

## **§1100 CANDIDATES IN FORMATION FOR CLERICAL MINISTRY: POLICIES FOR THE EDUCATION, PREVENTION, ASSISTANCE, AND PROCEDURES OF DETERMINATION OF FITNESS FOR CLERICAL MINISTRY FORMATION**

### **§1101 Scope**

**1101.1. Policy** These policies and procedures are for the Diocese of Springfield in Illinois (its curia, agencies, and institutions), for its parishes (including the parish schools, and Catholic secondary schools that include “Catholic” in their title or description or are attached to a parish or sponsored by the diocese), a religious institute, or other group, in canon law considered separate juridic persons, and for separate civilly incorporated institutions sponsored by the Diocese.

### **§1102 Purposes of These Policies and Procedures**

*The Diocese of Springfield in Illinois is committed to the proper care of all, including minors, who are served by Church personnel. The purposes of these policies and procedures are:*

- a. to define the ecclesial action to be taken by the Diocese of Springfield in Illinois when an allegation of sexual abuse of minors by a candidate in formation for clerical ministry is received;*
- b. to assure a proper response to alleged victims, to the alleged victims’ families, and to the alleged offenders when such an allegation is received;*
- c. to establish procedures and requirements to screen out prospective Church personnel with a history of prior sexual abuse of minors.*
- d. to inform and to educate all persons associated with the Diocese in any capacity about this policy.*

### **Definitions**

*When used in these policies and procedures, the following terms mean:*

- a. “Sexual Abuse of a Minor.” Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification, and the acquisition, possession, or distribution by a candidate in formation for clerical ministry of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology. Sexual abuse has*

*been defined by different civil authorities in various ways, and this policy does not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (**Code of Canon Law**, c. 1395 par #2). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts*).*

*(Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (**Code of Canon Law**, c. 1395 par. §2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent (**Code of Canon Law**, c. 1321 par. §2; see cc. 1322-1327). If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted, and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the Diocesan Bishop, with the advice of the Diocesan Ministry Review Council, to determine the gravity of the alleged act*

- b.** *“Candidate in formation for clerical ministry.”* Seminarians and deacon candidates in formation for the priesthood and permanent diaconate.
- c.** *“Ministry Review Council.”* The Ministry Review Council is established to review allegations of sexual abuse of a minor by a candidate in formation for clerical ministry
- d.** *“Facilitator for Child Abuse Reporting and Investigation, (Facilitator).”* The Director of the Office for Human Resources shall act as the Facilitator within the confines of this policy. The facilitator responds to allegations of sexual abuse of a minor, refers individuals reporting to the assistance minister; conducts an initial inquiry of the allegation and reports the allegation and initial inquiry to the Ministry Review Council
- e.** *“Assistance Minister.”* The Assistance Minister is designated by the Diocesan Bishop to aid in the immediate care of persons who claim to have been sexually abused when they were minors by candidates in formation for clerical ministry and to perform the other roles outlined in this policy.

- f. **“Minor.”** A minor is a person who is under 18 years of age or a person who habitually lacks the use of reason and is considered to be equivalent to a minor.
- g. **“Mandated Reporter.”** The Illinois Abused and Neglected Child Reporting Act identifies various categories of persons who are required by law to report suspected incidents of abuse and neglect. Such persons are commonly referred to as “mandated reporters: Mandated reporters include “school personnel”, “recreational program or facility personnel”, “homemakers or child care workers”. Since 2003, priests and deacons in their capacities as such, are also mandated reporters of sexual abuse, excluding privilege communications (e.g. sacramental confession). The Diocese of Springfield in Illinois for the purposes of this policy, identifies all employees, (lay and religious), volunteers and those in clerical formation training as mandated reporters of child sexual abuse by a priest, (diocesan or religious), deacon, candidate in formation for clerical ministry, employee, (lay or religious), and volunteer.

### §1103 Educational Programs to Prevent Sexual Abuse of Minors

**1103.1. Policy** On a regular basis, educational programs on the methods of recognizing and preventing sexual abuse of minors will be offered to candidates in formation for clerical ministry. Individuals who have not completed the educational programs will not be permitted to continue as a candidate in formation for clerical ministry in the Diocese of Springfield in Illinois.

