

Safe Environment Policies
of the
Archdiocese of Omaha

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United States Conference of Catholic Bishops

Charter for the Protection of Children and Young People

The revised *Charter for the Protection of Children and Young People* was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its June 2005 General Meeting, and this second revision was approved at the June 2011 General Meeting. The revised *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* was developed by the Ad Hoc Committee on Sexual Abuse of the USCCB and by the Vatican-U.S. Bishops' Mixed Commission on Sex Abuse Norms. They were approved by the full body of bishops at its June 2005 General Meeting, received the subsequent *recognitio* of the Holy See on January 1, 2006, and were promulgated May 5, 2006. The revised *Statement of Episcopal Commitment* was developed by the Ad Hoc Committee on Bishops' Life and Ministry of the USCCB. It was approved by the full body of U.S. Catholic bishops at its November 2005 General Meeting and then again in 2011. This revised edition, containing all three documents, is authorized for publication by the undersigned.

—Msgr. David J. Malloy, STD
General Secretary, USCCB

Preamble

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

Again, with this 2011 revision of the *Charter for the Protection of Children and Young People*, we re-affirm our deep commitment to creating a safe environment within the Church for children and youth. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We have determined as best we can the extent of the problem of this abuse of minors by clergy in our country, as well as commissioned a study of the causes and context of this problem.

We continue to have a special care for and a commitment to reaching out to the victims of sexual abuse and their families. The damage caused by sexual abuse of minors is devastating and long-lasting. We apologize to them for the grave harm that has been inflicted on them, and we offer our help for the future. The loss of trust that is often the consequence of such abuse becomes even more tragic when it leads to a loss of the faith that we have a sacred duty to foster. We make our own the words of His Holiness, Pope John Paul II: that the sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God” (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

Along with the victims and their families, the entire Catholic community in this country has suffered because of this scandal and its consequences. In the last nine years, the intense public scrutiny of the minority of the ordained who have betrayed their calling has caused the vast majority of faithful priests and deacons to experience enormous vulnerability to being misunderstood in their ministry and even to the possibility of false accusations. We share with them a firm commitment to renewing the image of the vocation to Holy Orders so that it will continue to be perceived as a life of service to others after the example of Christ our Lord.

We, who have been given the responsibility of shepherding God’s people, will, with his help and in full collaboration with all the faithful, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take in our General Assembly and at home in our dioceses and eparchies.

We feel a particular responsibility for “the ministry of reconciliation” (2 Cor 5:18) which God, who reconciled us to himself through Christ, has given us. The love of Christ impels us to ask forgiveness for our own faults but also to appeal to all—to those who have been victimized, to those who have offended, and to all who have felt the wound of this scandal—to be reconciled to God and one another.

Perhaps in a way never before experienced, we have felt the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ “to be sin who did not know sin, so that we might become the righteousness of God in him” (2 Cor 5:21). May we

who have known sin experience as well, through a spirit of reconciliation, God's own righteousness. We know that after such profound hurt, healing and reconciliation are beyond human capacity alone. It is God's grace and mercy that will lead us forward, trusting Christ's promise: "for God all things are possible" (Mt 19:26).

In working toward fulfilling this responsibility, we have relied first of all on Almighty God to sustain us in faith and in the discernment of the right course to take.

We have received fraternal guidance and support from the Holy See that has sustained us in this time of trial.

We have relied on the Catholic faithful of the United States. Nationally and in each diocese, the wisdom and expertise of clergy, religious, and laity have contributed immensely to confronting the effects of the crisis and have taken steps to resolve it. We are filled with gratitude for their great faith, for their generosity, and for the spiritual and moral support that we have received from them.

We acknowledge and affirm the faithful service of the vast majority of our priests and deacons and the love that their people have for them. They deservedly have our esteem and that of the Catholic people for their good work. It is regrettable that their committed ministerial witness has been overshadowed by this crisis.

In a special way, we acknowledge those victims of clergy sexual abuse and their families who have trusted us enough to share their stories and to help us appreciate more fully the consequences of this reprehensible violation of sacred trust.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

As we work to restore trust, we are reminded how Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord. (Lk 4:18-19)

In Matthew 25, the Lord, in his commission to his apostles and disciples, told them that whenever they show mercy and compassion to the least ones, they show it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered a grave warning that for anyone who would lead the little ones astray, it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to restore the bonds of trust, we bishops recommit ourselves to a continual pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church.

In this spirit, over the last nine years, the principles and procedures of the *Charter* have been integrated into church life.

- The Secretariat of Child and Youth Protection provides the focus for a consistent, ongoing, and comprehensive approach to creating a secure environment for young people throughout the Church in the United States.
- The Secretariat also provides the means for us to be accountable for achieving the goals of the *Charter*, as demonstrated by its annual reports on the implementation of the *Charter* based on independent compliance audits.
- The National Review Board is carrying on its responsibility to assist in the assessment of diocesan compliance with the *Charter for the Protection of Children and Young People*.
- The descriptive study of the nature and scope of sexual abuse of minors by Catholic clergy in the United States, commissioned by the National Review Board, has been completed. The resulting study, examining the historical period 1950-2002, by the John Jay College of Criminal Justice provides us with a powerful tool not only to examine our past but also to secure our future against such misconduct.
- The U.S. bishops charged the National Review Board to oversee the completion of the *Causes and Context* study.
- Victims' assistance coordinators are in place throughout our nation to assist dioceses in responding to the pastoral needs of those who have been injured by abuse.
- Diocesan/eparchial bishops in every diocese are advised and greatly assisted by diocesan review boards as the bishops make the decisions needed to fulfill the *Charter*.
- Safe environment programs are in place to assist parents and children—and those who work with children—in preventing harm to young people. These programs continually seek to incorporate the most useful developments in the field of child protection.

Through these steps and many others, we remain committed to the safety of our children and young people.

While it seems that the scope of this disturbing problem of sexual abuse of minors by clergy has been reduced over the last decade, the harmful effects of this abuse continue to be experienced both by victims and dioceses.

Thus it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last six years that we have reviewed and revised the *Charter for the Protection of Children and Young People*. We now re-affirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities, as we pray for God's kingdom to come, here on earth, as it is in heaven.

To make effective our goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future, we, the members of the United States Conference of Catholic Bishops, have outlined in this *Charter* a series of practical and pastoral steps, and we commit ourselves to taking them in our dioceses and eparchies.

To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors

ARTICLE 1. Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse* as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”

We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

ARTICLE 2. Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principal languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

ARTICLE 3. Dioceses/eparchies are not to enter into settlements which bind the parties to confidentiality unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.

To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors

ARTICLE 4. Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to 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 in question.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.

In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.

ARTICLE 5. We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor*—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this *Charter*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below (see note) shall not continue in ministry.

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 are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the *Essential Norms* approved for the United States.

ARTICLE 6. There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church in positions of trust who have regular contact with children and young people.

ARTICLE 7. Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and

the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by the sexual abuse of a minor.

To Ensure the Accountability of Our Procedures

ARTICLE 8. By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee on the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.

ARTICLE 9. The Secretariat of Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee on the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.

The Secretariat is to produce an annual public report on the progress made in implementing and maintaining the standards in this *Charter*. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee on the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the *Charter*.

As a member of the Conference staff, the Executive Director of the Secretariat is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee on the Protection of Children and Young People and the National Review Board with regular reports of the Secretariat’s activities.

ARTICLE 10. The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.

The Committee on the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Secretariat of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative

Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines developed by the Board in consultation with the Committee on the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee on the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee on the Protection of Children and Young People will meet jointly several times a year.

The Board will review the work of the Secretariat of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.

The Board will offer its assessment of the *Causes and Context* study to the Conference, along with any recommendations suggested by the study.

ARTICLE 11. The President of the Conference is to inform the Holy See of this revised *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the *Charter*.

To Protect the Faithful in the Future

ARTICLE 12. Dioceses/eparchies are to maintain "safe environment" programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.

ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. United States Conference of Catholic Bishops, *Program of Priestly Formation* [Fifth Edition], 2006, no. 39).

ARTICLE 14. Transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms. (Cf. *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, adopted by the USCCB, the Conference of Major Superiors of Men (CMSM), the Leadership Conference of Women Religious (LCWR), and the Council of Major Superiors of Women Religious (CMSWR) in 1993.)

ARTICLE 15. To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee on the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

ARTICLE 17. We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, the *Program of Priestly Formation*, the *Basic Plan for the Ongoing Formation of Priests*, and the results of the Apostolic Visitation. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.

Conclusion

As we wrote in 2002, “It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.”

We wish to reaffirm once again that the vast majority of priests and deacons serve their people faithfully and that they have the esteem and affection of their people. They also have our love and esteem and our commitment to their good names and well-being.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests avail themselves of the proven ways of avoiding sin and growing in holiness of life.

It is with reliance on prayer and penance that we renew the pledges which we made in the original *Charter*:

We pledge most solemnly to one another and to you, God’s people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

Much has been done to honor these pledges. We devoutly pray that God who has begun this good work in us will bring it to fulfillment.

This *Charter* is published for the dioceses/eparchies of the United States. It is to be reviewed again after two years by the Committee on the Protection of Children and Young People with the advice of the National Review Board. The results of this review are to be presented to the full Conference of Bishops for confirmation.

NOTE

* For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

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

Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

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Most Reverend William S. Skylstad, DD

Bishop of Spokane

May 5, 2006

THE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

DECREE OF PROMULGATION

On November 13, 2002, the members of the United States Conference of Catholic Bishops approved as particular law the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Following the grant of the required *recognitio* by the Congregation for Bishops on December 8, 2002, the *Essential Norms* were promulgated by the President of the same Conference on December 12, 2002.

Thereafter, on June 17, 2005, the members of the United States Conference of Catholic Bishops approved a revised text of the *Essential Norms*. By a decree dated January 1, 2006, and signed by His Eminence, Giovanni Battista Cardinal Re, Prefect of the Congregation for Bishops, and His Excellency, the Most Reverend Francesco Monterisi, Secretary of the same Congregation, the *recognitio* originally granted to the *Essential Norms* of 2002 was extended to the revised version *donec aliter provideatur*.

