reasons other than Special Events or Activities, (Person's Name) is to be escorted by a staff member while moving throughout the school. For example, if (Person's Name) is entering the school for a Parent-Teacher Conference, he/she is to be accompanied to and from the classroom where the conference is occurring.

10. If there should ever be a circumstance under which this Safety Plan does not address but appears to need to be addressed, (Person's Name) will review the circumstance with the School Administration prior to taking any action.
11. (Person's Name) shall make himself/herself available to the Principal to discuss/review the terms and conditions of this School Safety Plan at any reasonable time.

This Safety Plan may be modified or otherwise altered at a later date at the direction of School Administration and upon the agreement of both parties. The parties shall continue to have open communication with the (School) staff on all related issues.

Willful violation of this Safety Plan may result in (School/FF Name) dismissing (Child's Name) as a student from school permanently.

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Faith Formation and Education Signature

\_\_\_\_\_  
Date

2/20/09

**692A.113 Exclusion zones and prohibition of certain employment-related activities.**

1. A sex offender who has been convicted of a sex offense against a minor or a person required to register as a sex offender in another jurisdiction for an offense involving a minor shall not do any of the following:

a. Be present upon the real property of a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee, unless enrolled as a student at the school.

b. Loiter within three hundred feet of the real property boundary of a public or nonpublic elementary or secondary school, unless enrolled as a student at the school.

c. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.

d. Be present upon the real property of a child care facility without the written permission of the child care facility administrator.

e. Loiter within three hundred feet of the real property boundary of a child care facility.

f. Be present upon the real property of a public library without the written permission of the library administrator.

g. Loiter within three hundred feet of the real property boundary of a public library.

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children's play area available to the public, a recreational or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

2. A sex offender who has been convicted of a sex offense against a minor:

a. Who resides in a dwelling located within three hundred feet of the real property boundary of public or nonpublic elementary or secondary school, child care facility, public library, or place intended primarily for the use of minors as specified in subsection 1, paragraph "h", shall not be in violation of subsection 1 for having an established residence within the exclusion zone.

b. Who is the parent or legal guardian of a minor shall not be in violation of subsection 1 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in subsection 1.

c. Who is legally entitled to vote shall not be in violation of subsection 1 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in subsection 1.

3. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Operate, manage, be employed by, or act as a contractor or volunteer at any municipal, county, or state fair or carnival when a minor is present on the premises.

b. Operate, manage, be employed by, or act as a contractor or volunteer on the premises of any children's arcade, an amusement center having coin or token operated devices for entertainment, or facilities providing programs or services intended primarily for minors, when a minor is present.

c. Operate, manage, be employed by, or act as a contractor or volunteer at a public or nonpublic elementary or secondary school, child care facility, or public library.

d. Operate, manage, be employed by, or act as a contractor or volunteer at any place intended primarily for use by minors including but not limited to a playground, a children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach.

2009 Acts, ch 119, §13; 2010 Acts, ch 1104, §10, 23; 2011 Acts, ch 34, §144

Referred to in §692A.107, 692A.109, 692A.111, 692A.121, 692A.129

## **To report child sexual abuse contact**

Iowa Department of Human Services  
Child Abuse Hotline: 800-362-2178

Current reporting forms for:

- 1) Report of Suspected Child Abuse
- 2) Suspected Dependent Adult Abuse Report

can be found at

<http://www.dhs.state.ia.us/DHSForms.html>

### **and if it involves clergy or church personnel also notify**

the diocesan Victim Assistance Coordinator  
Alicia Owens, LBSW  
PO Box 232  
Bettendorf, IA 52722-0004  
Phone: 563-349-5002      [vac@diodav.org](mailto:vac@diodav.org)

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### **Other Resources Available:**

- ❖ Office of Child and Youth Protection  
United States Conference of Catholic Bishops  
[www.usccb.org/issues-and-action/child-and-youth-protection/](http://www.usccb.org/issues-and-action/child-and-youth-protection/)
  
- ❖ The Diocese of Davenport website: [www.davenportdiocese.org](http://www.davenportdiocese.org)

Copies of this policy may be made from this booklet or by downloading from the Diocese of Davenport website: [www.davenportdiocese.org](http://www.davenportdiocese.org)