### §1104 Distribution of This Policy

**1104.1. Policy** This policy and related policies §100 Clerical Sexual Abuse of Minors: Policies for Education, Prevention, Assistance, and Determination of Fitness for Ministry, and §1200 Lay and Religious Employees and Volunteers Sexual Abuse of Minors: Policies for Education, Prevention, Assistance, and Determination of Fitness for Ministry, Employment or Volunteer Service will be made available to all candidates in formation for clerical ministry, who will be asked to certify that they have reviewed the policies in print or electronic format. It will also be available to the faithful of the Diocese by posting on the diocesan web site ([www.dio.org](http://www.dio.org)) and periodic announcements of the existence of the policy in *Catholic Times*, the official diocesan news publication. Both official diocesan sources will identify the contact number for child abuse reporting and investigation.

## §1105 “Certification” Document & Criminal History Background Search

**1105.1. Policy** All candidates in formation for clerical ministry must complete an appropriate Criminal History Background Search and the Certification Document before beginning or continuing formation, or employment or volunteer service, in the parishes, schools, agencies, and institutions within the Diocese of Springfield in Illinois. Candidates in formation for clerical ministry will be asked periodically to repeat the completion of the Certification Document and to update the Criminal History Background Search.

### ***Procedure***

Information provided for the criminal history background search shall be checked to the extent appropriate for the clerical formation process.

**1105.2. Policy** Candidates in formation for clerical ministry who have not completed the Criminal History Background Search and the certification statement will not be permitted admittance or continuation in the clerical formation program and will not be permitted to serve in any employment or volunteer capacity in the Diocese of Springfield in Illinois.

### ***Procedure***

The results of the Criminal History Background Search will be maintained by the Department for Personnel Services, Office for Safe Environment of the Diocese of Springfield in Illinois (located at the Catholic Pastoral Center, 1615 W. Washington Street, Springfield, IL 62702).

## §1106 Review Process for Candidates in Formation for Clerical Ministry

*Section 1106 establishes the process by which the fitness for ministry of a candidate in formation for clerical ministry accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations be made to the Diocesan Bishop. Allegations of sexual abuse by a candidate in formation for clerical ministry with a minor will initially be considered by the Facilitator (defined in §1113.2), for Child Abuse Reporting & Investigation, (Facilitator), who will make a recommendation to the Ministry Review Council. The Ministry Review Council shall review the initial recommendation of the Facilitator and all subsequent issues regarding the fitness for ministry formation of the accused Candidate in Formation for Clerical Ministry. The Facilitator and Ministry Review Council are established as advisors of the Diocesan Bishop. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing. In this context, the safety and well-being of the community is of primary concern. Another concern is protecting the reputation of the candidate in formation for clerical ministry who may be subject to inaccurate or false accusations. The responsibility of the Facilitator to cooperate with civil officials is confirmed, as is the Church’s pastoral responsibility to respond with respect to religious, pastoral, and administrative matters that are beyond the authority of government.*

### §1106.1 Establishment of Process

**1106.1. Policy** Determinations and recommendations regarding the continuation of the formation for ministry of any candidate in formation for clerical ministry who is the subject of an allegation of sexual abuse of a minor shall be made to the Diocesan Bishop according to the consultative and advisory process established in Section 1114. When even a single act of sexual abuse of a minor by a candidate in formation for clerical ministry is admitted or is established by: a) an “indicated” finding by a State Child Protective Services agency; b) a serious violation of Diocesan policy; or c) a criminal conviction, candidate in formation for clerical ministry shall be dismissed from seminarian or diaconate formation program. The candidate in formation for clerical ministry will not be eligible for admittance to seminarian or diaconate formation in another diocese or Religious community and will not be eligible for employment or volunteering in the agencies, parishes, schools or other institutions of the diocese.

### §1106.2 Reporting Requirements, Compliance, and Cooperation

**1106.2. Policy** In every instance the Diocese shall advise and support everyone’s right to make a report to public authorities. (§§1111.1. and 1113.1. of these policies). All mandated reporters are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in their investigation. In addition to reports required by civil law, these personnel are expected to promptly report allegations of the sexual abuse of a minor by a candidate in formation for clerical ministry, to the Facilitator at telephone number (217-321-1155) unless prohibited by applicable Church law (Canon 983, §1)1. All people of goodwill who may have to cooperate with the process are asked to do so with understanding and sensitivity for its goals. The Diocese shall make all appropriate steps to protect the good name and reputation of all persons involved in this process (Cf. Canon 220)2.