As President of the United States Conference of Catholic Bishops, I therefore decree the promulgation of the *Essential Norms* of June 17, 2005. These *Norms* shall obtain force on May 15, 2006, and so shall from that day bind as particular law all Dioceses and Eparchies of the United States Conference of Catholic Bishops.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary

Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (*Sacramentorum sanctitatis tutela*, article 6 §1).²

Norms

1. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.³

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

- a.** advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- b.** reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
- c.** offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.⁴

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).⁵

- a. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.
- b. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁶ Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁷

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person’s right to make a report to public authorities.⁸

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial 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.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial 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/eparch 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).

13. Care will always 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 charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes

- 1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.
- 2 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*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.
- 3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.
- 4 Article 19 *Sacramentorum sanctitatis tutela states*, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”
- 5 For purposes of these Norms, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:
 - §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:
 - 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§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/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase “ecclesiastical ministry,” by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

- 6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.
- 7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):
- a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
 - b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).
 - c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
 - d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
 - e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1–1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

- 8 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

A Statement of Episcopal Commitment

We bishops pledge again to respond to the demands of the *Charter* in a way that manifests our accountability to God, to God's people, and to one another. Individually and together, we acknowledge mistakes in the past when some bishops transferred, from one assignment to another, priests who abused minors. We recognize our roles in the suffering this has caused, and we continue to ask forgiveness for it.

Without at all diminishing the importance of broader accountability, this statement focuses on the accountability which flows from our episcopal communion and fraternal solidarity, a moral responsibility we have with and for each other.

While bishops are ordained primarily for their diocese or eparchy, we are called as well to protect the unity and to promote the common discipline of the whole Church (CIC, c. 392; CCEO, c. 201). Participating in the college of bishops, each bishop is responsible to act in a manner that reflects both effective and affective collegiality.

Respecting the legitimate rights of bishops who are directly accountable to the Holy See, in a spirit of collegiality and fraternity we renew our commitment to the following:

1. Within each province, we will assist each other to interpret correctly and implement the *Charter for the Protection of Children and Young People*, always respecting Church law and striving to reflect the Gospel.
2. We will apply the requirements of the *Charter* also to ourselves, respecting always Church law as it applies to bishops. Therefore, if a bishop is accused of the sexual abuse of a minor, the accused bishop is obliged to inform the Apostolic Nuncio. If another bishop becomes aware of the sexual abuse of a minor by another bishop or of an allegation of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws.
3. In cases of financial demands for settlements involving allegations of any sexual misconduct by a bishop, he, or any of us who become aware of it, is obliged to inform the Apostolic Nuncio.
4. Within each of our provinces, as an expression of collegiality, including fraternal support, fraternal challenge and fraternal correction, we will engage in ongoing mutual reflection upon our commitment to holiness of life and upon the exercise of our episcopal ministry.

In making this statement, we firmly uphold the dignity of every human being and renew our commitment to live and promote the chastity required of all followers of Christ and especially of deacons, priests and bishops.

This Statement of Episcopal Commitment will be reviewed by the Committee on Clergy, Consecrated Life and Vocations upon the next review of the *Charter*.

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**Let there be no doubt
or confusion on anyone's part:
For us, your bishops, our obligation to
protect children and young people and
to prevent sexual abuse flows
from the mission and example
given to us by Jesus Christ himself,
in whose name we serve.**

The Catholic Archdiocese of Omaha's Policy for the Protection of Children and Young People

January 2011

Introduction

"The salvation of souls ... is the supreme law in the Church." These words, found in the concluding canon of the 1983 Code of Canon Law, express with legal shorthand the mission and activity of the Church. However, the ultimate cause of the archdiocese's vigilance and diligence in the pastoral ministry of her ordained ministers, pastoral staff and volunteer personnel is found elsewhere than church law.

The claim of the gospel, stirring the faith community to life and action, prompts the creation of an environment of justice and strives to have the love of Christ flourish in the experience and witness of many lives. All members of the Church, especially her priests, deacons and designated ministers and representatives, are called to embrace this obligation and share in its privilege.

The archdiocese embraces her children and young people through a vigilance, care and ministry that arises from a pastoral heart, for the sake of the kingdom and as a witness to her Lord for the world. Through fidelity to the gospel the work of the Church to bring about the kingdom of God is sustained.

History of Archdiocesan Policy

The Archdiocese of Omaha published its first policy for protection of children and young people on March 1, 1990. It provided guidance for response in specific circumstances for more than a decade. At the same time, new demands in changing times and the continuing realization of the consequences of not living up to the gospel message emphasize the archdiocese's need for a greater vigilance, a more comprehensive response, better education and outreach efforts for the sake of children and young people entrusted to her care. The United States Conference of Catholic Bishops (USCCB) took unprecedented action in June 2002, and completed its work in November 2002 by creating and publishing the *Charter for the Protection of Children and Young People* (revised in 2005). The USCCB also obtained Vatican recognition for the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. This document contains the particular law regarding prospective and response measures for priests and deacons in regard to the protection of children and young people. Within the structure of church law contained in the 1983 Code of Canon Law, these norms became effective for all Catholic dioceses in the United States on March 1, 2003.

The Archdiocese of Omaha publishes this revision of its original policy as part of its continuing commitment to its gospel and pastoral responsibilities. The revision gives new impetus for an effective and necessary response to the demands of new times in compliance with the *Charter for the Protection of Children and Young People* and the *Essential Norms*.

1. **Scope of Revised Policy**

In accord with the *Charter for the Protection of Children and Young People* and the *Essential Norms*, this revised policy addresses accountability, obligations and responsibility on the part of priests and deacons and all adults who have regular contact with children and young people in the name of the Church.

This revised policy also recognizes and cooperates with the requirements and procedures of applicable state and local law regarding the protection of children and young people, the prevention and response to incidents of actual or suspected sexual abuse and misconduct toward children, and young people.

2. **Definitions**

2.1. Sexual abuse: (*Charter for the Protection of Children and Young People*, footnote)

“Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. ...the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue.” (State of Nebraska, 28-707)

“A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

- placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions;
- placed in a situation to be sexually abused as defined in section 28-319 or 28-320.1.”

2.2. Adult: a person 21 years and older, able to supervise minors.

2.3. Young adult: a person aged 19 or 20, able to assist adults in supervising minors.

2.4. Child or young person: Under Nebraska law, a person not yet 19 years of age.

2.5. Credible allegation: A claim based upon identifiable facts, such as specific names, places or time frames, details of incidents or names of corroborating persons.

2.6. Chancellor: Administrative assistant to the archbishop in charge of coordination of daily operations and communications for the archdiocese.

2.7. Victim Outreach and Prevention Manager: Person responsible for pastoral response and follow up, in the name of the Archdiocese, to victims of sexual abuse or misconduct by church employees and oversees all safe environment efforts.

- 2.8. Personnel: All ordained priests and deacons, all employees of archdiocesan departments, agencies, parishes and Catholic schools and lay volunteers who have regular contact with children and young people in the name of the Catholic Church.
- 2.9. Archdiocesan Review Board: A panel of Catholic women and men of the archdiocese prescribed by article 2 of the *Charter for the Protection of Children and Young People* and article 5 of the *Essential Norms*. This panel serves as the consultative body to the archbishop regarding the implementation and application of the *Charter for the Protection of Children and Young People*, review of particular allegations or cases, review of archdiocesan policies, practices and procedures for the creation of safe environments, proactive protection of children and young people and prevention of the abuse of or misconduct with children by personnel (employee or volunteer) of the archdiocese.

3. Distribution of/Accessibility to Archdiocesan Policy

A copy (printed or electronic) of this revised policy, and other policies relating to specific aspects of the protection of children and young people shall be distributed to the following:

- All archdiocesan parishes
- All archdiocesan offices, ministries and commissions.
- All elementary and secondary schools in the archdiocese.
- Archdiocesan website

This policy shall be included in the personnel handbook for the Archdiocese of Omaha for both priests and lay employees.

4. Education and Training

- 4.1. Approved safe environment training shall be required for:
- all personnel of the archdiocese, i.e. priests, deacons, paid staff and volunteers who have regular (ongoing, unsupervised) contact with children and young people at the time they enter service in the name of the Church and at intervals thereafter of no more than 5 years. This training is currently known as *Circle of Care*.
 - children and young people, in the age groups K through 12, prepared in age appropriate and sequential format in Catholic schools, religious education, youth ministry and other programs organized under the responsibility of the archdiocese. The archbishop has mandated that all children and young people participate in the approved safe environment *Circle of Grace* training each year.
 - Catholic communities through printed materials and information provided on the archdiocesan website.
- 4.2. The Moderator of the Curia, in collaboration with the Office of the chancellor and the victim outreach and prevention manager, shall plan, oversee and assist the implementation of education and training programs in partnership with the Catholic Schools Office, other archdiocesan offices, and pastors of the archdiocese.

5. Personnel Criminal Background and Reference Checks

- 5.1. All prospective personnel (paid staff or volunteers) of the archdiocese who shall have regular contact with children and young people in the name of the Church, at the time of being offered a position, shall receive an explanation and the appropriate forms for a criminal background check. The forms can be given by the employer or at the time of the approved SE training.
- 5.2. All prospective personnel (employees only) of the archdiocese shall submit, as part of the normal screening, interview and hiring process, references for their character, work history and performance. Pastors, school administrators, or others in charge of an interview process are obliged to contact a candidate's references as part of the assessment of any candidate considered as a finalist for a position.
- 5.3. Results of the criminal background check shall be communicated to the pastor, the school administrator or the immediate supervisor of the position in question. Irregularities, incomplete information or concerns affecting the decision to approve for active ministry shall be resolved with the prospective personnel (employee or volunteer) by the pastor, school administrator or the immediate supervisor of the position in question before the position is offered.
- 5.4. The victim outreach and prevention manager shall be informed of the resolution of the irregularity prior to the action of hiring or eliminating the prospective personnel from the hiring process or the volunteer service.

