



**Diocese of Rockford
Norms for the Prohibition of Sexual
Abuse of Minors and Sexual
Misconduct with Adults:**

**Education, Prevention, Assistance to Victims, and
Procedures for Determination of Fitness for
Ministry/Employment**



Diocese of Rockford

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Office of the Bishop

Dear Friends in Christ,

In February of 1987, Bishop Arthur J. O'Neill created the Intervention Team to address sexual abuse of minors by members of the clergy, religious and/or lay employees of the Diocese of Rockford. From 1987 to the present, all allegations of sexual abuse of a minor by members of the clergy, religious and/or lay employees of the Diocese of Rockford have been referred to the Intervention Team, now known as the Review Board, for investigation and ultimately recommendation to the Bishop regarding the proper response.

In 1995, my predecessor Bishop Thomas G. Doran issued as particular law for this Diocese the "*Norms for the Prohibition of Sexual Misconduct with Minors and Adults: Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry/Employment.*" Over the many years since then, these *Norms* have been modified periodically for purposes of efficacy, and to remain compliant with evolving laws and *The Charter for the Protection of Children and Young People*, first adopted in 2002 by the United States Conference of Catholic Bishops.

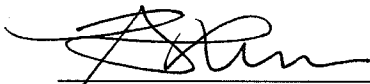
In accord with Canon Law, especially Canons 277 and 1315, and in compliance with *The Charter for the Protection of Children and Young People*, as revised, as Bishop of the Diocese of Rockford, I adopt, re-establish and decree the promulgation of the *Diocese of Rockford Norms for the Prohibition of Sexual Abuse of Minors and Sexual Misconduct with Adults: Education, Prevention, Assistance To Victims And Procedures For Determination Of Fitness For Ministry/Employment*, as particular law in the Rockford Diocese, effective this date and enforceable by the application of appropriate Canonical penalties. These *Norms* are to be promulgated by publishing of same to all members of the clergy, and all candidates for ordination, religious, and laity employed by or volunteering their services to the Diocese of Rockford.

Approved and promulgated.



Most Reverend David J. Malloy
Bishop of Rockford

Given at the Chancery this
18th day of January A.D. 2016



Ellen B. Lynch
Chancellor

ARTICLE ONE
DIOCESAN POLICY ON THE PROHIBITION OF SEXUAL ABUSE OF MINORS
AND SEXUAL MISCONDUCT WITH ADULTS

1.1 Statement of Policy. The Catholic Diocese of Rockford is committed to maintaining an environment that encourages and fosters appropriate conduct by and among its employees, volunteers, and recipients of services of the Catholic Diocese, as well as respect for individual values and sensibilities. Accordingly, the Catholic Diocese of Rockford intends to enforce this Policy on the Prohibition of Sexual Abuse of Minors and Sexual Misconduct with Adults at all levels falling under the jurisdiction of the Bishop of the Catholic Diocese of Rockford in order to create an environment free from sexual abuse and misconduct. The Catholic Diocese of Rockford will not tolerate, condone, or allow sexual abuse of minors or sexual misconduct with adults, whether engaged in by agents or employees or representatives of the Catholic Diocese of Rockford, volunteers, or other non-employees who conduct business with the Catholic Diocese of Rockford.

1.2 Definitions.

- (a) “Minor,” as used in this policy, means any person under the age of 18 years, as well as any person, regardless of age, who habitually lacks the use of reason.
- (b) “Clergy” and “members of the clergy,” as used in this document are defined to include priests and deacons.
- (c) “Candidates for Ordination,” as used in this document, are defined to include seminarians and candidates for the permanent diaconate.

1.3 Prohibited Conduct. Sexual abuse of a minor and sexual misconduct with an adult are prohibited by this Policy.

- (a) Sexual abuse of a minor includes but is not necessarily limited to the following:
 - 1. Physical conduct with a minor that is sexual in nature;
 - 2. A verbal statement to a minor that is sexual in nature, and not exonerated as lawful and proper; and/or
 - 3. Display, sharing, distribution, or transmission, through any means, by the accused to a minor, of sexually oriented pictures, posters, drawings, or other material, that is not exonerated as lawful and proper.
 - 4. For purposes of these Norms, the offense of sexual abuse of a minor is also 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 or 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 eighteen¹, for purposes of sexual gratification, by whatever means or using whatever technology;

§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.

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, with the advice of the Review Board, to determine the gravity of the alleged act.

(b) Sexual misconduct with an adult can take a variety of forms ranging from subtle to overt conduct. At times, the offender may be unaware that his or her conduct is offensive or abusive to others. Such conduct includes, but may not be limited to the following:

1. Conduct with an adult which violates one's marriage vows, priestly vows, or which offends the Church's teachings on chastity outside of marriage;
2. Sexual activity of any kind between a Diocese employee or volunteer and an individual in the employee's or volunteer's ministerial care;
3. Physical touching of another adult which is objectively or subjectively sexually inappropriate;

¹ In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for "mak[ing] allowance for the legislation of the country where the Conference is located," Section III(g), the Diocese applies 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.

4. Sexually oriented or sexually degrading comments, or sexually suggestive jokes;
 5. Preferential treatment or a promise of preferential treatment to an adult in exchange for sexual conduct or dates;
 6. The denial or threat of denial of privileges, benefits, or entitlements to an adult;
 7. The denial or threat of denial of employment or advancement or humane treatment of an adult for that adult's refusal to consent to sexual advances;
 8. The creation, display, sharing or transmission by the accused, through any means, of sexually oriented pictures, posters, drawings, or tangible material that is not exonerated as lawful and proper;
 9. Persistent or repeated unwelcome flirting, persistent or repeated unwelcome pressure for dates, or persistent or repeated unwelcome sexually intimidating conduct by the accused; and/or
 10. Acquisition, possession, or distribution of pornographic images, for purposes of sexual gratification, by whatever means.
- (c) Retaliation in any way against anyone who in good faith has complained about conduct prohibited by this Policy is a violation of this Policy, whether the complaint relates to conduct against the individual raising the complaint or against another individual.

