

**Policy for the
PROTECTION of
CHILDREN, YOUNG PEOPLE, &
VULNERABLE ADULTS
in the Diocese of Saginaw**



OFFICE OF THE BISHOP

DIOCESE OF SAGINAW

Decree of Promulgation The Diocese of Saginaw Policy for the PROTECTION of CHILDREN, YOUNG PEOPLE, & VULNERABLE ADULTS

In consultation with the Diocese of Saginaw Review Board, I have revised the **Policy for the Protection of Children, Young People and Vulnerable Adults**. The Policy includes vulnerable adults in its scope and incorporates reference to *Vos Estis Lex Mundi*, pertaining to allegations of child sexual abuse by bishops or other ecclesiastical superiors or of negligence or misuse of authority in properly addressing allegations. Additionally, the Policy provides a comprehensive statement of all aspects of Safe Environment practices.

With this decree, in accord with canon 29 of the Code of Canon Law, I officially promulgate the **Diocese of Saginaw Policy for the Protection of Children, Young People, & Vulnerable Adults**. This Policy shall obtain force on April 27, 2020, and so shall from that day bind as particular law of the Diocese of Saginaw.

+ Robert D. Gruss

Most Reverend Robert D. Gruss
Diocese of Saginaw

Given at Offices of the Diocese of Saginaw
This the 13th day of April 2020

Sister Mary Judith O'Brien R.S.M.
Sister Mary Judith O'Brien, R.S.M.
Chancellor

1.0 PREAMBLE

The Diocese of Saginaw [Diocese] promulgated its first policy for protection of children on September 14, 1989 in order to address child sexual abuse by clergy. Throughout the years, the Diocese has provided safe environment training to adults and children in parishes and schools as the first defense against child abuse. The efforts of youth and child protection - within the Diocese of Saginaw, nationally, and internationally - have grown over the years.

In 2002, the United States Conference of Catholic Bishops (USCCB) committed the Church to deal effectively with cases of sexual abuse of **minors** [identified as those below the age of 18] by clergy. In the *Charter for the Protection of Children and Young People [Charter]* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with the Allegations of Sexual Abuse of Minors by Priests or Deacons [Essential Norms]*, the Bishops of the United States promised to reach out to those who have been sexually abused as minors by priests and deacons.

The Diocese of Saginaw applies the *Essential Norms* diligently, compassionately, and fairly. This **Policy for the Protection of Children, Young People, & Vulnerable Adults in the Diocese of Saginaw** [hereafter “Policy”] describes safe environment policies and procedures, and identifies persons responsible to implement the Safe Environment Policy.

The *Charter* was revised in 2011 and further revised in 2018 to include **vulnerable adults**, described in Michigan law: “a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.” MCL 400.11(f) ¹

1.1 Scope of Policy

- 1.1.1. For the purposes of this Policy, vulnerable adults are included wherever minors are referenced unless a distinction is otherwise noted.
- 1.1.2. In May 2019, Pope Francis promulgated *Vos Estis Lex Mundi*, which pertains to allegations of child sexual abuse by bishops and other ecclesiastical superiors or of negligence or misuse of authority in properly addressing allegations. The Diocese is updating this Policy to reflect *Vos Estis*.
- 1.1.3. The Bishop has appointed a **Delegate for Safe Environment** to oversee all aspects of the Safe Environment Policy, including education and prevention, implementation of the *Standards of Ministerial Behavior for Those Working with Children and Young People* [hereafter “Standards”], criminal background checks, outreach to victims, and communication with the Diocesan Review Board.

1.2 Components of Safe Environment Policy

¹ While the Diocese of Saginaw follows Michigan Law’s description of vulnerable adults, *Vos Estis*’ reference may be utilized as well: “any person in a state of infirmity, physical or mental deficiency or deprivation of personal liberty that, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.” (Art 1, §2)

The Diocese of Saginaw Safe Environment Policy has 3 essential components:

- 1.2.1. **Screening & Ministerial Standards**, which work toward prevention of child sexual abuse. These measures include criminal background checks for all employees and for all church volunteers who have regular or frequent contact with minors. The *Standards* describe appropriate boundaries for clergy, all employees of the Diocese, and all church volunteers who have regular or frequent contact with minors.
- 1.2.2. **Safe Environment Training**, which is comprised of measures which help individuals recognize and prevent abuse by teaching the signs of possible abuse and the *Standards*. Training for adults is offered throughout the Diocese and is open to all who wish to receive the training. Our schools and religious education programs have programs for minors and their caregivers.
- 1.2.3. **Outreach & Victim Assistance**, which occur when allegations of child sexual abuse by clergy are received. This Policy provides information from the time of receiving an allegation to notification of the appropriate individuals, and the involvement of the Review Board. Also, this Policy summarizes the role of the Victim Assistance Coordinator who, through Catholic Family Service, a separately incorporated professional care provider, assists and advocates for victims of sexual abuse by clergy.