6. Nebraska Statutes and Local Laws

- 6.1. 28-711 Child subjected to abuse or neglect; report; contents; toll-free number.
 - 6.1.1. When any physician, medical institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper law enforcement agency or to the department on the toll-free number established by subsection (6.2) of this section. Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the abuse or neglect or the conditions and circumstances which would reasonably result in such abuse or neglect, any evidence of previous abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such abuse or neglect and the identity of the perpetrator or perpetrators. Law enforcement agencies receiving any reports of abuse or neglect under this subsection shall notify the state central registry on the next working day by phone or mail.
 - 6.1.2. The department shall establish a statewide toll-free number to be used by any person any hour of the day or night, any day of the week, to make reports of abuse or neglect. Reports of

abuse or neglect not previously made to or by a law enforcement agency shall be made immediately to such agency by the department.

- 6.2. The toll-free number for State of Nebraska, Department of Social Services is: 1-800-652-1999.
- 6.3. The reporting employee shall: inform his supervisor of the alleged misconduct and report to authorities as required by Neb. Rev. Stat. § 28-711.

7. Obligations to Report

- 7.1. Allegations involving someone who is NOT an archdiocesan school/parish employee or volunteer.
(If you have reasonable cause to believe a person who is NOT an archdiocesan school/parish staff or volunteer and has or most likely will abuse/neglect a minor.)
 - 7.1.1. Any personnel (employee or volunteer) of the archdiocese shall comply with the reporting requirements of the Nebraska state law and any other requirements found in local laws when he/she has actual knowledge of or reasonable cause to suspect and incident of child abuse (physical, emotional, sexual) or child neglect (physical, emotional, educational, medical) has or will occur.
 - 7.1.2. Important points to remember:
 - Key personnel can help assess safety and may have additional information.
After reviewing the concerns with key personnel, you are obligated to report if you still have reasonable cause to suspect child abuse/neglect even if there are differences of opinion.
 - It is important to develop a plan on how to address concerns which may include contacting the authorities.
 - Information should only be shared on a need-to-know basis.
 - 7.1.3. The form “Archdiocesan Reporting Packet” is available on the secure website for administrators/directors/SE contact persons. You can consult with the victim outreach and prevention manager if you have any questions about your concerns or reporting obligations. The manager can be reached at 402-827-3798 or 888-808-9055.
- 7.2. Allegations involving someone who is an archdiocesan school/parish employee or volunteer.
(If you have reasonable cause to believe a person who is an archdiocesan school/parish staff or volunteer and has or most likely will abuse/neglect a minor.)
 - 7.2.1. Any personnel (employee or volunteer) of the archdiocese shall comply with the reporting requirements of the Nebraska state law and any other requirements found in local laws when he/she has actual knowledge of or reasonable cause to suspect and incident of child abuse (physical, emotional, sexual) or child neglect (physical, emotional, educational, medical) has or will occur.
 - Information should only be shared on a need- to- know basis
 - The form “Archdiocesan Reporting Packet” is available on the secure website for administrators/coordinators
 - 7.2.2. A report shall also be made to the chancellor or the Victim Outreach and Prevention manager.

- 7.2.3. The chancellor or the victim outreach and prevention manager of the Archdiocese of Omaha shall immediately notify the Vicar for Clergy and the archbishop regarding all allegations of child abuse or neglect by clergy.
- 7.2.4. The chancellor or the victim outreach and prevention manager will collaborate to provide pastoral outreach as the circumstances permits with due regard for law enforcement's policies and procedures.

8. Internal Investigation of Allegations

- 8.1. Allegations of child abuse/neglect of a minor by a non-clergy archdiocesan staff or volunteer that DO pose an immediate risk or endangerment.
 - 8.1.1. Law enforcement is the primary investigator of these allegations. Refer to Section 7.2 and subsections (above).
- 8.2. Allegations of child abuse/neglect of a minor by a non-clergy archdiocesan staff or volunteer that DO NOT pose an immediate risk or endangerment.
 - 8.2.1. Allegations may arise that do not pose an immediate risk or endangerment to a minor. An allegation of this sort may involve an incident that happened a number of years prior to the time of the report.
 - 8.2.2. The chancellor or victim outreach and prevention manager shall inform the alleged victim of the right to notify law enforcement and offer respectful support of this right if it is exercised.
 - 8.2.3. The chancellor and victim outreach and prevention manager will cooperate with public authorities about reporting in cases when the alleged victim is no longer a minor and when the alleged offender is not an active volunteer or staff ministry. This cooperation is demonstrated by a Notification Form that will be sent by the archdiocese to the appropriate county attorney. The archdiocese will cooperate with law enforcement if it pursues an investigation of the past allegation and will not interfere in the process.
- 8.3. Allegations of child abuse/neglect of a minor involving Clergy:
 - 8.3.1. Investigation of CURRENT allegations:
 - 8.3.1.1. Any personnel (employee or volunteer) of the archdiocese who has actual knowledge of or who has reasonable cause to suspect an incident of sexual abuse or misconduct shall comply with the reporting requirements of the Nebraska state and any other requirements found in local law (SEE SECTION 7). A report shall also be made to the chancellor of the archdiocese who will notify the Vicar for Clergy and the archbishop.
 - 8.3.1.2. The archdiocese shall advise the alleged victim of his/her the right to make a report to law enforcement. The archdiocese shall respect and support the alleged victim's exercising this right. This shall comply with article 4 of the *Charter for the Protection of Children and Young People* and article 11 of the *Essential Norms*.
 - 8.3.1.3. There shall be no interference by archdiocesan officials with law enforcement investigations during the reporting process or as part of the pastoral response to those who may be affected by the reported abuse or misconduct.
 - 8.3.1.4. The victim outreach and prevention manager shall be informed about the abuse incident or allegations. The manager shall offer pastoral assistance to the alleged victim, family members

and those affected by the circumstances in keeping with article 1 of the *Charter for the Protection of Children and Young People*.

- 8.3.1.5. The archdiocese shall advise the alleged offender of his right to legal counsel, both civil and canonical. The archdiocese shall provide direction for the alleged offender to obtain such counsel. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and article 11 of the *Essential Norms*.
- 8.3.1.6. When an allegation of sexual abuse or misconduct of a minor by a priest or deacon is received, an investigation of the accused offender shall be initiated in accordance with canon 1722 and certain precautionary measures may be invoked. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and articles 6 and 8 of the *Essential Norms*.
- 8.3.1.7. When, after an appropriate process, admission of or sufficient evidence exists that demonstrates that sexual abuse or misconduct has occurred, the alleged offender shall be immediately relieved of pastoral ministry in the archdiocese and placed on administrative leave pending the outcome of the law enforcement investigation and the canonical process. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and the articles 6 and 8 of the *Essential Norms*.
- 8.3.1.8. The alleged offender may be asked to cooperate in, and may be urged to voluntarily comply with, medical and psychological evaluations by competent professionals or at a facility mutually acceptable to the archbishop and to himself.
- 8.3.1.9. The archdiocesan review board shall receive the facts and information sufficient to discuss the allegations of sexual abuse or misconduct by a priest or deacon so that it may provide appropriate consultation to the archbishop. This shall comply with article 2 of the *Charter for the Protection of Children and Young People* and articles 8 and 9 of the *Essential Norms*.
- 8.3.1.10. Notification of the allegation or incident shall be given to legal counsel and liability insurers for the archdiocese in accordance with the terms of applicable insurance policies.
- 8.3.1.11. The chancellor shall serve as spokesman for the archdiocese when an inquiry is made by the media or by the general public.
- 8.3.1.12. Notes, memoranda, or other written documentation of allegations of sexual abuse or misconduct by priests or deacons, the subsequent investigation and the results of actions taken shall be kept by the chancellor/ Vicar for Clergy. They shall be maintained in a secure place in the Chancery. Access to these materials shall be strictly limited to the archbishop, the chancellor, the Vicar for Clergy and those granted access by the archbishop.
- 8.3.2. Investigation of allegations of child abuse/neglect of a minor by clergy that do not pose an immediate risk or endangerment.
 - 8.3.2.1. Allegations may arise that do not pose an immediate risk or endangerment to a minor. An allegation of this sort may involve an incident that happened a number of years prior to the time of the report.
 - 8.3.2.2. The chancellor or victim outreach and prevention manager shall inform the alleged victim of his/her right to notify law enforcement and offer respectful support of this right if it is exercised.
 - 8.3.2.3. The chancellor and victim outreach and prevention manager will cooperate with public authorities about reporting in cases when the alleged victim is no longer a minor and the

alleged offender is not in active ministry. This cooperation is demonstrated by a *Notification Form* that will be sent by the archdiocese to the appropriate county attorney. The archdiocese will cooperate with law enforcement if it pursues an investigation of the past allegation and will not interfere in the process. This shall comply with article 4 of the *Charter of the Protection of Children and Young People*.

- 8.3.2.4. The chancellor shall inform the alleged offender of his right to legal counsel both civil and canonical. The chancellor shall notify all those named in 9.1.9. if necessary.
- 8.3.2.5. The archbishop shall exercise his power of governance, in consultation with the archdiocesan review board, archdiocesan legal counsel and the victim outreach and prevention manager, regarding the alleged offender. Decisions and actions shall be in accord with the *Charter for the Protection of Children and Young People* and articles 6, 7, and 9 of the *Essential Norms*.

9. Action to be Taken When Admission or Evidence Exists

- 9.1. When sexual abuse/misconduct concerning a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, certain consequences or actions provided for in canon law will pertain. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and article 8 of the *Essential Norms*.
- 9.2. Lay or religious personnel (employee or volunteer) of the archdiocese who admits to, does not contest, or is found guilty of an incident of sexual abuse or misconduct shall be immediately terminated from employment and any position of responsibility with the archdiocese.
- 9.3. Due regard is to be given to the protection of the rights and the reputations of all parties involved in these procedures, in accord with canon law.

Code of Conduct

Obligations, Responsibilities and Accountability for Care, Contact and Conduct with Children and Young People

January 2011

Introduction

The Nature of Pastoral Ministry

Pastoral care and pastoral ministry presupposes a particular way of relating to God and to those who are served in God's name. The biblical concepts of "covenant" and "discipleship" are the background and the context for this manner of presence and action.

Through single acts and organized endeavors of various kinds, ordained priests and deacons, as well as lay ministers, carry out the mission of the Church by leading and supporting people to know and grow more deeply in the way of a personal relationship with God through the life and community of the Church.