1.4 Sexual Misconduct with Adults. While the *Charter for the Protection of Children and Young People* specifically addresses the matter of sexual abuse of a minor, these Norms apply to situations involving allegations of sexual misconduct with an adult as well as sexual abuse of a minor that are brought to the attention of the Review Board by the Diocesan Bishop.

1.5 Individuals Covered by this Policy. This policy governs the conduct of all employees (both full-time and part-time), volunteers, agents and representatives of the Catholic Diocese of Rockford, clergy, candidates for ordination, religious, and individuals conducting business with the Catholic Diocese of Rockford. Where appropriate, the remedies set forth in this Policy apply to victims of sexual misconduct with adults and sexual abuse of minors, and, where appropriate, to parents, siblings, spouses, and children of such persons.

1.6 Response to Reports of Alleged Sexual Abuse of a Minor. When an allegation of sexual abuse of a minor is made to the Catholic Diocese of Rockford, an investigation into the allegation will promptly begin. Where deemed appropriate, the Catholic Diocese of Rockford will offer psychological counseling to the victim of the alleged sexual abuse, and/or to the parents, siblings, spouse, or children of the victim, and the accused, which

counseling, in the sole discretion of the Diocese, may be funded in whole or in part by the Diocese.

To the extent psychological counseling is offered by the Catholic Diocese of Rockford, the victim and/or the covered relatives of the victim will usually be referred by the Catholic Diocese of Rockford to an entity which provides psychological counseling by properly degreed therapists, who are licensed/certified in and by the State of Illinois, and such therapists may include those on the staff of Diocesan institutions, including but not limited to Catholic Charities. The victim may also choose his or her own counselor.

In the event that, prior to the date that the Catholic Diocese of Rockford offers psychological counseling to the victim and/or the covered individuals, counseling has commenced with another provider of these services, which, in the sole discretion of the Catholic Diocese of Rockford are deemed to be similarly qualified with the provider to which the Diocese would have referred the victim and/or covered individuals, the Catholic Diocese of Rockford will fund the counseling with the initial provider to the extent the counseling would have been funded with a provider to whom the Catholic Diocese of Rockford would have referred the victim and/or the covered individuals.

However, where the victims and/or the covered individuals have coverage through their own independent health insurance providers, they shall assist in the funding of the counseling offered by the Catholic Diocese of Rockford. The extent of the assistance in funding required of the recipients of the counseling will be determined on a case-by-case basis, by the Diocese.

The Catholic Diocese of Rockford reserves the right to terminate any and all funding for counseling which is offered by the Diocese to any victim of alleged sexual abuse of a minor and/or other individuals covered by this Policy. In deciding whether to continue Diocese funding for psychological counseling, the Bishop may consult with the Review Board and/or engage the services of a third party to conduct a utilization review, in much the same manner as a health care insurer submits medical records to a health care review specialist for a utilization review. Additionally or alternatively, the Bishop may elect to consult with the therapist of the victim and/or the covered individuals, and the recipient of the counseling shall cooperate in releasing such information, in the Diocese's review of whether to continue funding of the counseling.

1.7 Investigation of Alleged Sexual Abuse.

- (a) A relationship of trust and confidence between members of the Diocese of Rockford and all the followers of Jesus Christ is essential to the successful accomplishment of its goals. All members and affiliates whether paid or unpaid are expected to conduct themselves at all times in such a manner that is consistent with the laws of the State of Illinois and with the laws of the Diocese of Rockford.
- (b) It is essential that members of the Diocese of Rockford and the general public have confidence in the administrative procedures of the Diocese of Rockford. If

the integrity and efficiency of the Diocese is to be maintained, allegations of sexual abuse of a minor against all members of the Diocese and its affiliates must be thoroughly and expeditiously investigated.

- (c) All complaints of sexual abuse of a minor made against any individual covered by this Policy will be investigated with objectivity, fairness and justice. These complaints will be investigated by the Diocesan Review Board. Such investigations in no way preclude the Diocesan Bishop from observing the requirements of Canon law as prescribed in Canons 1394 and 1395.
- (d) On completion of an investigation by the Review Board of a complaint against a lay employee, volunteer, a religious, candidate for ordination, or a member of the clergy, the case will be placed in one of four categories.

UNFOUNDED	Complaint or incident is false and not factual
EXONERATED	Incident did occur, but the action was lawful and proper
NOT SUSTAINED	Insufficient evidence to prove or disprove the complaint
SUSTAINED	Complaint is supported by sufficient evidence

- (e) All investigations conducted by the Review Board will conclude with an opinion, in report form, as to the nature of the complaint and any recommended actions involving the principals. The report will be forwarded to the Bishop for final review and action, if required.
- (f) The Diocese will investigate all allegations brought to its attention regardless of the statute of limitations.

1.8 Reports to the Diocese Hotline. Individuals governed by this Policy are required to report all allegations of sexual abuse of a minor, regardless of the identity of the alleged offender. To report sexual abuse of a minor or sexual misconduct with an adult to the Diocese of Rockford, write to Diocese of Rockford, Office of Diocesan Intervention, P.O. Box 7044, Rockford, IL 61125, or call the Diocese’s confidential hotline number: (815)293-7540.