1.3 Letters of Good Standing/Testimonial of Suitability for Ordained Ministry

- 1.3.1. The Diocese of Saginaw provides a Letter of Good Standing/Testimonial of Suitability for Ordained Ministry [i.e. Letter] for diocesan clerics in active ministry who wish to exercise ministry outside of the Diocese of Saginaw. The Letter confirms that the cleric has received safe environment training and that there is no credible allegation of child sexual abuse against the cleric. The Letter is sent by the Diocese of Saginaw Office of the Bishop to the diocese, parish, program, or school in which the cleric has requested to serve in ministry.
- 1.3.2. A Letter from the Diocese of Saginaw is effective for up to 6 months if the Diocese of Saginaw cleric intends an extended stay outside the Diocese of Saginaw. A Letter may be withdrawn by the Diocese of Saginaw by written notification to the receiving diocese, parish, program, or school.
- 1.3.3. The Diocese of Saginaw requires a Letter from other dioceses and from religious institutes for clerics who request to exercise ministry in the Diocese of Saginaw, even for a one-time event. If the Diocese of Saginaw parish, program, or school receives the Letter, a copy is to be forwarded to the Office of the Bishop and vice versa. The Letter must be received before the event takes place and must be dated within 6 months of the event.

- 1.3.4. The Diocese of Saginaw also requires a Letter for all individuals leading mission appeals, retreats, vacation Bible schools, and similar events in parishes, schools, and in diocesan programs. The Letter is typically sent by the diocesan office or major superior of the religious institute in which the speaker works or lives and must be received before the event occurs. The Letter must be dated within 6 months of the event.

2.0 DEFINITIONS & SCOPE

2.1 DEFINITIONS

- 2.1.1 "**Diocese**" encompasses the Roman Catholic Diocese of Saginaw, in accord with Canon 369 of the Code of Canon Law and all diocesan parishes and schools.
- 2.1.2 "**Personnel**" includes all persons (clergy, religious and laity) who are employed by or volunteer in any diocesan organization.
- 2.1.3 "**Reasonable cause**" means a prudent estimation based on trustworthy information that an incident occurred.
- 2.1.4 "**Credible**" allegation, accusation or information means that, under all the circumstances known at the time of the determination, a prudent person would conclude that there is a significant possibility that an incident occurred. In determining an allegation to be credible, the Diocese of Saginaw is not making a definitive statement regarding the certainty of the allegation nor the guilt of the accused. The Diocese is only stating that the allegation is highly serious and has not been discredited.

2.2 DEFINITION OF SEXUAL ABUSE OF MINORS

Sexual abuse of a minor is described as sexual molestation or sexual exploitation of a minor, or other behavior by which an adult uses a minor as an object of sexual gratification. This includes, but is not limited to, sexual contact with the intimate parts (genital area, groin, anus, inner thighs, buttocks or breasts) of a minor for the purpose of sexual gratification or arousal, or for the purpose of degrading or humiliating the minor. Deliberate touching of the intimate parts of a minor, requesting that the minor touch the intimate parts of the adult, exposing the intimate parts of the adult to a minor or requesting that the minor expose his or her intimate parts for the purpose of sexual gratification constitute sexual abuse. The use, viewing, creation, or distribution of child pornography is considered sexual abuse under this Policy. The use, viewing, creation, or distribution of pornography in the presence of a minor is also considered sexual abuse under this Policy.

- 2.2.1 The applicable norm in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor constitutes an external, objectively

grave violation of the sixth commandment (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, USCCB, 1995, p. 6).

- 2.2.2 A canonical offense against the sixth commandment (c. 1395, §2) does not need to be a complete act of intercourse. To be objectively grave, an act does not need to involve force, physical contact or a discernible harmful outcome. Imputability (moral responsibility) for a canonical offense "is presumed upon external violation." (c. 1321, §3. Cf. cc 1322-27)
- 2.2.3 If there is any doubt whether a specific act constitutes an external, objectively grave violation, the writings of recognized moral theologians may be consulted and the opinions of experts may be obtained. Ultimately, it is the responsibility of the Bishop of the Diocese of Saginaw, with the advice of the Review Board, to determine if an allegation warrants further action.