Pastoral care and pastoral ministry, therefore, is an exercise of significant moral responsibility and accountability. "Love the Lord your God with all your heart, with all your soul, with all your strength and with all your mind" and "Love your neighbor as you love yourself" (Luke 10:27) expresses both the vision and the strategy for pastoral care and pastoral ministry.

Ordained Ministers, Pastoral Staff, Lay Ministers

Among the members of the Church ordained priests and deacons have unique obligations, responsibilities and accountability with respect to pastoral care and ministry. Theirs is a vocation, received at the hands of a bishop, not only as baptized disciple of the Lord but as representative and leader of the community of faith. Through selfless service they strive to make Christ himself present in the experience of those served.

All who exercise pastoral care and pastoral ministry in the name of the Church – whether they be ordained, lay pastoral, or committed volunteers – are also stewards. Through the competent and compassionate use of their own personal gifts and talents, they are to strive for the continual renewal of the Body of Christ. For this reason, they are not to seek their own benefit or recognition. Instead, they are in a special way, under the inspiration of the scriptural covenants and the obligations of discipleship, to protect and serve the dignity and right relationships of each person among all persons. Embracing the principles and practices of integrity, generosity, compassion and justice ordained and lay ministers provide the faith community with gospel service and leadership.

Standards of Responsibility and Accountability

The following standards of responsibility and accountability respond to Article 6 of the *Charter for the Protection of Children and Young People*. They are informed by Sacred Scripture, the special commitment associated with the vocation to ordained ministry and the professional criteria for those who dedicate themselves to the care, education and formation or safety of children and young people.

1. Expectations of Ordained and Lay Ministers

- 1.1. As disciples of the Lord, all ministers have a responsibility for building up the Body of Christ and preserving the communion of the Church. (Canon 208 and 209)
- 1.2. All ministers, therefore, are to make a whole-hearted personal effort to lead a holy life in harmony with the gospels, represents the teaching of the Catholic Church and grow in the maturity of their human priesthood (Canon 217). In this way they become better able to promote the intellectual, emotional, psychological growth of other persons in the Church, as well as an increase in holiness of life. (Canon 210)
- 1.3. Ordained ministers have a special obligation to seek and to develop holiness in their personal lives because of their sacramental vocation and unique relationship as stewards of the mysteries of God in service of His people. (Canon 276.1)
- 1.4. Ordained ministers are to exercise a primary commitment to the pastoral care of persons and to their particular pastoral ministry as activities of God's covenant and authentic discipleship.
They are to include in their commitment to pastoral care and pastoral ministry the daily celebration of the Eucharist and the Liturgy of the Hours, annual retreats and spiritual/educational conferences, frequent celebration of the Sacrament of Reconciliation, daily personal prayer and devotional practices. (Canon 276.2)
- 1.5. All ministers, ordained ministers in particular, are obliged to improve their skills and knowledge through additional courses of study, pastoral conferences, as well as other pastoral and professional means and methods to increase their understanding of the doctrine and discipline of the Faith as well as the skills to become and grow as an effective pastoral minister. (Canon 229, 231 and Canon 279)
- 1.6. All ministers are obliged to exercise special concern for the dignity of each person and the justice that provides for each person's physical safety and well being, good reputation, privacy, defense and vindication of rights and a meaningful participation in the life of the community according their capacity and condition. (Canon 219, 220, 221, 222 and 223)

2. Disciplines and Practices of Ordained and Lay Ministers

- 2.1. Ordained and lay ministers exercise unique influence upon others in pastoral care and pastoral ministry. This influence, whether in presence, activity or word, is a power whose purpose is to inspire and evoke goodness as well as encourage and promote the flourishing of goodness in others, for Christ's sake.

The minister exercises both a representative and a symbolic status for the community of faith. Ordained and lay ministers are to be conscious at all times that they are always in an unequal power relationship with the people they serve because of their status.

- 2.2. Ordained and lay ministers exercise a unique authority in their presence and service among the members of the faith community. They exercise a commission, in their respective capacities, and are entrusted with the task of assisting the members of the faith community to know, receive and participate in the faith tradition of the community.

The ordained and lay minister are to have a personal commitment for the best interests of all whom they serve, especially children and young people, and to exhibit in personal and public practices their commitment to the spiritual and practical virtues of the members of the community.

- 2.3. Ordained and lay ministers are obliged, in a special way, to a personal discipline of life that recognizes and preserves the personal and pastoral boundaries for the safe space in which each person can grow and mature. Ordained and lay ministers are never permitted to use their pastoral relationships to satisfy personal desires for attention, acceptance, prestige, profit or pleasure.

3. Areas of Responsibility and Accountability

- 3.1. Ordained and lay ministers are obliged, in the exercise of pastoral care and ministry, to respect each person's dignity so that each individual can take his proper place in building up the community of faith and working for the coming of the kingdom of God.

Parish organizations, meetings and activities are to be environments in which the mutual respect and support of each person's participation contributes to the growth of justice, charity and peace within the faith community.

- 3.2. Ordained and lay ministers are obliged to establish procedures, guidelines and practices that ensure safeguards for the successful completion of responsibilities, for the personal reputation of those involved and for the appropriate and required reports, audits or disclosures.
- 3.3. Ordained and lay ministers are obliged and accountable for establishing and maintaining proper personal and pastoral boundaries. These boundaries shall include the physical, emotional, relational and sexual aspects of interaction with staff and volunteers or in serving others in a pastoral ministry context.

Ordained and lay ministers are the primary and accountable persons for establishing and maintaining personal and pastoral boundaries in all relationships and circumstances.

- 3.4. Cognizant of the dignity and particular commitments within the sacraments of Marriage and Holy Orders, ordained and lay ministers are never to engage in physical intimacy or sexual contact of any form with those whom they serve.
- 3.5. Ordained and lay ministers are accountable for knowing and applying the practices contained in the personnel, administration, financial handbooks or policies designed for authentic pastoral care and ministry.
- 3.6. Ordained and lay ministers are obliged to observe confidentiality in all those matters involving the personal disclosure or reputation of individuals or involving information (electronic,

written or spoken) entrusted to them because of their office, position or responsibility, especially when it has a bearing on decisions or actions affecting the lives of others.

- 3.7. Confidentiality is not binding when information about clear and imminent danger to persons comes to light. Ordained or lay ministers are obliged to inform those at risk or those who know of the endangerment of others about the obligation to report to the appropriate law enforcement authority. They are obliged to notify the appropriate law enforcement authority when they learn such information themselves.

When the circumstances require persons of greater skill or competence to be called upon for assistance in the pastoral circumstance, information may be shared to facilitate effective pastoral care and ministry, protecting appropriately the identity and reputation of persons involved.

- 3.8. Apart from exceptional circumstances, there can be no release or disclosure of information received or obtained in the course of pastoral care or pastoral ministry without written, informed consent of those involved.
- 3.9. Priests have a singular and unbreakable obligation to hold all matters received in the Sacrament of Reconciliation in strictest confidentiality. Priests are not permitted to disclose the contents of the sacrament, even with the consent of the penitent.
- 3.10. Except for as conveyed during the Sacrament of Reconciliation, all information raising a reasonable cause to believe that physical or sexual abuse of children or young people has or is taking place must be reported to law enforcement as soon as possible. A similar report is to be made to the chancellor of the archdiocese.
- 3.11. Ordained and lay ministers are to be mindful of the obligations and rights of parents and guardians of children and young people. Communication and collaboration with parents and guardians is essential in creating and maintaining safe environments and practices for children and young people when they are entrusted to the care of the Church.

4. Contact and Conduct with Children and Young People

- 4.1. Ordained and faithful lay ministers are obliged to know, understand and adhere to the *Charter for the Protection of Children and Young People* (USCCB 2005), as well as all diocesan policies, procedures and training sessions regarding:
- Personal and pastoral boundaries.
 - Safe environment practices.
 - Legal determination for sexual abuse and misconduct in the State of Nebraska.
 - Identification and reporting of allegations of sexual abuse or misconduct to the proper law enforcement agency, the victim outreach and prevention manager, and the chancellor of the archdiocese.
- 4.2. Ordained and lay ministers are obliged to follow recognized professional guidelines when organizing and conducting activities and events with children and young people. These shall include, but not be limited to: a team approach, no fewer than two adults when in the presence of children or young people, appropriate parental/guardian permission and

authorization releases in writing, appropriate accountability structures to safeguard against compromising physical, emotional or relationship safety in every circumstance.

Ordained and lay ministers, as well as volunteers who assist them, are not to surrender their responsibility for the children and young people entrusted to them when there are visiting presenters or large numbers of people comprising many individual or smaller groups gather for special events. Special vigilance for the needs and safety of children and young people is to be used in these circumstances.

- 4.3. The Catholic Schools Office and all other archdiocesan offices shall collaborate with the Office of the chancellor and the victim outreach and prevention manager in developing and distributing age, activity or event appropriate guidelines for the protection of children and young people as well as training materials appropriate for adults who have regular contact or responsibilities for children and young people.

5. Responsibility for Collaboration with the Archdiocesan Victim Outreach and Prevention Manager

The archdiocesan victim outreach and prevention manager provides immediate pastoral assistance and outreach to the victims, immediate family or the affected parish/school community in the event of a report of sexual abuse or misconduct by clergy, staff, or volunteers.

Ordained and lay ministers are to collaborate with and give support to the Manager when assistance or pastoral outreach is necessary.

- 5.1. The archdiocesan victim outreach and prevention manager is not an investigator of allegations but provides pastoral care within the limits established by the response of the individual in need, the investigation of law enforcement personnel and Christian prudence.
- 5.2. Ordained and lay ministers are responsible for continuing communication with the victim outreach and prevention manager regarding maintenance and improvement in safe environment practices, training sessions for parish, school or program staff, volunteers and parents, age appropriate and sequential educational and formation activities for children and young people as well as the distribution of published literature regarding proactive and preventative measures.

Safe Environment Communication Policy and Procedures

Revised January 2011

Introduction

The Book of Genesis tells us that in the beginning God spoke. It was not conversation; rather, it was creation. God's word had effect, at once. In the books of the prophets, God entrusts his word to men. It was not conversation, rather, it was about conversion. In the new covenant, the Word became Flesh. It was not conversation, rather, it is salvation for all who will hear, believe and be transformed.