1.9 Abused & Neglected Child Reporting Act. The Illinois Abused and Neglected Child Reporting Act requires a mandated reporter to report suspected child abuse, including child sexual abuse to the Illinois Department of Children and Family Services at its toll-free hotline number: 1-(800) 252-2873 also known as 1-(800)25-ABUSE, where the mandated reporter has reasonable cause to believe that a child has been abused or neglected. A mandated reporter is one who has direct contact with minors in the performance of his or her duties on behalf of the Diocese of Rockford. Thus, a mandated reporter shall report suspected abuse, whether physical or sexual, to a minor child inflicted by a parent or someone else who is responsible for the welfare of the child. Under the statute, a child is any person under the age of 18, unless legally emancipated by reason of marriage or entry into a branch of the Armed Forces.

Mandated reporters include school personnel such as principals, teachers, school nurses, guidance counselors, librarians, classroom aides, before- and after-care personnel and others; social workers; and recreation program or facility personnel, such as coaches. Parish workers are also mandated reporters if their job duties entail direct contact with minors. Hence, parish secretaries, youth ministers, and religious education directors and catechists are mandated reporters. Anyone involved in the school system, whether it be a volunteer, bus driver, maintenance worker, cafeteria worker, teacher, teacher aide, or other school position, is a mandated reporter. In the counseling area, a counselor's discovery of suspected abuse of a minor is not covered by the confidentiality counselors owe to their clients. Counselors must report suspected child abuse.

The report is to be made immediately to both the Illinois Department of Children and family Services, 1-(800) 252-2873/1-(800)25-ABUSE, and the Diocese's sexual abuse hotline number, (815)293-7540. A priest in the sacramental forum of Confession is not bound by this Act. Members of the clergy are required to report suspected child sexual abuse, except where the information was obtained in a manner that is protected by the priest-penitent privilege.

If you are a mandated reporter and have reasonable cause to believe that a minor is being abused or neglected, you are required by law to report the suspected abuse or neglect to the Department of Children and Family Services ("DCFS") by calling its hotline number: 1-800-25-ABUSE. You are also to make a report of sexual abuse of a minor to the Diocese by calling its hotline: 815-293-7540 or writing to the Diocese. Although you are not required, you are encouraged to also contact the police department of the county in which the alleged abuse occurred.

ARTICLE TWO **GENERAL PROVISIONS**

2.1 Establishment of Policy. Sexual abuse of a minor or misconduct with an adult by a clergy member, candidate for ordination, religious, lay employee or volunteer violates human dignity, ministerial commitment and the mission of the Catholic Church:

- (a) The Diocese establishes these policies and procedures primarily to review the fitness for ministry or employment or volunteer affiliation of any clergy member, candidate for ordination, religious or lay person accused of sexual abuse of a minor. While the *Charter for the Protection of Children and Young People* specifically addresses the matter of sexual abuse of a minor, these Norms apply to allegations involving misconduct with an adult as well. The policies and procedures involve the people of the Church in a substantive role;
- (b) The policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community, and the accused. The policies and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual abuse of a minor. The primary purposes of these policies and procedures are the safety of children, the wellbeing of the community, and the integrity of the Church; and
- (c) The Diocese shall publish its policies and procedures related to the prohibition of sexual abuse of a minor.

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

2.3 Education of Members of the Clergy, Candidates for Ordination, Religious and Laity. The Diocese requires appropriate training in the prevention and detection of sexual abuse of a minor for the continuing education of members of the clergy, candidates for ordination, religious and laity.

2.4 Review and Amendment. At least once annually, the Review Board established in Article Five shall 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.

ARTICLE THREE **ASSISTANCE TO THOSE AFFECTED**

In a timely manner, as the circumstances of the allegation require, the Diocese shall make appropriate assistance available to those who may be affected by the alleged sexual abuse of a minor by a clergy member, religious, lay employee or volunteer.

3.1 Assistance to Victim. The Diocese shall designate a Victim Assistance Coordinator who, promptly and as the circumstances of the allegation require, shall minister to the victim, victim's family or other persons affected. The minister shall identify professional and other resources and make them available to aid in the care of a victim or other person. Through pastoral outreach to victims and their families, the bishop or his representative will offer to meet with the victim, to listen with patience and compassion to the victim's experiences and concerns,

and to share the "profound sense of solidarity and concern" expressed by Pope John Paul II 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.

3.2 Assistance to Community. The Diocese shall encourage and cooperate with programs for outreach to communities affected. The programs shall promote healing and understanding.

3.3 Assistance to Accused. In the event that a clergy member, candidate for ordination, religious, lay employee or volunteer is accused of sexual abuse of a minor or sexual misconduct with an adult, it is the responsibility of the accused to obtain his/her own legal counsel. An accused may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and a psychological evaluation, counseling, and/or a treatment program.

ARTICLE FOUR **SCREENING, FORMATION, EDUCATION & ASSIGNMENT TO** **MINISTRY/EMPLOYMENT**

4.1 Screening and Education of Members of the Clergy, Candidates for Ordination, Religious, and Laity. The Diocese shall require on-going programs for the screening and education of seminarians and the continuing education of members of the clergy, candidates for ordination, religious and laity in matters related to sexuality and sexual abuse and misconduct.

- (a) Psychological Report. Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological report of each seminarian shall be obtained. In addition to general psychological fitness for ordination and ministry, the report should identify tendencies of pedophilia or ephebophilia, where present in the individual. The psychological report shall be maintained as part of the seminarian's permanent personnel file. The report may be updated as necessary or appropriate;
- (b) Development Programs. The Diocese of Rockford shall expect seminaries to 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; and
- (c) Acknowledgement. Every clergy member, candidate for ordination, religious or lay person who holds an assignment or an employed or volunteer position within the Diocese shall acknowledge in writing that he/she has read and is familiar with the Diocesan policies and procedures regarding the prohibition of sexual abuse of minors and sexual misconduct with adults. The acknowledgement will be maintained in the person's personnel file.