#### ***Procedure – Candidate in Formation for Clerical Ministry***

- a) As defined by the Federal Abused and Neglected Child Reporting Act, all mandated reporters shall make their first report to the Illinois Department of Children and Family Services (DCFS). (cf. 325 Illinois Compiled Statutes (ILCS) 5/4 Persons Required to Report)
- b) The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the offense of sexual abuse of minors.

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1 Canon 983,§1: The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

2 Canon 220: No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

- c) Ordinarily, the information received by the Facilitator shall include the name of the candidate in formation for clerical ministry who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged abuse, the relevant dates, times and circumstances in which the abuse allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.
- d) Allegations that a candidate in formation for clerical ministry in the Diocese of Springfield in Illinois engaged in sexual abuse of a minor may be received from any number of sources: e.g., a meeting in person with the Facilitator, a telephone call, written communication, email, a personal appointment, the media, public authorities, etc.
- e) Any notification from DCFS that it has initiated a formal investigation that a minor may have been sexually abused by a candidate in formation for clerical ministry or from law enforcement authorities that they are investigating whether a minor was sexually abused by a candidate in formation for clerical ministry shall be considered an allegation.
- f) An allegation against a former candidate in formation for clerical ministry shall be received by the Facilitator who shall make a written summary of the allegation and refer the accuser to the Assistance Minister for appropriate pastoral care.
- g) An allegation against a former candidate in formation for clerical ministry now deceased shall be received by the Facilitator who shall make a written summary of the allegation and refer the accuser to the Assistance Minister for appropriate pastoral care. Allegations involving a deceased candidate in formation for clerical ministry will be presented to the Ministry Review Council.
- h) Anonymous allegations or allegations that contain insufficient information ordinarily shall be processed by the Facilitator in the following fashion:
  - 1) Based on the limited data available, request the Director of the Office for Vocations, or the Director of the Office for the Diaconate, and other appropriate Diocesan agencies to forward for review by the Facilitator all relevant files, and other pertinent information so that the allegation can be investigated to the degree possible.
  - 2) If the candidate in formation for clerical ministry can be identified, determine whether to inform him and offer him the opportunity to respond.
  - 3) Report all such allegations to the Ministry Review Council so that the Ministry Review Council may review such allegation, the Facilitator's action, and recommend further action as it deems appropriate.

### §1107 Review Process of a Formation Candidate in a Seminary

**1107.1. Policy** The Ministry Review Council will review allegations made against a formation candidate enrolled in a seminary when the allegation occurs outside the boundaries of the seminary following the process described in this policy. Allegations occurring within the boundaries of the seminary would in most cases be reviewed and investigated by the seminary. The Ministry Review Council will also review the seminary allegation if the result of an investigation is inconclusive. When the seminary is conducting the investigation the Director of the Office for Vocations will maintain contact with the seminary; request regular updates be given in writing as to the status of the investigation as well as a written summary of the allegation, the response of the candidate in seminary formation, any other supporting or relevant documentation for the investigation, the final disposition of the allegation, and the recommendation for continuing in formation as a student at the seminary. The Ministry Review Council will review all documents regarding the seminary's investigation and recommendation. The documents will be retained in the diocesan file of the seminarian candidate. If the investigation conducted by the seminary results in a substantiated allegation the candidate for the priesthood will be dismissed from the seminary and the seminarian formation program of the diocese.

### §1108. Protection of Rights and Unfounded Allegations

*There is always the possibility of false accusations or unsubstantiated claims of sexual abuse of a minor, sexual harassment, or sexual exploitation. It is important for all the Christian faithful, including candidate in formation for clerical ministry to know that both civil law and canon law (Code of Canon Law, cc. 1390-1391) provide penalties for the crime of falsehood in which innocent individuals become victims of false denunciation and calumny.*

**1108.1. Policy** Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When the accusation has proved to be unfounded, every step possible shall be taken to restore the good name of the person falsely accused.