For the Church, communication is about the work of God. It is about the good news, the gospel that saves and that sustains the faith community until that day when all things are made new. Each time and in every way that the Church makes known her Lord, she communicates. Even in the brokenness and misdeeds of her members, the Church still must speak of her Lord and of his kingdom.

In 1992, the bishops of the United States developed and pledged themselves to a plan, based upon five principles, for addressing the brokenness brought about by misconduct and sexual abuse of minors. These five principles communicate a strategy for pastoral response, a hope for reform and renewal, a promise to embrace anew the work of the Lord, so that recognizing the kingdom's coming stir joyful hope.

These principles are:

- respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred;
- if such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention;
- comply with the obligations of civil law as regards reporting of the incident and cooperating with the investigation;
- reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well-being;
- within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community.

Article 7 of the *Charter for the Protection of Children and Young People* directs every diocese to develop a specific policy for its communication procedures and policy. This policy is to exhibit, in wording and in application, a commitment to transparency and openness "especially with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving others."

1. The Church Community

- 1.1. The archdiocese's first commitment must be pastoral care for all of its members in the name of the Lord. Within pastoral care there shall be both initiatives and responses concerning the protection of children and young people, including but not limited to:
- policies and guidelines for creation and maintenance of safe environments in all church related activities for its children and young people;
 - information and education for children, young people, parents and parish communities regarding respect for the dignity of the person, appropriate boundary practices and identification of misconduct behaviors and patterns;
 - guidelines for response when misconduct or sexual abuse is detected, and procedures for reporting the misconduct or abuse;
 - guidelines and practices for communicating with affected parties in the pastoral situation and with the public, including the media;
- 1.2. The archdiocesan review board provides informed consultation and assistance to the archbishop, in accord with Article 2 of the *Charter for the Protection of Children and Young People* and numbers 4 and 5 of the *Essential Norms* in regard to the policies and procedures governing the protection of children and young people in the archdiocese.
- The review board may issue statements, reports or other forms of communication to pastors and priests of the archdiocese, to parish faith communities, to the general public or to media. Such communications shall take place after discussion and with the full knowledge of the archbishop.
- 1.3. The archdiocesan victim outreach and prevention manager is the representative of the Church to victims, their family members and to affected faith communities in providing immediate pastoral care for their spiritual and emotional well being. The victim outreach and prevention manager can be contacted at (402) 827-3798, or 888-808-9055.
- The victim outreach and prevention manager shall coordinate immediate pastoral outreach, and the follow-up required in each situation, the chancellor, respecting the limitations of an existing law enforcement investigation or of the condition of victims or other affected persons.
- The victim outreach and prevention manager shall work with the chancellor in making arrangements for meetings between victims, their family members or affected parish communities and the archbishop. The archbishop may also determine a delegate to be more appropriate in certain circumstances.
- Articles 1 and 2 of the *Charter for the Protection of Children and Young People* shall serve as a framework for the response and outreach of the archdiocese as it communicates with victims, the faith communities and the public.

2. The Media

- 2.1. The archdiocese exists and carries out its pastoral mission in the world. Oftentimes, activities of or incidents affecting the archdiocese are first or principally known through the secular media. Developing and maintaining an effective working relationship with the public media is an important part of the archdiocese's communication policy.

Whenever possible the archdiocese shall use the diocesan newspaper, Catholic electronic media and the archdiocesan web site as its first means of contact with the people of the archdiocese. These communication tools permit the archdiocese to present a pastoral context and perspective when addressing issues, allegations or incidents regarding the protection of children or young people.

- 2.2. The chancellor of the archdiocese shall serve as the archdiocesan spokesman when issues, allegations or incidents regarding the protection of children or young people occur in the archdiocese.

At the direction of the archbishop and in collaboration with the Moderator of the Curia, the archdiocesan victim outreach and prevention manager, the editor of the archdiocesan newspaper and the archdiocesan legal counsel, the chancellor shall provide timely, accurate information to parish communities, to the presbyterate of the archdiocese and to the general public through print and electronic media.

This communication may take the form of statements from the archbishop, official archdiocesan news releases, responses to inquiries by the media, contextual background information, or updates as consequences of a particular incident develop.

- 2.3. All communication, whether in spoken or written format, shall observe and respect the privacy and reputation of the persons involved and shall adhere to the pertinent canon and civil law requirements.
- 2.4. Pastors, school administrators, program directors and lay leaders shall refer media inquiries or the concerns from individuals or groups regarding the incident or issue to the chancellor of the archdiocese.
- 2.5. Pastors, school administrators, program directors and lay leaders shall work with the chancellor and the archdiocesan victim outreach and prevention manager so that timely, appropriate and responsible action is taken to ensure the protection of children and young people.

3. The Parish, School and Other Programs Communication Procedures and Protocols

- 3.1. Each parish, school and the diverse number of child and youth programs use a variety of means to inform, educate, build community and serve the diverse needs of its people. Pastors, school administrators, directors of programs and lay leaders have a special responsibility to use these communication tools for the protection of children and young people.
- 3.2. Each parish, school and child or youth program shall have and publicize a basic procedure that permits a pastor or administrator to communicate in a clear and timely manner with staff and

volunteers when concerns, issues or incidents about the protection of children and young people occur.

This procedure shall also provide an effective and timely communication pathway for information and concerns regarding the protection of children and young people or reports of misconduct to reach pastors and administrators.

This procedure shall also provide directions for an effective and timely communication contact with the rest of the pastoral community or the general public.

This procedure shall include, but not be limited to, the Nebraska statute requirement for reporting incidents or circumstances which give reasonable cause to believe that misconduct or abuse has or could occur.

4. Anonymous Communication and Rumors

- 4.1. Anonymous telephone calls, other electronic communications, or hard copy memoranda and letters are often considered unreliable, even nuisance, forms of communication. However, when anonymous communication contains specific names, circumstances and timelines that raise questions, suspicions, or concerns for the pastor, administrator, director, or pastoral staff, there is an accountability to seek clarification or verification for these reactions.
- 4.2. There should be timely contact and communication with the chancellor and the victim outreach and prevention manager in circumstances of this type.
- 4.3. Rumors, gossip and passing information that cannot otherwise be verified is part of the human condition. The best response to rumors and gossip is timely, clear and accurate information in keeping with a parish or school communication plan and procedure.

5. Building Safe Environments Through Pastoral Care

- 5.1. Safe environment certification, awareness, and practices are to be provided to all newly hired employees and newly active volunteers within each parish faith community. All priests and deacons, all employees, and all volunteers having regular contact with children and young people in the name of the Church shall be required to maintain their safe environment certification.
- 5.2. Pastors, administrators and staff personnel, in service of the Christian community, shall develop and maintain the means and methods for creating community wide awareness for the protection of children and young people in their midst.

Parishes and schools will appoint a SE contact person. The SE contact person will be the liaison with the victim outreach and prevention manager to ensure that SE policies and protocols are being implemented within the parish or school.

Parishes, schools, religious education, and youth ministry programs, in collaboration with and having resource support from the chancellor, the victim outreach and prevention manager, and archdiocesan departments, are encouraged to distribute additional educational and informational materials or offer training opportunities as part of their pastoral care and ministry.

Review Board

Mission Statement and Procedures

Revised September 2011

Preface

The review board for the Archdiocese of Omaha was established in January 2003, in response to the United States Conference of Catholic Bishops approval of two documents, the *Charter for the Protection of Children and Young People* (June 2002, revised in 2005), and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (December 2002, revised in 2006). The *Charter* and the *Essential Norms* address the crisis in the Church in the United States regarding the sexual abuse of minors by some clergy and Church personnel.

This *Mission Statement and Procedures* directs the work of the board, the areas of responsibility, membership, and procedures of the review board. This document is part of the *Archdiocesan Policy for the Protection of Children and Young People*.

Mission of the Review Board

It is the mission of the review board to serve the People of God in the Archdiocese of Omaha by assisting the archbishop in his responsibilities for the protection of children and young people. The board is charged with advising the archbishop in the work of the just handling of allegations of sexual abuse, the prevention of further abuse, the healing of those who have been injured, and the recreation of a sense of trust among the faithful and larger community.

General Responsibilities of the Review Board

The review board is responsible to the archbishop providing consultation to him in his service to those who have been injured by sexual abuse, the alleged offenders, and the people of the archdiocese. The general responsibilities of the board are to:

1. provide consultation to the archbishop in his assessment of the validity of allegations of sexual abuse of minors;

2. review the implementation and application of the Archdiocesan Policy for the Protection of Minors to assure compliance with the *Charter for the Protection of Children and Young People* and the *Essential Norms*;
3. assist the archbishop and chancellor in the oversight of the victim outreach and prevention manager position;
4. provide consultation to the archbishop regarding an offender's suitability for ministry;
5. review with the archbishop all programs, policies and procedures that relate to the *Charter* within the archdiocese;
6. offer advice on all aspects of cases of sexual abuse of minors, whether retrospectively or prospectively;

Membership

The review board shall consist of no less than five, no more than 12 members of outstanding integrity and good judgment in full communion with the Church appointed by the archbishop. The majority should be lay persons, none of whom are in the employ of the archdiocese. Members serve without compensation, except for reimbursement for expenses. At least one member shall be a priest who is an experienced and respected pastor. Members are appointed for a term of five years, which can be renewed.

The Promoter of Justice shall participate in meetings of the review board when appropriate in considering cases, to assist and advise the board. The Promoter of Justice is not a voting member of the review board.

Conduct of Business

1. Officers. The board shall elect from its membership a chairperson, a vice-chairperson, and a secretary who shall serve one year terms.

a. Officers may serve more than one term.

b. The chairperson shall preside at the meetings of the board.

The vice-chairperson shall preside in the absence of the chairperson.

c. The secretary shall be responsible for the written recording of the discussion and the actions of the board and prepare, in consultation with the chairperson, the agenda for the meetings.

2. Quorum. A majority of the membership shall constitute a quorum for doing business. For advice on suitability for ministry, allegations of abuse, policy review and/or change, advice on all aspects of cases, and dismissal of a board member, a concurrence of not less than a majority of the board (not just those present) shall be necessary to make a recommendation or take an action. For all other business, a majority of those present shall prevail.