4.2 Relationship with Religious Communities. The Diocese's protocol applicable to religious communities whose members maintain or seek faculties or employment in the Diocese, and applicable when the Diocese receives an allegation against a member of a religious community, is the following:

- (a) The community will abide by the Diocesan policies and procedures relating to sexual abuse of minors and sexual misconduct with adults.
- (b) The community must provide a copy of its own policies and procedures to the Vicar for Clergy & Religious; and
- (c) As to each candidate presented for faculties or employment in the Diocese, the presenting community shall provide a written statement about the person's status, background, character and reputation, and certifying that the community is unaware of anything in the member's background which would render him unsuitable to work with minors or adults. In the case of any incident of sexual abuse of a minor or sexual misconduct with an adult, the presenting community shall submit to the Vicar for Clergy & Religious a comprehensive report of the allegation, the investigation, and its disposition.
- (d) If the Diocese receives an allegation of sexual abuse of a minor against a member of a religious community, the Diocese shall promptly notify the religious community and obtain confirmation that the religious community will investigate. The accused will be removed from any assignment with the Diocese.

4.3 Extern Clergy members.

- (a) Extern clergy members are priests and deacons not affiliated with the Diocese of Rockford who work in the Diocese of Rockford, usually on a temporary basis.
- (b) The Diocese shall review, and if necessary, revise its policies affecting extern clergy members who seek or maintain faculties in the Diocese. Before an extern clergy member may receive faculties in the Diocese, his proper Ordinary shall certify that he is unaware of anything in the clergy member's background which would render him unsuitable to work with minors or adults. In the case of any incident of sexual abuse of a minor or sexual misconduct with an adult, the clergy member's proper Ordinary shall submit to the Vicar for Clergy & Religious a comprehensive report of the allegation, the investigation, and its disposition.
- (c) If the Diocese receives an allegation of sexual abuse of a minor against an extern clergy member, the Diocese shall promptly notify the proper Ordinary and obtain confirmation that the extern clergy member's Ordinary will investigate. The accused will be removed from any assignment with the Diocese.

- 4.4 **Review by the Bishop.** If any incident of sexual abuse of a minor or sexual misconduct with an adult is disclosed in connection with the presentation of a religious priest or woman or application of a priest from another diocese, the Vicar for Clergy & Religious shall refer the matter to the Bishop of the Diocese of Rockford, who shall apply the standards for return to ministry or employment contained in Articles Five and Six.

ARTICLE FIVE
REVIEW PROCESS FOR CONTINUATION
OF MINISTRY/EMPLOYMENT

- 5.1 **Establishment of Process.** Determination and recommendations regarding the continuation of ministry or employment of any clergy member, candidate for ordination, religious or lay person who is the subject of an allegation of sexual abuse of a minor or sexual misconduct with an adult or the return to ministry or employment of a clergy member, candidate for ordination, religious or lay person withdrawn by reason of such an allegation shall be made to the Bishop according to the consultative and advisory process established in Articles Five and Six herein.
- 5.2 **Compliance and Cooperation.** All persons associated with the Diocese are expected to cooperate with the civil authorities, comply with legally established reporting requirements, and otherwise conduct themselves as good citizens. In addition, the Diocesan clergy and all religious, lay employees and volunteers working for the Diocese shall comply fully with the letter and spirit of this process. These individuals are expected to report promptly allegations of sexual abuse of a minor to the Diocese, unless prohibited by applicable Church law, by contacting the hotline number (815-293-7540). Members of the clergy, candidates for ordination, religious and laity working or volunteering in the Diocese are expected to cooperate with the process consistent with their particular status within the Diocese. All people of good will who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. Clergy members are mandated reporters under the Illinois Abused and Neglected Child Reporting Act, except where the information was obtained in a manner that is protected by the priest-penitent privilege. In addition to making a report to the Diocese by contacting the hotline number (815-293-7540), if the individual learning of the alleged abuse is a mandated reporter and the abuse involves a minor, the individual is required under Illinois law to report the abuse to the Department of Children and Family Services Hotline number, which is 1-800-25-ABUSE. Moreover, all individuals who make a report to the Diocese by calling to hotline number (815-293-7540) are encouraged to make a report of the sexual abuse of a minor to the police department of the county in which the alleged act occurred.

5.3 Diocesan Review Board. The recommendations described in Article 5.1 shall be made to the Bishop by the Diocese of Rockford Review Board:

- (a) Membership. The membership composition of the Review Board shall not be inconsistent with that required by the *Essential Norms* accompanying the *Charter for the Protection of Children and Young People*, as those documents may be amended from time to time. As of the effective date of the current revision of the Diocese of Rockford's Norms, the *Essential Norms* requires a minimum of five members, that the majority of members shall be lay people not in the employ of the Diocese, one priest who is an experienced and respected pastor in the Diocese, and one person with particular expertise in the treatment of sexual abuse of minors. All lay Catholic members shall be practicing, active Catholics of outstanding integrity and good judgment in full communion with the Church.
- (b) Legal Advisor to the Board. The Diocese's General Counsel shall serve as legal advisor to the Board and shall not be a member of the Review Board.
- (c) Term. The appointment and term of each Review Board member shall be determined by the Bishop.
- (d) Officers. The Bishop shall designate one member as chairperson and one member as vice chairperson. The chairperson will ordinarily convene and preside at meetings of the Review Board in accordance with the will of the Review Board. The vice chairperson will perform these functions when the chairperson is unable to do so.
- (e) Voting and Non-Voting Members. All members of the Review Board shall be voting members, except the Diocesan Investigator, who shall be an *ex officio* non-voting member of the Review Board.
- (f) Relationship with Bishop. The Review Board shall serve as the principal agent of the Bishop in making the recommendations contemplated by these policies and procedures. The Review Board is not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business.
- (g) 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.
- (h) Quorum and Majority for Doing Business. A majority of the then-incumbent members of the Review Board shall constitute a quorum and the concurrence of not less than five members of the Review Board shall be necessary for a recommendation.