2.3 OTHER OBJECTIONABLE CONDUCT

Conduct that does not constitute sexual abuse may be offensive or create misunderstanding or embarrassment. Personnel are to avoid activities which can be misconstrued, even if intended innocently. The Diocese of Saginaw has promulgated the *Standards*, which are applicable to all personnel.

3.0 CRIMINAL BACKGROUND CHECKS

The Diocese of Saginaw values the safety of its children, youth, vulnerable adults, clergy, employees, volunteers, and the people with whom it works and serves. Prudent measures to be taken by the Diocese to protect its people include evaluation of criminal history background.

3.1 CRIMINAL BACKGROUND CHECKS

A criminal history background check, Internet Criminal History Access Tool (ICHAT), is required for:

- All paid church personnel including all paid personnel who provide services to the Diocese, or any diocesan parish, school, early childhood center, or other diocesan institution.
- All volunteers who have regular or frequent contact with children/youth at the Diocese, parish, school or early childhood center, or any other diocesan institution. This includes adults who hold meetings with children or youth on church/school property, such as Boy/Girl Scout activities and overnight trips sponsored by schools or parishes.

Students, ages 18-19, are not required to have criminal background checks if their participation in a youth event is solely as a student, that is, with no responsibility as an

adult for supervision. If participating in an overnight trip, the student would room only with those age 18 and above unless with family members.

3.1.1 Fingerprint Background Checks

A Michigan State Police/FBI Fingerprint background check with live scan fingerprint is required for all paid school personnel as required by the State of Michigan.

The Bishop of the Diocese of Saginaw requires that all volunteers who regularly or frequently serve the schools must have a Michigan State Police/FBI Fingerprint background check with live scan fingerprint, including without limitation volunteer coaches; youth ministers; child care volunteers; priests, religious, and deacons assigned to a parish with a school; and clergy with regular or frequent contact with a school. (This group has both the fingerprint check and ICHAT check.)

3.1.2 Minors

Minors who volunteer to work with children at the Diocese, parish, school or early childhood center, or any other diocesan institution are required to have their parent/guardian complete and sign a “Minor’s Statement of Background” form.

3.1.3 Scope of Criminal Background Checks

Criminal history background checks will encompass all places where the person has lived within the past seven years. Out-of-country background checks will be conducted where possible.

Effective April 2020, criminal background checks of priests and deacons who seek and receive a ministerial assignment within the Diocese of Saginaw and of seminarians will encompass all places where the person is known to have lived and ministered from the age of eighteen.

Criminal Background searches may include:

- Michigan State Police Internet Criminal History Access Tool (ICHAT)
- Out-of-State Background Check for persons who have lived outside of Michigan within the past seven years
- Michigan State Police/FBI Background Check with Live Scan Fingerprint.

3.1.4 Cost

The Diocese of Saginaw will cover the cost of the Internet Criminal History Access Tool (ICHAT) and any background check needed to verify an applicant’s identity. The cost of additional required background checks will be covered by the requesting diocesan department, institution, agency, parish or school.

3.1.5 Procedure

A criminal history background check is a condition of employment or volunteering for those individuals described above.

- At the time of hire or request to volunteer, the applicant will be provided with the Catholic Diocese of Saginaw Background Check Policy and Background Check Authorization Form.
- The background check is initiated as soon as possible for employment or volunteer activity. The result of the background check will determine whether the person may be placed or retained in an employee or volunteer position.
- A Minor's Statement of Background should be completed prior to the minor being a volunteer.
- Current church personnel and volunteers may be screened at any time at the discretion of the Diocese. In August 2019, the Office of Compliance began a process of renewing criminal background checks (ICHAT) every 6 years for active employees and for volunteers with regular or frequent contact with minors.

3.1.6 Responsible Agent

Requests for a criminal history background check are handled by the hiring agency and/or the agency handling volunteer applicants.²

3.1.7 Communication regarding Criminal Background Checks

If the criminal background check shows no offenses, the Diocese will communicate this to the hiring agency. The Diocese will also communicate if there is an offense on the criminal background check. Additional information may be needed, which may include an interview of the person. The Diocese reserves the right to make a final determination of employment or voluntary activity.