3. Procedures. The board may adopt procedures to govern details of its activities, such as the frequency of meetings and confidential maintenance of records and any other business it may conduct.

4. The Review Board may designate subcommittees to address specific areas of work.

5. Confidentiality. All deliberations of the review board shall remain confidential in order to respect the dignity of the involved persons. If it has been determined by the board that a member has breached confidentiality, it constitutes immediate recourse to dismissal of the member by majority vote of the board. Official disclosure of the summaries of board action shall be made periodically through formal announcements prepared by the board.

Board Duties

1. Review of allegations. The review board shall receive a comprehensive report from the archdiocesan investigator and the Victim Outreach and Prevention manager of all allegations of abuse of minors by priests or deacons. Victim and family inquiries to the board or board member will be directed to the victim outreach and prevention manager / chancellor for pastoral outreach.

2. Consultation on allegations. The board shall provide consultation to the archbishop regarding validity of allegations and suitability for ministry.

3. Policy compliance. For all allegations, the board shall determine whether the archdiocesan policy on sexual abuse was followed regarding the reporting to civil authorities, the outreach to the victims, the outreach to parish communities, and the appropriate action, in accord with Cannon Law and prudent judgment, toward clergy alleged to have caused the abuse.

4. Policy Review. The board shall periodically review the archdiocesan policy on sexual abuse. A report of the recommendations for any changes in the policy shall be sent to the archbishop.

5. Communication to the people of the archdiocese. The board shall communicate regularly with the people of the archdiocese, reporting on all matters that are not confidential.

Background Checks of Employees and Volunteers

1. Introduction

As part of our commitment to providing a safe and secure environment for all children and young people who participate in activities sponsored by the Church, we will conduct background checks of all applicants for employment, applicants for seminary training, seminarians, compensated individuals, and certain volunteers.

In developing this program, our foremost concern was the protection of children and young people in the Church. However, we were also mindful of the privacy interests and rights of those screened and the relevance of particular crimes to certain positions within our Church. Thus, the fact that an individual was convicted of a crime is not an automatic bar to ministry within the Church. For example, a single conviction of driving while intoxicated more than five (5) years ago, would not automatically disqualify an individual from teaching religious education in a parish. The following are the minimum standards expected of all Church personnel (employee or volunteer). The archdiocese, parishes, and schools have discretion to implement additional background checks. For example, a motor vehicle record check may be required of all Church personnel (employee or volunteer) who drive as part of their employment, service, or ministry with the Church. These standards and the accompanying forms are subject to change. We will attempt to notify those responsible for conducting screening as soon as possible prior to the effective dates of any changes.

2. Parish and Archdiocesan Personnel

2.1. Current Parish and Archdiocesan Employees Who Work with Children.

2.1.1. Applicable Personnel:

All regularly salaried and hourly wage personnel, part-time and full-time, 19 years and older, of parishes who regularly have contact with individuals under the age of 19. Individuals in this category include, but are not limited to, all clergy, religious men and women, seminarians, directors, coordinators and facilitators of religious education, pastoral associates, religious education teachers, music ministers, camp counselors, and youth ministers.

2.1.2. Screening Protocol:

2.1.2.1. Background Check:

All individuals in this category must complete a Notification, Authorization and Screening Form and undergo a background check. Once the form is completed, it should be sent to the Safe Environment Records Office for the archdiocese. The records office will submit the form to a background check provider. The results will be screened by the records office, reviewed as necessary by the victim outreach and prevention manager, and shared with the hiring authority.

In the case of a parish, the pastor will make the final decision as to whether the individual is qualified to continue as an employee. In the case of the archdiocese or as it affects any clergy or seminarian, the chancellor will make the final decision as to whether the individual is qualified to continue in his or her position.

2.2. Applicants for Paid Parish and Archdiocesan Personnel Positions.

2.2.1. Applicable Positions:

Applicants for all regularly salaried and hourly wage personnel, part-time and full-time, 19 years and older, of the archdiocese or its parishes. Individuals in this category include, but are not limited to, applicants for the following positions: directors, coordinators and facilitators of religious education, pastoral associates, religious education teachers, music ministers, camp counselors, youth ministers, cemetery workers, maintenance personnel, administrators, secretaries, and bookkeepers.

2.2.2. Screening Protocol:

2.2.2.1. Employment Application:

All individuals in this category must complete an Application for Employment.

2.2.2.2. Background Check:

All individuals in this category must complete a Notification, Authorization and Screening Form and undergo a background check. Once the form is completed, it should be sent to the Safe Environment Records Office for the archdiocese. The records office will submit the form to a background check provider. The results will be screened by the records office, reviewed as necessary by the victim outreach and prevention manager, and shared with the hiring authority. In the case of a parish, the pastor will make the final decision as to whether the individual is qualified to continue as an employee. In the case of the archdiocese or as it affects any clergy or seminarian, the chancellor will make the final decision as to whether the individual is qualified to continue in his or her position.

2.2.2.3. References Check:

All applicants must undergo references checks. References must include three people unrelated to the applicant, including the applicant's most recent employer. These references checks may be conducted verbally (over the telephone) or in written form. If they are conducted in written form, the applicant must complete three (3) reference check forms by signing and dating the Authorization for Release of Information, inserting the names and addresses of the references, and inserting their own names and addresses where noted. The references must include the most recent employer (prior to the parish or archdiocese). The parish or archdiocese should then send the forms, along with self-addressed stamped envelopes to the references. If the reference checks are conducted verbally, written records of the discussion with the references must be maintained. Contact the victim outreach and prevention manager if the response by the reference indicates any of the following: (1) that the applicant has been investigated for allegations of neglect, sexual abuse, harassment, exploitation, or another form of sexual

misconduct; (2) that the reference has reservations about the applicant working with children; (3) that the reference would not hire the individual; or (4) that there is a concern about the applicant working with children and young people.

2.3. Parish and Archdiocesan Volunteers Who Work with Children.

2.3.1. Applicable Personnel:

This category includes all volunteers (19 years and older) who regularly have contact with minors (those under the age of 19) including, but not limited to, clergy, religious men and women, pastoral associates, teachers and aides, directors, coordinators and facilitators of religious education, religious education teachers and aides, youth ministry volunteers, Boy Scout & Girl Scout leaders, Catholic Youth Organization volunteers, children or youth choir directors, and parish outreach workers.

2.3.2. Screening Protocol:

2.3.2.1. Background Check:

All individuals in this category must complete a Notification, Authorization and Screening Form and undergo a background check. Once the form is completed, it should be sent to the Safe Environment Records Office for the archdiocese. The records office will submit the form to a background check provider. The results will be screened by the records office, reviewed as necessary by the victim outreach and prevention manager, and shared with the supervising authority. In the case of a parish, the pastor will make the final decision as to whether the individual is qualified to continue as a volunteer. In the case of the archdiocese or as it affects any clergy or seminarian, the chancellor will make the final decision as to whether the individual is qualified to continue in his or her position.

3. Catholic School Personnel:

3.1. Current Catholic School Paid Personnel.

3.1.1. Applicable Personnel:

This category of personnel includes all employees 19 years and older who are employed by the Archdiocesan Catholic School Offices, a parish school, or a Catholic school. This category includes, but is not limited to, teachers, administrators, aides, coaches, secretaries, bookkeepers, cafeteria workers, librarians, and maintenance personnel.

3.1.2. Screening Protocol:

3.1.2.1. Screening Form:

Individuals in this category of personnel must complete a Notification, Authorization and Screening Form, regardless of whether the individual also has completed an employment application.

3.1.2.2. Background Check:

All individuals in this category must complete a Notification, Authorization and Screening Form and undergo a background check. Once the form is completed, submit it to the principal (in the case of a school), or to the superintendent of schools (if the employer is the Catholic School Office). The completed forms will be forwarded to the Safe Environment Records Office for the archdiocese. The records office will submit the form to a background check provider. The results will be screened by the records office, reviewed as necessary by the victim outreach and prevention manager, and shared with the hiring authority. In the case of a school, the principal will make the final decision as to whether the individual is qualified to work as an employee or volunteer. In the case of the Catholic Schools Office, the superintendent of schools will make the final decision as to whether the individual is qualified to continue in his or her position.

3.2. Applicants for Catholic School Personnel Positions.

3.2.1. Applicable Positions:

All applicants 19 years and older or positions within the Archdiocesan Catholic Schools or the Archdiocesan Catholic Schools Office, including, but not limited to, administrators, teachers, secretaries, coaches, maintenance personnel, aides, cafeteria workers, and librarians.

3.2.2. Screening Protocol:

3.2.2.1. Employment Application:

Applicants for all Archdiocesan Catholic School Personnel Positions must complete employment applications.

3.2.2.2. Background Check:

All individuals in this category must complete a Notification, Authorization and Screening Form and undergo a background check. Once the form is completed, submit it to the principal (in the case of a school), or to the superintendent of schools (if the employer is the Catholic School Office). The completed forms will be forwarded to the Safe Environment Records Office for the archdiocese. The records office will submit the form to a background check provider. The results will be screened by the records office, reviewed as necessary by the victim outreach and prevention manager, and shared with the hiring authority. In the case of a school, the principal will make the final decision as to whether the individual is qualified to work as an employee or volunteer. In the case of the Catholic Schools Office, the superintendent of schools will make the final decision as to whether the individual is qualified to continue in his or her position.

3.2.2.3. Reference Checks:

All individuals in this job category must undergo a references check. These references checks may be conducted verbally (over the telephone) or in written form. If they are conducted in written form, the applicant must complete three (3) reference check forms by signing and dating the Authorization for Release of Information, inserting the names and addresses of the references, and inserting their own names and addresses where noted. The references must include the most recent employer (prior to the school). The school should then send the forms,

along with self-addressed stamped envelopes to the references. If the reference checks are conducted verbally, written records of the discussion with the references must be maintained. At a minimum, all reference checks must include the questions listed in the reference check form. Contact the victim outreach and prevention manager if the response by the reference indicates any of the following: (1) that the prospective employee has been investigated for allegations of neglect, sexual abuse, harassment, exploitation, or another form of sexual misconduct; (2) that the reference has reservations about the employee working with children; (3) that the reference would not hire the individual; or (4) that there is a concern about the employee working with children and young people.