(i) Meetings.

1. Generally. The Review Board shall conduct its business at meetings, which shall be scheduled as often as necessary to perform its duties in a timely manner, as the circumstances of the allegation require. The Review Board ordinarily will meet in person but 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 Diocese's General Counsel may communicate with Review Board members as required by this process or otherwise as appears appropriate.
2. Attendance. A majority of the Review Board members shall attend those portions of meetings during which information is presented to the Review Board and the Review Board makes its recommendation. In addition to attendance by the Review Board members, the Diocesan Investigator, Diocese's General Counsel, Vicar for Clergy & Religious and Victim Assistance Coordinator shall attend all meetings of the Review Board, to the extent they are not otherwise members thereof. All other persons may attend meetings only upon the invitation or consent of the Review Board and the Diocese's General Counsel, and subject to limitations as the Review Board and Diocese's General Counsel might require.
3. Nature of the meetings. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings, including First Stage, Second Stage, and Supplementary Reviews, are not hearings. They are sessions at which the Review Board receives and considers information, deliberates, and formulates its recommendations. The Review Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.
4. Right to Counsel. Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel. If the Review Board invites or permits someone to attend a meeting or a portion of a meeting, that person may appear with counsel or, in the Review Board's discretion which shall be exercised liberally, such other advisers 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 an advisor to unduly delay this process.

(j) Duties. The Review Board shall have the authority to:

1. Review matters within the jurisdiction of the *Charter for the Protection of Children and Young People* brought to its attention by the Bishop and make recommendations to the Bishop regarding the continuation of ministry and/or employment of the accused subject to allegations of sexual

abuse of a minor and the return to ministry and/or employment following any withdrawal from a ministerial and/or employment position arising from an allegation of such abuse; and make recommendations regarding assistance to be offered to the victim, the victim's family, and/or the parish community;

2. Recommend guidelines for the inquiries of the Diocesan Investigator, its own proceedings, and programs for treatment, rehabilitation and supervision of members of the clergy, candidates for ordination, religious and laity consistent with these provisions;
3. Submit, with the assistance of the Review Board Chairperson, an annual budget proposal to the Bishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Chancery Office and may be considered as part of the Diocesan budget process. However, the budget proposal may not be reduced without the knowledge of the Bishop;
4. Recommend to the Bishop such amendments to these policies and procedures as the Review Board believes helpful; and
5. Review other matters which the Bishop in his discretion may bring to its attention, and make recommendations to the Bishop regarding same.

5.4 Diocesan Investigator. The Diocesan Investigator shall assist the Review Board in the performance of its duties:

- (a) Appointment and Term. The appointment and term of the Diocesan Investigator shall be determined by the Bishop.
- (b) Duties. The Diocesan Investigator shall have the authority to:
 1. Receive and analyze information and allegations of sexual abuse of a minor or sexual misconduct with an adult by an accused person;
 2. Comply with all civil reporting requirements related to sexual abuse of a minor and to cooperate with official investigations;
 3. Conduct such inquiries as may be directed or approved by the Bishop, Review Board and/or Diocese's General Counsel;
 4. Communicate in an appropriate manner with the victim or person making an allegation, , the Diocese's General Counsel, Victims Assistance Coordinator, the accused, the Vicar for Clergy & Religious, the Bishop, the Review Board and such other persons as the Diocesan Investigator, Diocese's General Counsel, and/or Victims Assistance Coordinator deems appropriate, or as prescribed by the Bishop;

5. Prepare and submit to the Review Board reports pertaining to allegations and such other information as may be appropriate;
6. Perform such other duties as may be prescribed by the Bishop or Review Board from time to time.

5.5 Victims Assistance Coordinator. The Victims Assistance Coordinator shall assist the Review Board in the performance of its duties:

- (a) Appointment and Term. The appointment and term of the Victims Assistance Coordinator shall be determined by the Bishop.
- (b) Duties. The Victims Assistance Coordinator shall have the authority to:
 1. Receive and analyze information and allegations of sexual abuse by an accused person with a minor or sexual misconduct with an adult and the return to service of the accused withdrawn from a ministerial assignment or employment;
 2. Comply with all civil reporting requirements related to sexual abuse of a minor and to cooperate with official investigations;
 3. Conduct such inquiries of the victim as the Victims Assistance Coordinator deems appropriate;
 4. Communicate in an appropriate manner with the victim or person making an allegation, Diocesan Investigator, Diocese's General Counsel, the accused, Vicar for Clergy & Religious, the Bishop, the Review Board and such other persons as the Diocese's General Counsel, Victims Assistance Coordinator, and/or Diocesan Investigator deems appropriate, or as prescribed by the Bishop;
 5. Prepare and submit reports pertaining to allegations and such other information as may be appropriate;
 6. Monitor progress of the treatment, rehabilitation and/or supervision of the victim and/or of the accused, and report to the Review Board about these programs; and
 7. Perform such other duties as may be prescribed by the Bishop or Review Board from time to time.

5.6 Confidentiality and Disclosure of Information. Information generated in connection with the process set forth in Articles Five and Six shall be maintained in a confidential manner and may only be disclosed in accordance with this section:

- (a) The Vicar for Clergy is the custodian of all information described in Articles Five and Six and shall develop an appropriate record keeping system to ensure accountability for and security of the information;
- (b) Information shall be maintained in a confidential fashion and may not be disclosed except as follows:
 - 1. The Bishop and/or Vicar for Clergy shall provide the accused with information sufficient to enable the accused to respond to the allegation;
 - 2. The Victims Assistance Coordinator, at the direction of the Diocese's General Counsel, shall provide the person making the allegation with appropriate and timely information about the Review Board's recommendations and the Bishop's actions;
 - 3. The Review Board shall receive all available information that is appropriate or necessary for the Review Board to make an informed recommendation with respect to the allegation before it;
 - 4. The Bishop or his delegate shall provide access to all appropriate and necessary information to the competent superior in connection with allegations about a member of a religious community or another diocese; and
 - 5. The Diocese through its counsel shall make disclosure of such information that is required by law.