3.2 DISQUALIFYING OFFENSES

No person may serve in ministry involving minors if he or she has been convicted of any disqualifying offense, been on probation or received deferred adjudication for any

² The hiring agency for all employees and/or the agency responsible for volunteers with regular or frequent contact with children/youth, provides the person a copy of the Policy, the *Standards*, and a copy of the Authorization Form which the applicant completes and signs. Two copies are made of this form. One copy is given to the applicant and the other copy is kept in the personnel file of the agency. The original signed Authorization Form is sent to the Diocese of Saginaw Office of Compliance which conducts the ICHAT background check.

disqualifying offense, or has pending criminal charges for any disqualifying offense until a determination of guilt or innocence has been made.

Disqualifying offenses include:

3.2.1 Offenses against a Person:

Including, without limitation, murder, rape, sexual assault, abandoning or endangering a child, bigamy, incest, sexual assault and sexual exploitation of a minor, and felony assault and/or battery.

The Diocese reserves the right to include as a disqualifying offense any other offenses or conduct determined in its discretion to be inconsistent with serving minors.

3.2.2 Offenses or Adjudications against Public Order or Decency:

Including, without limitation, prostitution, human trafficking, sexual performance by a child, solicitation of a minor, promotion of prostitution of a child or adult, possession, promotion, or sale of child pornography, indecent exposure, dissemination of materials harmful to minors and other similar offenses against public order or decency.

The Diocese reserves the right to include as a disqualifying offense against public order or decency any other offense or conduct determined in its discretion to be inconsistent with serving minors.

4.0 SAFE ENVIRONMENT TRAINING

Safe Environment training is mandated for all employees and those volunteers who have regular or frequent contact with minors. Safe Environment training is a condition of employment or volunteering for those individuals described below.

4.1 SAFE ENVIRONMENT TRAINING FOR ADULTS

- 4.1.1 The Diocese of Saginaw promotes awareness of the signs of child sexual abuse, the means by which offenders commit abuse, and steps to prevent child sexual abuse.³ Safe Environment training is required for all employees, and for volunteers who have regular or frequent contact with minors. All individuals are encouraged to receive Safe Environment training, even if they do not volunteer with children and youth in

³ Currently the Diocese of Saginaw utilizes VIRTUS [*Protecting God's Children for Adults*]. VIRTUS training is supplemented in order to accent the impact of abuse on victims and their families, to teach key points in the Diocese of Saginaw Policy and *Standards*, to describe the manner in which abuse is reported to law enforcement and to the Diocese of Saginaw, and to emphasize protection of vulnerable adults.

parishes and schools. Individuals who do not have regular or frequent contact with minors do not need to have the criminal background check and sign the *Standards* unless or until they volunteer with youth.

- 4.1.2 Safe Environment training is required for all individuals who have regular or frequent contact with minors, even if the contact occurs through other organizations, such as Boy or Girl Scouts, if the events occur on the property of or are sponsored by parishes and schools. Criminal background checks and signed *Standards* are also required.
- 4.1.3 Beginning July 1, 2019, those individuals whose last training was over 3 years ago must be re-trained within 18 months [by December 31, 2020] to remain eligible for continued employment and/or volunteer activities that involve regular or frequent contact with minors. Retraining must occur in a live session.
- 4.1.4 The Diocese requires Safe Environment training offered by the Diocese of Saginaw for all new employees.
- 4.1.5 The Diocese reserves the right to accept or decline Safe Environment training outside the Diocese of Saginaw for volunteers. Factors for this determination include the length of time since training and familiarity with an approved alternative Safe Environment training program.
- 4.1.6 Those who have had facilitator-led training within 3 years may choose on-line or a facilitator-led training.⁴

4.2 SAFE ENVIRONMENT TRAINING FOR CHILDREN AND YOUTH

- 4.2.1 Safe Environment training for children and youth is provided through its Catholic schools and religious education programs.⁵

⁴ Thereafter, every other training (within each 3-year time frame) can be completed on-line [*Keeping the Promise Alive Refresher Program*].

⁵ Currently, the Diocese of Saginaw Catholic schools, K through 12, use the *Child Lures Prevention Program* and/or the Grand Island (Nebraska) program, “Know the Rules for Adult Child Interactions.” The Diocese requires at least 4 safe environment classes (broken down into segments as needed) per academic year.