### §1109. Ministry Review Council

**1109.1. Policy** The recommendations described in Section 1114.3. shall be made to the Diocesan Bishop by a Ministry Review Council which shall function as a confidential consultative body to the Diocesan Bishop in discharging his responsibilities. Members of the Ministry Review Council will consist of the following positions on the Curial staff: Director of the Office for Vocations, the Director of the Office for the Diaconate and the Director of the Office for Human Resources who also acts as the Facilitator for the allegation, and two lay Catholics who are not employees of the diocese. The two lay Catholics will be selected on an ad hoc basis when the need arises. Emphasis will be placed on selecting lay Catholics with backgrounds/experience as a psychiatrist, a psychologist, licensed counselor or licensed social worker, attorney, or law enforcement investigator.

### **§1109.2. Rights of the accusers and accused to meet with the Ministry Review Council**

**1109.2. Policy** Both the person making the accusation and the accused candidate in formation for clerical ministry have a right to meet with the Ministry Review Council subject to such reasonable time limitations as the Ministry Review Council may establish. The Ministry Review Council shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

#### ***Procedure***

When the person bringing the accusation or the accused candidate in formation for clerical ministry meets with the Ministry Review Council, the Ministry Review Council shall schedule their appearances in such a way that they not meet each other, even inadvertently.

### **§1110. Rights to Legal Counsel**

**1110.1. Policy** Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal counsel.

#### ***Procedures***

- a) The accused shall be encouraged to retain the assistance of legal counsel; when necessary,
- b) Any person appearing before the Ministry Review Council may do so with counsel or, at the discretion of the Ministry Review Council, which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the Ministry Review Council's consent. The Ministry Review Council shall not permit the participation of counsel or other adviser unduly to delay this process. Attorneys licensed to practice civil law, serving as counsel to the person making the allegation or the person accused, may attend such meetings and advise their clients involved in the process with the understanding that such proceedings are conducted according to these policies and procedures and they are not hearings subject to the rules of civil law.



### §1111. Duties of the Facilitator

**1111.1. Policy** The Facilitator shall have the duty to:

1. respond in a timely manner to receive the information and allegations of sexual abuse by a candidate in formation for clerical ministry with a minor;
2. report to public authorities any sexual abuse allegation, (unless canonically privileged), of a person who is 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 cooperate in their investigation in accord with the law of the jurisdiction involved.
3. In every instance, the Facilitator shall advise accusers of their right to make a report to public authorities and will support this right. (§1113 of these policies). Specifically, the Facilitator shall have the duty to report all allegations of sexual abuse of a minor to DCFS and to the appropriate governmental authority;
4. the Facilitator will objectively and in a timely manner interview the accuser and, interview the accused. Information obtained will be committed to written form and allowing the person interviewed to review, edit, and sign what has been committed to writing;
5. communicate in an appropriate manner with the accuser or person making an allegation, the Assistance Minister, the affected candidate in formation for clerical ministry, the Director of the Office for Vocations, the Director of the Office for the Diaconate, and the Director of the Office for Insurance and Benefits.
6. assist the Ministry Review Council by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
7. assist the Diocesan Bishop by preparing and submitting reports summarizing the allegations, the responses of accused candidate in formation for clerical ministry and the rationale by which the Ministry Review Council arrived at its determinations and recommendations; and
8. perform such other duties as may be prescribed by the Ministry Review Council.

### §1112. Receipt of Information

**1112.1. Policy** To assist the Facilitator in implementing this process, the Diocese shall establish and publicize a separate telephone number to facilitate receipt of information. The number is accessible on the diocesan website home page. The Facilitator will answer calls during business hours and an appropriate recording system shall be used at other times.

### §1112.2. Confidentiality and Disclosure of Information

**1112.2. Policy** Information generated in connection with the process set forth in the policy shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