5.7 Initiating an Allegation. Allegations that a clergy member, candidate for ordination, religious or lay employee or volunteer of the Rockford Diocese engaged in sexual abuse of a minor or sexual misconduct with an adult may be reported to the Diocese either by telephoning the hotline number (815-293-7540), or by writing to the Diocese.

- (a) To the extent possible, the person making the report should provide the Diocese the name of the accused who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged abuse or misconduct, the relevant dates, times and circumstances in which the abuse or misconduct allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse or misconduct;
- (b) If an allegation of abuse is discovered by the Rockford Diocese through the media or in some other fashion, the Bishop or his delegate shall make appropriate inquiries and proceed substantially in the same manner as any other allegation;
- (c) Anonymous allegations that do not contain enough information to permit reasonable inquiry ordinarily will not be processed. The Diocesan individual to whom the allegation was anonymously reported shall report all such allegations to

the Bishop for determination whether to refer the anonymous allegation to the Review Board; and

- (d) Care will be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the allegation has been made.

5.8 Preliminary Action and Inquiry. Upon receipt of an allegation:

- (a) The Bishop shall analyze the allegation of sexual abuse of a minor by an accused person or sexual misconduct with an adult by an accused person; and shall conduct or direct his delegate to conduct a preliminary inquiry into the allegation;
- (b) The Bishop shall determine whether the immediate withdrawal of the accused from ministry, employment, or service is advisable or necessary prior to the Review Board's First Stage Review of the allegation;
- (c) The Diocese, through its General Counsel, shall report the allegation to the public authorities (DCFS and the police department and/or State's Attorney's Office) where the individual alleged to have been abused is currently a minor; cooperate with public authorities about reporting in cases when the person is no longer a minor; comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and the Illinois Department of Children and Family Services; and cooperate in their investigation in accord with the law of the jurisdiction in question;
- (d) Where the allegation is against a member of a religious community or other diocese, the Bishop shall remove the accused from his assignment in this Diocese, notify the competent superior of the religious community or other diocese of the allegation and provide that entity with all information proper and appropriate, inform the religious community or other diocese of the removal of the accused from his assignment in the Diocese, and confirm that the religious community or other diocese will fully investigate the allegation;
- (e) The Bishop or his delegate shall notify the Vicar for Clergy & Religious, the Victims Assistance Coordinator, the Diocesan Investigator, the accused, the victim, and/or such other persons as the Bishop deems appropriate under the circumstances, to carry out the preliminary inquiry; and
- (f) Following a preliminary inquiry, the Bishop shall determine whether the allegation is within the jurisdiction of the Review Board and is to be referred to the Review Board. Once the matter is referred to the Review Board, the Bishop or his delegate shall communicate in an appropriate manner with the Vicar for Clergy & Religious, the Review Board, the Victims Assistance Coordinator, the Diocesan Investigator, the accused, and/or such other persons as the Bishop deems appropriate, including the victim in appropriate circumstances;

- (g) When directed by the Bishop, the Vicar for Clergy shall inform the accused of the allegation and request an explanation
- (h) The Bishop or his delegate shall inform the accused that he is encouraged to retain the assistance of civil and canonical counsel and that he will be notified of the results of the investigation;
- (i) The Diocese's General Counsel shall notify the Diocesan Investigator and together determine the scope of investigation, if any, to be conducted prior to First State Review meeting of the Review Board; and shall assist the Review Board by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
- (j) The Diocese's General Counsel shall schedule and give effective notice of a First Stage Review meeting of the Review Board to occur as soon thereafter an allegation is made as is practicable.
- (k) The Vicar for Clergy shall monitor programs for treatment, rehabilitation or supervision of members of the clergy, candidates for ordination, religious and laity and report to the Review Board about these programs; and
- (l) The Diocesan Investigator shall review the accused person's file, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Review Board either orally or in writing at the First Stage Review meeting. A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation, and all appropriate steps shall be taken to protect his reputation. The Diocese's General Counsel shall reduce an oral report to writing as soon as practical after the First Stage Review meeting and provide copies of this report to the Review Board, the Bishop, his delegate, and such other persons that the Bishop may designate;
- (m) Ordinarily the Victims Assistance Coordinator shall promptly do the following:
 1. Initiate contact with the person making the allegation as soon as possible;
 2. Meet with and gather information from the individual making the allegation and from other witnesses, where practicable;
 3. Inform the individual making the allegation of his or her right to make a report to the civil authorities and that the Diocese will support his or her right to do so; and provide the person making the allegation with a written statement containing information about reporting such allegations to public authorities;
 4. Determine whether it is appropriate to offer to the individual making the allegation assistance in the way of counseling services or other services

deemed necessary or appropriate by the Victims Assistance Coordinator, in accordance with the Diocesan Outreach Program. The pastoral support offered by the Diocese's Outreach Program for Victims and their Families includes the following:

- i. Providing prompt, compassionate, professional response and follow up to persons who make reports and to their families;
- ii. Offering referrals for counseling services and pastoral care;
- iii. Assisting in encouraging the formation of support groups for adult survivors of childhood sexual abuse who wish to develop same;
- iv. Facilitating pastoral interviews with the Bishop or his designee; and
- v. Appropriate pastoral responses to parishes affected by reports of sexual abuse or misconduct by a priest, deacon or other minister from their community.

The focus and concern is primarily on the wellbeing of the individual who has presented a substantiated allegation of sexual abuse by a priest, deacon, or other church personnel of the Diocese. Compassion requires that primary attention be given to the person alleged to have been offended. A friend, family member, colleague or anyone else of the person's choosing may accompany a person who is making a report of sexual abuse. The Diocese recognizes as well that families not infrequently require the same compassion and sensitivity as the victims.