Parish religious education leaders have three options: 1) reliance on *Michigan Model for Comprehensive School Health Education* [*Michigan Model*] offered by the public schools; 2) the *Child Lures Prevention Program* available to schools; or 3) the Grand Island (Nebraska) program, “Know the Rules for Adult Child Interactions.” The Diocese requires at least 2 safe environment classes (broken down into segments as needed) per academic year unless the parish relies on the *Michigan Model*.

- 4.2.2 Parents or guardians who decline safe environment training for their child[ren] must sign an **opt out form**.
- 4.2.3 A **compliance form** confirming that schools and parishes have provided the required safe environment education is due to the Compliance Office 2 weeks after Easter each year.
- 4.2.4 A vulnerable adult who will assist with a program involving minors is required to participate in safe environment training to the degree that he or she is likely to benefit from the training as determined by the supervisor. A vulnerable adult must be consistently accompanied by other adults in the activities and programs.

5.0 ALLEGATIONS OF CHILD SEXUAL ABUSE

The response by the Diocese of Saginaw to any allegation of sexual misconduct by clergy, lay employees, volunteers, or others authorized to act on behalf of the Church will be based on the Gospel values of justice, dignity, compassion, and charity. Care is to be taken that all persons will be ministered to in a manner that responds to their rights and needs.

5.1 OBLIGATION TO REPORT SUSPECTED SEXUAL ABUSE

All personnel of the Diocese, including, but not limited to, mandated reporters, who have actual knowledge of or who have reasonable cause to suspect sexual misconduct against a minor by clergy must immediately report that information to the appropriate civil authorities. Nonetheless, "...it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason." [Can. 983 §1]

- 5.1.1 Personnel must comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities.
- 5.1.2 In addition to following the laws of the State of Michigan, a report of sexual abuse of minors by clergy must be made to the Victim Assistance Coordinator. The Victim Assistance Coordinator shall notify the diocesan attorney and the Delegate for Safe Environment of any report of sexual abuse of minors by clergy.
- 5.1.3 The diocesan attorney shall report all allegations of sexual abuse of a minor by clergy to appropriate civil authorities.

The Grand Island material may be used as a supplement or substitute for the *Child Lures Prevention Program* or reliance on the *Michigan Model*. The Delegate for Safe Environment may permit use of other Safe Environment training materials in order to evaluate alternate programs' effectiveness.

- 5.1.4 The Diocese will report clergy sexual abuse of minors to civil authorities even if the victim has already or intends to report to civil authorities, even if the victim is no longer a minor, even if the victim would prefer to not have the allegation reported to law enforcement, even if the clergy member is deceased, and even if the cleric is/was a member of another diocese or religious institute.
- 5.1.5 If the allegation of abuse, neglect, or misconduct involves the Bishop (current, emeritus, or deceased) or other ecclesiastical superior (such as a major religious superior) or if there is a complaint of neglect or disregard in handling an allegation, the Victim Assistance Coordinator and the Delegate for Safe Environment will follow the practices established by the USCCB in compliance with *Vos Estis and* report to civil authorities in a timely manner.
- 5.1.6 The Victim Assistance Coordinator is to encourage victims to directly report the allegation to civil authorities and is to assist victims in reporting to the degree wanted by each victim. [Further responsibilities of the Victim Assistance Coordinator is described in Section 10.]

6.0 INVESTIGATION & INTERIM PROTECTIVE MEASURES

Each reported incident of sexual abuse of a minor by clergy will be promptly investigated and will be reviewed by the Diocesan Review Board. Care will be taken not to interfere with any criminal investigation. If an allegation is under investigation by civil authorities, the diocesan investigation will be suspended until civil authorities authorize the Diocese to proceed.

6.1 DIOCESAN REVIEW BOARD

The Diocese will maintain a Review Board that will function as a confidential consultative body to the Bishop of the Diocese of Saginaw. The Diocesan Review Board functions include:

- 6.1.1 Review diocesan policies and procedures for dealing with sexual abuse of minors;
- 6.1.2 Advise on investigations of allegations of child sexual abuse by clergy. While the Review Board does not directly conduct an investigation, meet with victims or accused clergy, the Review Board will be provided with all relevant information and reports relative to an investigation.
- 6.1.3 Assess the credibility of allegations of child sexual abuse for the purpose of the Bishop's assessment of suitability of a cleric for ministry and for the purpose of placing names of clergy on a public list on the diocesan website.
- 6.1.4 Evaluate the credibility of allegations of boundary violations by clergy against minors, which may be interpreted as inappropriate or grooming behavior.