3.2.3. Face-to-Face Interview:

All applicants must be interviewed in person. While it is important to obtain as much information about the applicant's ability to perform the job and suitability for the position, the interviewer should not ask any questions that are illegal or inappropriate.

3.3. Catholic School Volunteers.

3.3.1. Applicable Positions:

All individuals 19 years and older who regularly volunteer at or for a Archdiocesan Catholic school, including but not limited to, teacher aides, cafeteria workers, bus monitors, coaches, crossing guards, library volunteers, and other non-paid school personnel.

3.3.2. Screening Protocol:

3.3.2.1. Background Check:

All individuals in this category must complete a Notification, Authorization and Screening form and undergo a background check. Once the form is completed, submit it to the principal (in the case of a school), or to the superintendent of schools (if the employer is the Catholic School Office). The completed forms will be forwarded to the Safe Environment Records Office for the archdiocese. The Records office will submit the form to a background check provider. The results will be screened by the records office, reviewed as necessary by the victim outreach and prevention manager, and shared with the hiring authority. In the case of a school, the principal will make the final decision as to whether the individual is qualified to work as a volunteer. In the case of the Catholic Schools Office, the superintendent of schools will make the final decision as to whether the individual is qualified to continue in his or her position.

4. Analysis of Results

4.1. Convictions of Certain Crimes.

Individuals convicted of certain crimes will prohibit them from being assigned, employed, or engaged as a volunteer for the archdiocese, its parishes, or its schools. These crimes include, but are not limited to: capital murder; first degree murder; second degree murder; manslaughter; aggravated felonious sexual assault; felonious sexual assault; sexual assault; kidnapping; incest;

endangering the welfare of a child or incompetent; indecent exposure or lewdness in the presence of a child under 16 years old; prostitution; child pornography and computer pornography; and child exploitation. If a background check reveals that a person has been convicted of such a crime, the victim outreach and prevention manager will notify the hiring authority that the person is not qualified to work or volunteer. Exceptions can be made on rare occasions.

All exceptions must be reviewed and approved by the victim outreach and prevention manager, the chancellor and the parish/school .

4.2. Convictions of Other Crimes

4.2.1. Accusations or Investigations of Child Abuse, and Other Types of Misconduct:

Individuals convicted of other crimes involving moral turpitude, including, but not limited to drug-related crimes, assault and battery, theft, fraud, and perjury, and individuals found to have engaged in sexual harassment, sexual exploitation, or other misconduct or offense involving moral turpitude, may also be disqualified from service or ministry within the Church. The victim outreach and prevention manager will share the results of a background check with the hiring authority and the hiring authority will review such situations on a case-by-case basis. The hiring authority will consider, among other factors, the nature of the crime or offense, the date on which the crime or offense took place, the relationship between the crime or offense and the position with the Church, and evidence of rehabilitation.

5. Confidentiality of Records

5.1. Background Check Documentation

Parishes, schools, and the archdiocesan administration must maintain employment applications, screening forms, reference check forms, and other personnel documentation regarding applicants, volunteers, and employees in locked files with access limited only to those with a legitimate need to know. The Safe Environment Records Office, under the supervision of the victim outreach and prevention manager, may maintain copies of criminal records or other personnel information regarding parish, school, and archdiocesan administration personnel. The Manager will limit access to those records to those with a legitimate need to know.

5.2. Confidentiality of Information.

Parish, school, and archdiocesan personnel who have access to personnel information are required to maintain confidentiality and are prohibited from disclosing any personnel information to individuals without a legitimate need to know.

6. Certification Revocation

- 6.1. In the interest of protecting children, the archdiocese has the authority to revoke a current certification.**

Background Checks Frequently Asked Questions

1. What kind of record history checks will have to be done?

There will be three categories of checks. The first will be a check with a consumer credit agency to verify that the name and social security number match. The second will be a criminal record history check that will involve the review of public court records for convictions of felonies and misdemeanors. The third will be a check of the sex offender registry that is maintained by the state of Nebraska or a similar agency of other states. The checks will be conducted within the same time frame if possible. If a pastor, administrator or principal has any questions about results of the checks, they should discuss the results with the victim outreach and prevention manager.

2. What will the checks reveal?

The social security number verification will reveal previous addresses. Criminal record history checks will show any convictions of felonies or misdemeanors (adverse action(s)) that appear as a matter of public record in the judicial system. The sex offender registry check will show whether or not the applicant is a registered sex offender.

3. Who will have to be checked?

Checks will be done on all priests, deacons and religious who have a pastoral appointment in the diocese such as pastor, assistant pastor, parochial administrator, or Catholic school instructor. In addition, seminarians, archdiocesan, parish, and school employees, and contract services staff will be checked. Also to be checked are all volunteers who are in regular contact with minors as a part of their voluntary service and retired clerics who are on pastoral assignments.

4. What if a person has already had a background check?

Individuals who have had background checks and for whom there has been no interruption or break in employment with the archdiocese may not have to be checked again providing that some proof or certification of the check is made available. The archdiocese will not accept background checks from other employers or organizations.

5. How far back will the checks go?

The time period covered by the checks will vary from state to state, but generally go back for seven (7) years.

6. Will the person for whom the check is requested have to authorize it?

Yes. The appropriate forms for the background checks will have to be signed by any person who is applying for either a paid position with the church, including a school, or a volunteer position that requires regular contact with minors.

7. Will the results of the checks be kept in confidence?

Yes, to the extent that both signed authorization and release of information forms provide. Of necessity, the results will be released to the archdiocese and the organization submitting the request for that background check. The results will be made known only to the archdiocese and the pastor or other personnel administrator in the organization for which the employee, contract services person, job applicant or volunteer is working or providing voluntary services. All results will be kept under lock and key.

8. Will a person's birth date and Social Security number have to be provided?

Yes. Refusal to provide the information that is required for the checks will preclude the person from consideration for the position.

9. Will a person whose background is checked be given the right to dispute the findings if there is an error in the public records?

Yes. Whenever an organization such as the archdiocese uses an outside agency to conduct background checks of individuals, the rights of the consumer (the job applicant, employee, or volunteer) are protected by federal statute, the Fair Credit Reporting Act. (Although the title of the act might suggest that "credit" checks will be done, a person's credit is not a part of this background evaluation.) As indicated in this document and elsewhere, our primary interest is to be able to give assurances that clerics, employees, contract services staff, and volunteers who are in regular contact with children do not have a history of putting minors at risk. Everyone who has an adverse finding on the background check will be given a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" that outlines the steps one can take to dispute the findings of the background check before the adverse action is taken.

10. Will the presence of any felony or misdemeanor convictions automatically prevent an individual from a position in the church or school?

No. Many people have in one way or another made mistakes. We believe they should be allowed to move beyond those mistakes. However, individuals who have a history of crimes that may have put minors at risk cannot be placed in a position that involves responsibility for minors. The archdiocese will review these and any other type of criminal convictions on a case-by-case basis with the hiring authority.

11. Who requests the background check?

The person responsible for hiring staff or engaging volunteers will make the request, provided the applicant gives his/her authorization for the checks and release of the information.

12. How is the check conducted?

After the required authorization forms have been completed and signed, the applicant will submit them to the Archdiocese of Omaha who will then forward them to an outside screening agency which will conduct the checks. The results will be sent directly to the archdiocese and, as necessary, shared with the parish or school. Before any adverse action is taken based in whole or in part on the report, the archdiocese shall provide to the applicant a copy of the report and the document "A Summary of Your Rights Under the Fair Credit Reporting Act." The applicant will then have five days to dispute the findings of the screening agency before the archdiocese issues a denial of certification directly to the applicant.

13. How do I tell an applicant for a staff or volunteer position that a criminal record history check will have to be conducted?

The manner in which the need for the checks is explained is important. Providing a written explanation to staff and volunteers as well as applicants for those positions will help them to understand that they are not being personally targeted. Our hope is that by conducting this type of background check and by implementing the other elements of the *Charter* we will be able to help assure that minors in the care of the church will be safe.

14. Applicants for employment provide a resume. What information should I be requesting from volunteers so background checks can be conducted?

You should inform applicants that they must furnish information as requested on the authorization and screening form. You may request other information as part of a comprehensive and prudent program for evaluating volunteers or staff.

15. What about minors that want to volunteer? Should I let them and does a criminal record history check have to be conducted on them?

As a rule there are no public records maintained for minors; therefore there can be no checks conducted. Nevertheless, we should be encouraging young people to become involved in church related activities, including serving as a volunteer. However, only adults 21 years of age and older who have been properly checked should be allowed to function in an independent supervisory capacity with minors in any parish or school program. Young adults ages 19 or 20 who have been Safe Environment certified may assist in the supervision of minors in the presence of an adult supervisor 21 years or older. Minors under the age of 19 may assist with activities involving other minors but should never be expected to have supervisory responsibilities.

16. Does an applicant for either a staff or volunteer position have to provide the information required for a background check?

Refusal will prevent the person from being considered for the position.

17. Does a current employee who is requested to undergo a background check have to provide the information required for a background check?

Refusal to give authorization will be cause for immediate termination.

18. What is considered “regular” contact with minors?

Such activities include, but are not limited to, those that involve pastoral care or ministry and full-time or part-time teaching. Other activities include those who train minors as altar servers, work with minors involved in choir or similar youth activities such as recreational or social functions, nursery or child care assignments, retreats or outings such as bowling, ski trips, etc.

In general, the intent of the archdiocesan provisions is to help protect minors from abuse. In view of this, prudent consideration should be given to any situation that might not be explicitly detailed or described in this document and driven by the thought that it is better to err on the side of caution.

19. How long will the checks take?

Under normal conditions the checks are expected to be completed within 72 hours. However, we expect the turnaround time will take a greater amount of time when a large number of checks have to be conducted.

20. Who is responsible for paying for the checks?

For the initial check, the hiring organization is normally responsible, whether school, parish, or archdiocesan organization.

Upon recertification, each individual will be responsible to pay for their own background check.

Please note: the archdiocese will not process a background check without payment.

21. How will the archdiocese know that everyone who must be checked will actually be checked?

Although the results of all checks will flow through a single office within the Archdiocese of Omaha and a system for compliance monitoring will be in place, it is the archbishop's expectation that all persons responsible for the administration at the local level will comply. Every school and parish will have a safe environment contact person to assist with compliance.