5.9 First Stage Review. The Review Board shall meet as soon thereafter an allegation is made as is practicable to conduct a First Stage Review.

- (a) Questions for Review. At the meeting, the Review Board shall review and make recommendations regarding: (1) the Bishop's original determination about withdrawal of the accused from a ministerial assignment and/or employment; (2) the scope of investigation needed from the Diocesan Investigator; (3) information obtained by the Victims Assistance Coordinator and (4) what further action should be taken with respect to the allegation;
- (b) Information to be Considered. The Review Board shall consider the documentation and oral reports presented, including any reports by the Victims Assistance Coordinator and/or the Diocesan Investigator, any information provided by the victim and/or the victim's family, any information provided by the accused, information provided by the Bishop's delegate or other persons identified by the Bishop, and any other information which the Review Board believes helpful and is able to obtain;

(c) Recommendation. The Review Board shall make a determination whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor or sexual misconduct with an adult, and on the basis of this determination shall make recommendations to the Bishop about the following:

1. If the accused has already been withdrawn from ministry and/or employment pending inquiry, whether such withdrawal should continue; if the withdrawal should not continue, whether any restrictions should be imposed on a return to ministry and/or employment;
2. If the accused has not been withdrawn from ministry and/or employment whether he/she should be withdrawn, whether he/she should continue in an assignment/employment and, if so, whether any restrictions should be imposed upon him/her;
3. Whether the preliminary actions taken by the Bishop or his delegate, the Diocesan Investigator and/or the Victims Assistance Coordinator were appropriate and whether further action by the Bishop or his delegate, the Diocesan Investigator and/or the Victims Assistance Coordinator and/or the Diocese's General Counsel is recommended;
4. If assistance has not been offered to the individual making the allegation, whether it should be offered to the individual and, if so, the proposed nature and/or scope of same;
5. If assistance has been offered to and accepted by the individual making the allegation, whether they should continue and/or be modified or withdrawn;
6. Whether the file may be closed at this stage of the proceedings or held open pending action by public bodies, further inquiry by the Diocesan Investigator and/or the Victims Assistance Coordinator or further action by the Review Board; and
7. If the accused person's conduct does not constitute sexual abuse of a minor or sexual misconduct with an adult but is otherwise inappropriate, whether further action is warranted and suggestions as to such action.

5.10 Additional Inquiry and Action Following the First Stage Review. After the First Stage Review, the Victims Assistance Coordinator and the Diocesan Investigator shall conduct such additional inquiry as they think appropriate or as may be directed by the Review Board, including but not limited to, for example, interviews of witnesses, review of documents including documents reflecting action taken by public bodies, a request for the psychiatric evaluation of the accused, further meetings with the person making the allegation, and a review of his or her counseling records. The Victims Assistance Coordinator and Diocesan Investigator shall prepare one or more written reports of these inquiries for the Review Board. These reports should include descriptions of actions taken by him or her, such additional inquiry as may be required, and identification of

information that was not available to him or her and why that information was not available.

5.11 Second Stage Review. There shall be a Second Stage Review which shall ordinarily be initiated and scheduled to occur no earlier than thirty and no later than one hundred twenty days after completion of the First Stage Review. The Review Board may delay scheduling the Second Stage Review for a good reason, such as to await the completion of action by public bodies, or receipt of additional information:

- (a) Questions for Review. At the Second Stage Review, the Review Board shall review and make recommendations regarding: (1) whether prior determinations as to ministry/employment by the accused should be altered; and (2) what further action, if any, should be taken with respect to the allegation as it regards the accused, the victim, victim's family and/or parish community;
- (b) Initiation. The Second Stage Review may be initiated by the Bishop or his delegate, or by the Review Board in any matter it deems appropriate;
- (c) Information to be Considered. The Review Board shall consider the documentation and oral reports presented, including further reports of the Victims Assistance Coordinator and Diocesan Investigator, information provided by the Bishop's delegate or other persons identified by the Bishop, and any other information which the Review Board believes helpful and is able to obtain;
- (d) Recommendations. The Review Board shall review and make recommendations regarding whether it is reasonable to return the accused to ministry or keep the accused in ministry or employment in view of all the facts and circumstances, giving appropriate consideration to the safety of children and the rights of the accused. The Review Board shall make appropriate recommendations to the Bishop about the following:
 - 1. If the accused has already been withdrawn from ministry or employment pending inquiry, whether such withdrawal should continue; if it should not continue, whether any restrictions should be imposed on the accused returning to ministry or employment;
 - 2. If the accused has not been withdrawn from ministry or employment, whether he/she should remain and, if so, whether any restrictions should be imposed on him/her;
 - 3. Whether actions following the First Stage Review were appropriate and adequate and whether further action by the Bishop, the Diocesan Investigator and/or the Victims Assistance Coordinator is recommended;
 - 4. If assistance has not been offered to the individual making the allegation, whether it should be offered to the individual and, if so, the proposed nature and/or scope of same;

5. If assistance has been offered to and accepted by the individual making the allegation, whether it should continue and/or be modified or withdrawn;
6. Whether the file may be closed at this stage of the proceedings or held open pending action by public bodies, further inquiry by the Diocesan Investigator and/or the Victims Assistance Coordinator or further action by the Review Board;
7. If the accused person's conduct does not constitute sexual abuse of a minor or sexual misconduct with an adult but is otherwise inappropriate, whether further action appears desirable and suggestions as to possible action; and
8. Such other matters as the Review Board deems appropriate.