6.2 MEMBERSHIP AND MEETINGS OF REVIEW BOARD

The Diocesan Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church and who have relevant skills and experience, which may include psychology, social work, children's rights, law enforcement, civil law, canon law, education, personnel administration, and pastoral care. The majority of the members will be lay persons who are not in the employ of the diocese. At least one member will be a priest who is an experienced and respected pastor of the Diocese of Saginaw. At least one member should have experience treating or assisting individuals who have been sexually abused as minors. Members shall be appointed by the Bishop.

- 6.2.1 Each member will be appointed for a term of five years, with terms beginning January 1, which may be renewed.
- 6.2.2 The members of the Review Board shall choose a chair and vice-chair, each serving 2-year terms, which may be renewed. They will assist the Delegate for Safe Environment and the diocesan attorney in planning an agenda for each meeting. If the terms of appointment to the Review Board would otherwise end before the completion of service as chair or vice-chair, the terms as Review Board members may be extended to be congruent with completion of service as chair or vice-chair.
- 6.2.3 The Review Board will typically meet 3 times per year and may meet more often in order to review information relative to its responsibilities. A member may participate by telephone or video-conferencing if able to participate in a confidential setting. The Delegate for Safe Environment, the Victim Assistance Coordinator (when relevant to discussions pertaining to allegations), an investigator (if there is a current investigation), the attorney representing the Diocese of Saginaw, and a member of the diocesan Communications Office will also attend Review Board meetings.
- 6.2.4 All matters before the Review Board are confidential, with the goal of advising the Bishop of the Diocese of Saginaw.
- 6.2.5 Any public communication regarding the Diocesan Safe Environment Program/Policy or allegations of sexual abuse of minors by clergy will be made by the Bishop, his delegate, or the diocesan communications office.

6.3 INVESTIGATION OF ALLEGATIONS

Each investigation will be conducted with a high level of Christian care and concern for the alleged victim, the family of the alleged victim, the person reporting the incident and the accused cleric.

- 6.3.1 The Bishop shall select a qualified individual who will lead a preliminary investigation to determine whether the allegation of sexual abuse is credible.

- 6.3.2 Independent professional investigators shall be utilized.
- 6.3.3 If requested, an advocate with canonical education and experience may be appointed to assist the accused cleric or the cleric may select canonical representation. In addition, the accused cleric may retain a civil attorney for criminal or civil proceedings. In all instances, the accused cleric is responsible for all expenses.
- 6.3.4 The Diocese may provide clergy accused of misconduct with therapeutic and/or counseling assistance.
- 6.3.5 If the allegation involves the use, viewing, creation or distribution of pornography in violation of this policy on an electronic device owned by the Diocese, the electronic device shall be entrusted to the civil authorities.
- 6.3.6 The investigator will provide a written report to the Bishop and Delegate for Safe Environment, which will be shared, in full, with the Review Board.
- 6.3.7 The Review Board will review the findings of the investigation and may request clarification or additional information. Upon completion of its review, the Review Board chair will provide a written, concise statement of the Review Board's opinion of credibility to the Bishop.
- 6.3.8 If the allegation is deemed credible, the accused cleric, in accordance with canon law, will be relieved of all responsibilities in the diocese, parish, office or institution, remaining on administrative leave pending the outcome of further civil and/or canonical investigation. According to the Diocese of Saginaw policy, the requirement of sustenance will be met, but this may not include full salary and benefits.
- 6.3.9 If, after an investigation, it is determined that an allegation is not credible, all possible steps will be taken to restore the good name of the person accused.
- 6.3.10 Upon completion of the investigation, the decision of the Bishop shall be communicated, typically by the Bishop himself, to the victim or the victim's representative.

6.4 CLERGY OF THE SAGINAW DIOCESE

If the accused cleric is a priest or deacon incardinated in the Diocese of Saginaw, the victim's allegation, the investigative report, all pertinent information, and Review Board's opinion of credibility shall be referred to the Bishop of the Diocese of Saginaw in accordance with canon law and subject to the provisions of Canon 1722.

6.5 CLERGY OF ANOTHER DIOCESE

If the accused cleric is a priest or deacon incardinated in another diocese, the Bishop of the Diocese of Saginaw shall contact the cleric's Bishop, referring the matter for further action and investigation.

6.6 CLERGY & OTHER MEMBERS OF RELIGIOUS ORDERS & SOCIETIES OF APOSTOLIC LIFE

If the accused cleric is a member of a religious order, institute or society of apostolic life, the Bishop shall contact the ecclesiastical superior, referring the matter for further action and investigation.