***Procedures***

- a) The Facilitator is the custodian of all information in connection with the allegation and shall develop an appropriate record keeping system to ensure accountability for and security of the information in accordance with diocesan record keeping policies and in consultation with the diocesan Office for Archives and Records Management.
- b) The Facilitator shall maintain the information in a confidential fashion and may not disclose such information except as follows:
  - 1) the Facilitator will provide the accused candidate in formation for clerical ministry with information sufficient to enable the candidate in formation for clerical ministry to respond to the allegation; either party may have access to his or her own statements pertaining to the allegation or response and may offer them to be incorporated into the record; the Facilitator may provide both the person making the allegation, and the accused candidate in formation for clerical ministry with such additional information as necessary to process the allegation;
  - 2) after the Diocesan Bishop has decided on a matter brought before the Ministry Review Council the Facilitator will provide the person making the allegation with appropriate and timely information about the Ministry Review Council's determinations and recommendations; and the Diocesan Bishop's actions. The Director of the Office for Vocations, or the Director of the Office for the Diaconate, as appropriate, will advise the accused candidate in formation for clerical ministry with appropriate and timely information about the Ministry Review Council's determinations and recommendations.
  - 3) the Facilitator will provide access to information to the Ministry Review Council, the Diocesan Bishop, and other persons the Diocesan Bishop may designate;
  - 4) the Facilitator will disclose such information as may be required by law; and
  - 5) the Diocese will develop communications that reflect its commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal as openly as possible with members of the community. This is especially so regarding assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

### §1113. Immediate Inquiry and Actions

**1113.1. Policy** Upon receipt of the allegation of sexual abuse of a minor by a candidate in formation for clerical ministry the Facilitator shall promptly report such allegation to the public authorities, to include the appropriate state agency for child protective services, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, and shall cooperate in their investigation in accord with the law of the jurisdiction involved. The Facilitator will make such report even if the authorities advise that the statute of limitations is run. The facilitator will tell the person to whom he or she is reporting that he or she is making the report on behalf of all mandated persons connected with the entity to which the alleged offender is connected. The diocese shall maintain a record of the time and substance of the report, identifying the person and agency to which the report was made, and the identifying number of the case which the agency may have established. The Facilitator shall also provide the person making the allegation with a statement containing information about the right to make a report of such allegations to public authorities and will support this right. (§§1111.1 and 1113.1 of these policies).

#### *Procedures*

- a) The Facilitator will promptly report the allegation to the Ministry Review Council, the Assistance Minister, and, as appropriate, the Chancellor, and the Director of the Office for Insurance and Benefits.
- b) The Facilitator will immediately review the files of the candidate in formation for clerical ministry, solicit whatever other information about the candidate in formation for clerical ministry that may be directly available, make appropriate inquiries about the allegation, interview the appropriate parties and prepare a report of all available information for presentation for the Ministry Review Council.

**1113.2. Policy** The Facilitator shall promptly assess whether the safety of children requires interim action and promptly communicate a recommendation to the Diocesan Bishop.

#### *Procedures:*

- a) In making an assessment and recommendation for interim action, the Facilitator will consult with those designated by the Diocesan Bishop who are involved in administering issues related to the allegation.
- b) Interim action may include temporary withdrawal from the seminary or diaconate formation program, restrictions or other actions deemed appropriate by the Diocesan Bishop. If the candidate in formation for clerical ministry who is the subject of interim action is involved in a ministry that involves contact with children or is employed at a site where children are present, such as a school or religious education program or the seminary of attendance the appropriate parties, seminary, or

individuals shall be notified of the fact of the allegation and its circumstances; they will be consulted on the interim action to be taken.

- c) The Director of the Office for the Diaconate, or Director of the Office for Vocations as appropriate, will inform the candidate in formation for clerical ministry of the allegation, make certain that he is advised to seek legal counsel and arrange for his interview. The candidate in formation for clerical ministry should be advised that anything said may be used against him in civil proceedings.

## §1114. Review

**1114.1. Policy** The Ministry Review Council shall meet to conduct a Review within 90 days after the Facilitator has received the allegation; however, in cases where there is alleged abuse by a candidate in formation for clerical ministry serving in a ministry and possible danger may exist to children, the Ministry Review Council shall convene as soon as possible. With the advice of the Facilitator, the Ministry Review Council may delay scheduling the Review for a good reason, such as to await the completion of action by public bodies; however, a Review shall not be postponed because of long and unnecessary delay. Notwithstanding the policy, if interim action has been deemed necessary, the matter shall be presented to the Ministry Review Council for a Review on an expedited basis.

### *Procedure:*

Upon receiving the allegation, the Facilitator will make a reasonable effort to obtain the pertinent information from the accuser or other responsible source(s) within 30 days. The accused will be given 30 days to respond to the allegation. Ordinarily, all information and responses will be in the form of signed statements.