5.12 Supplementary Reviews. The Review Board may conduct such Supplementary Reviews as may be necessary to discharge its duties:

- (a) Questions for Review. The Review Board may consider new information about a determination or recommendations made in connection with a prior review, exercise its responsibility as described in Articles Five and Six, and/or oversee the work of the Diocesan Investigator, the Victims Assistance Coordinator, the supervision and therapy program for the accused, the services being offered to the individual making the allegation, or any other matter within its responsibility;
- (b) Initiation. A Supplementary Review may be initiated by the Review Board, the Bishop, or the Bishop's delegate. In addition, the accused, a person who made an allegation, 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;
- (c) Information to be Considered. The Review Board may consider the application for review, documentation presented, including reports by the Victims Assistance Coordinator and Diocesan Investigator, information provided by the Bishop, the Bishop's delegate or other persons identified by the Bishop, and any other information which the Board believes helpful and is able to obtain; and
- (d) Recommendations. The Review Board may make the same kinds of recommendations as in a Second Stage Review and make such other recommendations as it deems appropriate.

ARTICLE SIX
RETURN TO MINISTRY/EMPLOYMENT

- 6.1 Where Sexual Abuse of A Minor Is Admitted Or SUSTAINED.** An accused person who was withdrawn from ministry/employment in accordance with Canon Law and/or Article Five pending investigation into the allegation of sexual abuse of a minor will not be returned to ministry or employment where the accused individual has admitted to engaging in, and/or where it has been established that the accused individual engaged in, physical sexual abuse of a minor, meaning the allegation has been SUSTAINED. Even a single act of physical sexual abuse of a minor, whether admitted or established, shall prevent the return of the accused individual to ministry/employment. An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.

No priest or deacon who has committed a physical act of sexual abuse of a minor may be transferred to another diocese for a ministerial assignment in that other diocese.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese, the Bishop shall forward in a confidential manner to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

Prior to the assignment for residence of such a clerical member of an institute or a society into a local community within this Diocese, the major superior shall inform the Diocesan Bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law 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 so that the Bishop can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

- 6.2 Where Sexual Abuse of a Minor is Deemed UNFOUNDED and/or the Accused is EXONERATED.** An accused person who was withdrawn from ministry in accordance with Article Five pending investigation into the allegation of sexual abuse of a minor will be returned to ministry where the allegations were determined to be UNFOUNDED or the accused individual is EXONERATED, as those terms are defined in this policy. When an accusation has proved to be unfounded, every reasonable step possible will be taken to restore the good name of the person falsely accused.

6.3 Where the Alleged Sexual Abuse of a Minor is NOT SUSTAINED. An accused person who was withdrawn from ministry in accordance with Article Five pending investigation into the allegation of sexual abuse of a minor may be returned to ministry in a restricted or modified manner, where the allegations were found to be NOT SUSTAINED, as that term is defined in this policy.

- (a) A cleric who is returned to restricted ministry must sign a written agreement with the Diocese. The agreement must include such provisions as to restrictions, residence, therapy, supervision, and other matters as may be recommended by therapists or the Review Board and adopted by the Bishop, or as required by the Bishop. The cleric's compliance with the terms of the agreement and overall performance will be monitored by the Vicar for Clergy, who shall also present information on the monitoring to the Review Board at least annually. Either the Review Board, the Bishop, or the cleric may initiate a Supplementary Review of the situation in accordance with the procedures in Article Five; and
- (b) If a cleric described in Article 6.3 does not express a desire to attempt to return to restricted ministry, or if the Diocese does not permit him to attempt to do so, the cleric may either live in a supervised setting designated by the Diocese or resign from active ministry/employment and if the cleric is a priest, he may petition for laicization. The Diocese ordinarily will offer resigned clerics an opportunity for continuing therapy. If a cleric does not express a desire to return to restricted ministry or to live in such a supervised setting, the Diocese may pursue appropriate courses of action permitted under the Code of Canon Law.

**NORMS FOR PROHIBITION OF SEXUAL ABUSE AND MISCONDUCT
EMPLOYEE, CLERGY, CANDIDATE FOR ORDINATION, OR
RELIGIOUS RECEIPT ACKNOWLEDGEMENT**

I, _____, acknowledge that I have received the
(Name of Employee, Clergy, Candidate for Ordination, or Religious)

Diocese of Rockford's Norms for Prohibition of Sexual Abuse of Minors Sexual Misconduct with Adults. I agree that I will read and abide by the provisions of these norms as an employee of the Diocese.

Also, I acknowledge that the Norms for the Prohibition of Sexual Abuse of Minors and Sexual Misconduct with Adults that I have received this date replace all prior policies or regulations that I may have received during my employment with the Diocese. I agree that those former policies or regulations are no longer in force of effect.

Signature

Date: _____

Name: _____

Institution: _____

City: _____

WITNESS

FOR OFFICE USE:

Parish/School/Diocesan facility to send this signed form by email to sarndt@rockforddiocese.org or by fax to 815-399-5266 Attention S. Arndt

**NORMS FOR PROHIBITION OF SEXUAL ABUSE AND MISCONDUCT
VOLUNTEER RECEIPT ACKNOWLEDGMENT**

I, _____, acknowledge that I have received the
(Name of Volunteer)

Diocese of Rockford's Norms for the Prohibition of Sexual Abuse of Minors and Sexual Misconduct with Adults of the Diocese of Rockford. I agree that I will read and abide by the provisions of these norms as a volunteer of the Diocese.

Also, I acknowledge that the Norms for the Prohibition of Sexual Abuse of Minors and Sexual Misconduct with Adults that I have received this date replace all prior policies or regulations that I may have received from the Diocese. I agree that those former policies or regulations are no longer in force of effect.

Signature Date: _____

Volunteer Name: _____

Institution: _____

City: _____

WITNESS

FOR OFFICE USE:

Parish/School/Diocesan facility to send this signed form by email to sarndt@rockforddiocese.org or by fax to 815-399-5266 Attention S. Arndt