6.7 RECORDS

6.7.1 The Delegate for Safe Environment will maintain a record of each allegation of sexual abuse reported or referred to the Diocese, the final investigative report, and the Review Board's opinion of credibility [unless the complaint is initially determined unfounded or implausible]. All records shall be confidential, with access limited to the Bishop of the Diocese of Saginaw or other diocesan officials designated by the Bishop.

6.7.2 The Diocese of Saginaw is committed to cooperation with law enforcement and will share copies of its records if requested by them for the purpose of their investigation.

6.7.3 In addition, the diocesan attorney shall maintain the same information as described above.

6.8 COMMUNICATION POLICY

6.8.1. This Policy will be posted on the diocesan website. This Policy and accompanying procedures will be periodically reviewed and revised.

6.8.2. If an allegation of child sexual abuse by Diocese of Saginaw clergy is determined to be plausible, but too early to determine whether it is credible, the Diocese, unless otherwise requested by law enforcement, will notify the public of the allegation, as not yet verified, and list the individual's name on its website as being under investigation. The public will be notified that the cleric has been granted a temporary administrative leave due to an allegation of child sexual abuse. No further information will typically be provided by the Diocese until the investigation is complete.

6.8.3. If an allegation of sexual abuse of a minor is determined to be credible, the Bishop will publish an announcement on the website, and the notification will be sent to each priest in the Diocese.

- 6.8.4. The Diocese of Saginaw places on its website a list of diocesan clergy who have been credibly accused of child sexual abuse. Any such credibility determination is not a definitive statement by the Diocese regarding the certainty of the allegation or guilt of the accused. The Diocese is only stating that the allegation is highly serious and has not been discredited.
- 6.8.4.1 The Diocese of Saginaw will maintain on its website a list of credibly accused clergy who served in ministry in the Diocese and whose own diocese or religious institute determined that there has been a credible accusation, even if there is no allegation of abuse within the Diocese of Saginaw; location(s) and dates of service in the Diocese are included.
- 6.8.4.2 In addition, if a credible allegation of child sexual abuse occurred within the Diocese of Saginaw by a member of the clergy, even if the member did not serve in ministry within the Diocese, the name of the cleric is added to the list.
- 6.8.4.3 An asterisk (*) is added before the name to indicate a credible allegation of child sexual abuse occurring outside the Diocese of Saginaw.

7.0 CREDIBLE ACCUSATIONS OF SEXUAL ABUSE OF MINORS

When an act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with the law, the offending priest or deacon will be removed permanently from ecclesiastical ministry.

7.1 CANONICAL PROCEEDINGS

Under the Code of Canon Law, if following a preliminary investigation and consultation with the Review Board, the Bishop concludes that an allegation of child sexual abuse of a minor by a cleric is credible, he must refer the matter to the Congregation for the Doctrine of the Faith [hereafter, “Congregation”] for further action.

In every case involving canonical penalties, canon law processes must be observed, and the various provisions of canon law must be considered.⁶ In rare instances, the Congregation assumes direct responsibility for the case because of special circumstances. In most instances, the Congregation instructs the Bishop regarding further steps.

The cleric remains suspended from ministerial activities during the time that the Congregation reviews the information and the canonical proceedings are completed. The

⁶ cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; *Letter from the Congregation for the Doctrine of the Faith*, May 18, 2001; Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001.

offender is subject to penalties, up to dismissal from the clerical state, in canonical proceedings.

7.2 WAIVER OF CANONICAL PERIOD OF LIMITATIONS

If an offense would otherwise be time-barred, the Bishop will petition the Congregation for the Doctrine of the Faith for a dispensation from the canonical period of limitations, while indicating appropriate pastoral reasons rendering it necessary to do so.

7.3 SANCTION IN LIEU OF DISMISSAL FROM MINISTRY

If the priest or deacon has either admitted to an allegation or the allegation been found credible after the canonical process and if the penalty of dismissal from the clerical state has not been applied, the offender shall be directed to lead a life of prayer and penance and agree to a place of residence designated by the Bishop. He will not be permitted to celebrate Mass publicly or to administer the sacraments, and will be instructed not to wear clerical garb and not to present himself publicly as a cleric.

8.0 AUTHORITY OF THE BISHOP TO TAKE ADMINISTRATIVE ACTION

8.1 "SINGLE INCIDENT" POLICY

Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good, and in observance of the provisions of canon law, the Bishop will exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor will not continue in active ministry.