## §1114.2. Questions for Review

**1114.2. Policy** At the Review meeting, the Ministry Review Council shall advise the Diocesan Bishop:

- (1) whether the information received warrants investigation
- (2) whether any interim actions taken as reported by the Facilitator, are still appropriate to provide for the safety of children;
- (3) of its recommendations regarding the scope and course of the investigation;
- (4) whether the diocesan investigation should be deferred, partially or entirely, for a reasonable period so as not to interfere with the investigation conducted by public authorities;
- (5) what further interim action should be taken; and
- (6) whether the allegations warrant no further investigation, and the case should be closed.

### *Procedure*

- a) The Ministry Review Council will consider the Facilitator's report, information provided by other persons identified by the Diocesan Bishop, and any other

information that the Ministry Review Council believes helpful and is able to obtain. In situations where the accused has access to minors, the absence of signature shall not unnecessarily delay the consideration of an allegation.

- b) If the Ministry Review Council determines that the matter bears further investigation after the Review, such action will not be construed as an indication that the allegation against the candidate in formation for clerical ministry is meritorious or deemed to reflect adversely, in any manner on the accused candidate in formation for clerical ministry. Such action will only signify the Ministry Review Council's duty to fully obtain all available facts and information regarding an allegation prior to reaching a final recommendation in the matter.

### **§1114.3. Recommendations**

**1114.3.1. Policy** The Ministry Review Council shall make recommendations to the Diocesan Bishop about the following:

- (1) If the candidate in formation for clerical ministry has already temporarily withdrawn from the formation program pending inquiry, whether such withdrawal should continue under the Formation document governing the dismissal of candidate in formation for clerical ministry from their respective formation programs
- (2) If the candidate in formation for clerical ministry has not temporarily withdrawn from formation, whether he should be removed in accord with the appropriate documents governing the dismissal of candidate in formation for clerical ministry from their respective formation programs;
- (3) if the candidate in formation for clerical ministry conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action is warranted and suggestions as to such action; and
- (4) other recommendations that the Ministry Review Council may feel necessary.

### **§1115. Care for the Person Making the Allegation**

**1115.1. Policy** The Assistance Minister shall facilitate an immediate pastoral response as soon as reasonably possible with the person making the allegation, or the person's family (parents or guardians), as appropriate, listening, providing solace, and offering compassion and support with no comment as to the truth of any allegation. Medical, psychological, spiritual assistance or other appropriate and relevant assistance desired will be offered in a spirit of Christian justice and charity in cases where the Ministry Review Council's recommendation is that there is reason to suspect that the accused has engaged in the sexual abuse of a minor.

#### ***Procedure***

The Assistance Minister may also recommend a pastoral approach to assist the community (parish, school, agency, or institution) affected by the allegation.

### **§1116. Removal of an Accused from Formation Upon Determination of Guilt and Posting of the Accused Name**

**1116.1. Policy** If any candidate in formation for clerical ministry admits to or is found guilty through the appropriate public and/or canonical process of sexual abuse of a minor, he shall be permanently removed from the ministry formation program and Church service in this Diocese. In any case the Diocesan Bishop may take such steps necessary for the protection of children.

**1116.2. Policy** The name of the candidate in formation for clerical ministry and any pertinent information about the candidate in formation for clerical ministry convicted of criminal sexual assault of a minor or sexual abuse of a minor or who is withdrawn or removed from ministry or employment due to any substantiated allegation of sexual misconduct with a minor, following the promulgation of this policy,<sup>3</sup> will be posted on the diocesan website. This information will remain in a designated section of the diocesan website until the death of the perpetrator.

**1116.3. Policy** In all cases, the Diocesan Bishop shall insist that the alleged offender refrain from contacting the alleged victim or any potential witnesses (including the alleged victim's family).

### **§1117. Application to Any Other Seminary or Diaconate Formation Program**

**1117.1. Policy** The Bishop will provide full disclosure of all relevant information about a former candidate in formation for clerical ministry that was dismissed from formation for a substantiated allegation of child sexual abuse to any inquiring diocese, seminary, or Religious community.

### **§1118. Media Contact**

**1118.1. Policy** All diocesan contact with the media, and all inquiries by the public regarding the incident or allegation, shall be handled by the diocesan Office for Communications or by another designated person.

<sup>3</sup> Initial approval date of policy 109.1.2., December 12, 2011.