8.2 POSSIBLE ADMINISTRATIVE MEASURES

The Bishop may exercise his executive power of governance to take one or more of the following administrative actions relating to a priest or deacon (cc. 381, 129ff):

- 8.2.1 He may request that the accused freely resign from any currently held ecclesiastical office (cc. 187-189).
- 8.2.2 If the accused declines to resign, and if the Bishop judges the accused to be truly not suitable (c. 149, §1) at the time for holding an office previously freely conferred (c. 157), then he may remove that person from office, observing the required canonical procedures (cc. 192-195, 1740-1747).
- 8.2.3 For a cleric who holds no office in the Diocese, any previously delegated faculties [i.e. ministerial permissions] may be administratively removed (c. 391, §1 and/or 142, §1) restricted by the Bishop (e.g., c. 764).
- 8.2.4 The Bishop may also judge that circumstances surrounding a particular case constitute reasonable cause for a priest to be allowed to celebrate the Eucharist with no member of the faithful present (c. 906); for the good of the Church and

for the priest's own good, the Bishop may urge the priest to celebrate the Eucharist only under such circumstances and not to administer the sacraments.

8.2.5 The Bishop may prohibit the cleric from the obligation of wearing clerical attire (cc.85-88, 284).

Any of these administrative actions will be taken in writing and by means of decrees (cc. 47-58) so that the affected cleric is afforded the opportunity of recourse against them in accord with canon law (cc. 1734 ff).

8.3 LOSS OF THE CLERICAL STATE

A priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state, even without the consent of the priest or deacon.

9.0 RESTRICTIONS ON TRANSFERS BETWEEN DIOCESES

9.1 TRANSFERS FROM THE DIOCESE

No priest or deacon who has been credibly accused of sexual abuse of a minor may be temporarily or permanently transferred (released or incardinated) for ministerial assignment to another diocese/eparchy or religious province. If a priest or deacon of the Diocese of Saginaw leading a life of prayer and penance moves to another diocese/eparchy or religious province, the Bishop will forward to the local bishop/eparch and religious ordinary (if applicable) the proposed place of residence and information concerning any act of sexual abuse of a minor.

9.2 TRANSFERS INTO THE DIOCESE

Before the Bishop of the Diocese of Saginaw accepts a priest or deacon from outside his jurisdiction for the purposes of ministry, the Bishop will seek information regarding the cleric's suitability for ministry, including any allegations of child sexual abuse. Any cleric who has been credibly accused of child sexual abuse will not be accepted for ministry in the Diocese of Saginaw.

10. OUTREACH TO VICTIMS AND AFFECTED PARISHES

10.1 ASSISTANCE TO VICTIMS

The Diocese of Saginaw is committed to support victims in the spirit of concern which the Holy Father has personally expressed and encouraged. The Diocese is committed to providing victims with appropriate professional assistance.

10.1.1 The Bishop may meet with and address the needs of victims in meetings to be coordinated by the Victim Assistance Coordinator or the Delegate for Safe

Environment. The Bishop will not publicize meetings with victims nor use these meetings to make statements regarding the credibility of an accusation.

10.1.2 The Victim Assistance Coordinator will be notified of all allegations of sexual abuse against a minor involving clergy. The Victim Assistance Coordinator will inform the alleged victim of services and procedures.

10.1.3 Contact by the Victim Assistance Coordinator with the alleged victim and family will be promptly initiated, unless otherwise instructed by law enforcement, the victim or the victim's representative. Every effort will be made to assist the victim in offering access to available medical care, mental health services, support groups or other social services and spiritual guidance in the spirit of Christian justice and charity to the extent determined appropriate for the situation presented.

10.1.4 The Diocese will cooperate with local social service agencies and other churches in promoting support groups for victims/survivors and others affected by abuse.

10.2 CONFIDENTIALITY AGREEMENTS

The Diocese will not enter into confidentiality agreements regarding allegations of sexual abuse of minors by clergy.

10.3 ASSISTANCE OF PARISHES and SCHOOLS

The Bishop or his representative will be responsible for taking steps to assist and support parish and school communities directly affected by ministerial misconduct involving minors. This outreach may be accomplished with the assistance of Catholic Family Service. The outreach may consist of a parish and/or school meeting at the affected parish(es)/school(s), an offer of counseling to members of the affected community, an explanation of the response process or a notification to the affected community of the action taken in response to the allegation.