Contact persons and those in supervisory or administrative positions will have access to a secure web site to check employee/volunteer certification status.

Technology Guidelines for Schools and Parishes

Working with Children/Youth

Technology as a valuable vehicle to communicate the gospel message to our children/youth when proper guidelines are followed and safe guards are established. As Pope Benedict XVI noted in his message for the 2010 World Communications Day, *“This new form of media, if adequately understood and exploited can offer priests and pastoral workers a wealth of information and content that was difficult to access before, and facilitate forms of collaboration and a greater communion in ways that were unthinkable in the past. If wisely used, with the help of experts in technology and communication culture, the new media can become-for priest and all pastoral workers- a valid and effective instrument for authentic and profound evangelization and communion.”*

Pope Benedict XVI

*The Priest and Pastoral Ministry in the Digital World:
New Media at the Service of the Word*

Values that Safeguard Pastoral Practices when using Media

(Recommended Technology Guidelines for Pastoral Work with Young People developed by the National Federation for Catholic Youth Ministry, USCCB Social Media Guidelines)

As ministry leaders employ new ways to reach out to young people (and others), questions may arise as to the proper use of technology and social networking media. Additionally, communication technologies and the Internet will continue to evolve and school personnel, religious educators, and youth ministry leaders will need to keep pace with the latest tools and potential threats. Interactions in the virtual world need to be transparent with healthy boundaries and safe environment practices must be adhered to as they are in the “physical” world. Nothing should be communicated through technology that would not be stated “face to face”. The development of comprehensive guidelines that strike a balance between safety and pastoral effectiveness must be guided by the below essential values.

All technological interaction/communications need to be:

Prudent- Technology is prudent when it encourages forethought and weighs the merit of the communication in light of the pastoral effectiveness and potential risk.

Reasonable- The use of technology needs to be practical, sound and considered a normative practice or standard.

Transparent- All technological communications needs to be clear, intelligible and observable and requires us to be open to the scrutiny of others.

Accountable- Social media provide tools for building community. Membership in communities also requires accountability and responsibility. Users of social media expect site administrators to allow dialogue, to provide information, and to acknowledge mistakes. The explosion of information available to social media consumers has meant that they often only use information from trusted sites or sites recommended by those whom they trust.

Church and Ministry Websites

Web 2.0: The term “Web 2.0” is commonly associated with Web applications that facilitate interactive information sharing. A Web 2.0 site allows its users to interact with other users, to change website content, to provide reaction to content, to share the site’s content with others, or to filter content being provided by the site creator. This is in contrast with non-interactive websites, where users are limited to the passive viewing of information that is provided to them. (USCCB Social Media Guidelines)

** Example: Amazon.com’s inclusion of users’ reviews and offering of recommendations based on the consumer’s past use of the site make it a Web 2.0 site.*

Ministry website:³ An Internet website/tool created by employees, clerics, and volunteers for the sole purpose of conducting diocesan/affiliate business (USCCB Social Media Guidelines)

Recommended Best Practices

- All Catholic parishes, schools and organizations websites need to accurately reflect Catholic teaching and be updated regularly by a minimum of two authorized adults. These websites should not contain personal or contact information about young people or staff/volunteer.
- Official logo or image should appear on the site to distinguish it as the organization’s official site and not that of a specific person.
- Communication with visitors to the site should be through the official organizational e-mail.
- Written permission must be obtained prior to posting photographs or other identifying information of minors.
- In photographs of youth activities, youth should not be “tagged or identified by name in the photograph.
- Include a brief code of conduct on your organizational website. (Example is USSCCB Facebook code of conduct: “All post and comments should be marked by Christian charity and respect for the truth. They should be on topic and presume the good will of other posters. Discussion should take place primarily from a faith perspective. No ads please. Always block anyone who does not abide by the code of conduct”.)

Social Networking Websites

Social network: A social network is a Web 2.0 site that is entirely driven by content of its members. Individuals are allowed flexibility in privacy settings; in posting text, photos, video, links, and other information; and in level of interaction with other members. (USCCB Social Media Guidelines)

* Examples: Facebook, LinkedIn, MySpace, Twitter, YouTube, and Flickr are often included in lists of social networking sites, although sometimes YouTube and Flickr are designated as multimedia sharing sites, while Twitter is currently more often designated as a micro-blogging application.

Personal website: A social network page, blog, or any Internet website/tool created by employees, clerics, and volunteers primarily to share personal communication with friends and associates. (USCCB Social Media Guidelines)

Recommended Best Practices

- Adult ministers should establish separate sites and pages for personal and professional use. Personal pages and information should neither be advertised nor accessible to minors.
- Those in ministry roles should not “friend” minors in their personal social networking account unless there is an established familial relationship.
- Adult ministers need to be vigilant in representing themselves as ministers of the Catholic Church in all interactions that can be viewed publicly. Anything that would cause scandal to the ministry should be avoided.
- Be aware of the social networking sites terms of use, age restrictions, and privacy options/controls.
- Parents should be notified in writing that the parish is planning to use a social networking site for a parish or school program.
- Site must be monitored frequently to allow for quick response to urgent or crisis concerns.
- It is recommended that the “no tagging” option be set on the original social networking site.
- The site should not contain personal or contact information (including photos) of staff/volunteer.

E-Mail and Texting/Instant Messaging

E-Mail: A system for sending and receiving messages electronically over a computer network, as between personal computers. A message or messages sent or received by such a system.

Texting: The sending of text messages via cell phones or other mobile devices

Sexting “Sexting” means sex texting — sending or receiving a text message that has sexual content.

Instant Messaging: often shortened to simply “IM” or “IMing,” is the exchange of text messages through a software application in real-time.

Recommended Best Practices

- The same boundaries observed in oral/personal communication should be adhered to when communicating via e-mail/texting.
- E-mail, texting and instant messaging can be saved or forwarded to others. Avoid engaging in any posting or communication that would be misconstrued or misinterpreted.
- All communication sent digitally is NOT CONFIDENTIAL and may be shared with others.
- E-mail, texting and instant messaging should only be used in one's professional role and parents should be informed of using this technology for communication purposes for ministry.
- Communications should occur in appropriate timeframes for ministry.
- It is encouraged to e-mail, text or instant message the parent/guardian the same communication.
- Minister should use supervise and use caution when allowing children/youth access to their phones/computers etc.

Blogging

Blog: A blog (a contraction of the term "web log") is a type of website, usually maintained by an individual, with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order. "Blog" can also be used as a verb, meaning to maintain or add content to a blog. (USCCB Social Media Guidelines)

* Examples: There are many types of blogs on sites throughout the Internet. They are common for celebrities, writers, journalists, etc. WordPress is one of the more popular tools used to create blogs.

Micro-blog: This form of multimedia blogging allows users to send brief text updates or to publish micromedia such as photos or audio clips, to be viewed either by anyone or by a restricted group, which can be chosen by the user. These messages can be submitted by a variety of means, including text messaging, instant messaging, e-mail, digital audio, or through a Web interface. The content of a micro-blog differs from a traditional blog in that it is typically smaller in actual size and aggregate file size. A single entry could consist of a single sentence or fragment, an image, or a ten-second video. (USCCB Social Media Guidelines)

* Example: Twitter is a form of micro-blogging in which entries are limited to 140 characters.

Recommended Best Practices

- Professional/ministry based blogs should only be utilized to promote upcoming events/programs for the purpose of providing resources and information within the ministry setting and should reflect the teachings of the Catholic Church.
- Blogs are an effective way to distribute fliers for events and programs.
- The blog needs to be monitored by at least 2 adults and no minor name or information should be posted.
- Extreme caution should be taken that so that information regarding personal blogs is not available to minors.

Online Video and Chat Rooms

Online Video: Internet video sites are called websites that show content in the form of videos. These internet sites oftentimes permit watchers to look at the wide array of videos that are hosted with their internet site*.

Chat Room: A place online where a group of people can get together and chat about a particular subject or just to chat. Usually you will need to sign in at least so you have a name in the room and then you can see who else is in the room. Some chat rooms allow you to talk to one individual without the others seeing your conversation

Recommended Best Practices

- At no time is one to one video or chat room interaction appropriate between adults and minors.
- It is recommended that streaming video be used for education, communication and promotional purposes.
- Always remember that, even on the worldwide web, others may recognize us as representing the Catholic Church when we post our personal opinions or engage in discussions.

Securing Private Information

Recommended Best Practices

- Have qualified IT personnel create and manage any secure web forms to safeguard private information.
- If possible, have all financial transactions “in real time” that is, on a commerce website that can process the credit card transaction on line, thus assuring that no financial data will be communicated to the parish/organization.
- Acquire a third party secure certificate (for example, VeriSign, Geo Trust, etc.) for any web server that will handle SSL (“https ://”) transmissions.

From the National Federation for Catholic Youth Ministry

www.nfcym.org/resources/technology/gu

Registered Sex Offenders who are Parents/Guardians of School Children/Youth Guidelines

Certain steps need to be followed when a school becomes aware that a registered sex offender (RSO) has a close relative (e.g. child, step-child, grandchild, sibling) attending school.

A registered sex offender who is parent/guardian:

- *has the legal right to review his/her child's educational record. He/she may do so by contacting the principal for an appointment.*
- *has the right to communicate with his/her child's teacher; he/she may do so by phone, mail, or e-mail, or by making an appointment to see the teacher after hours when no other children are present.*
- *is not allowed on school premises at any time while children are present. This includes walking his/her child to and from the school building. He/she may pick up or drop off his/her own child as long as the RSO parent remains in the vehicle at all times. No other school children (other than his/her own) may be dropped off or picked up from school by the RSO parent.*
- *The RSO parent may not attend any school event off of school grounds which children are present (e.g. field trips, sporting games).*
- *The RSO parent may not volunteer at any school event.*

Registered Sex Offenders Attending Parish Liturgies/ Activities Guidelines

The registered sex offender (RSO) needs to meet with the pastor /principal who will determine if he/she is banned from campus or allowed to attend with the following guidelines and restrictions:

- 1) *Liturgies which the RSO can attend will be designated by the pastor/principal. An identified companion will accompany the RSO to the service.*
- 2) *The RSO may not hold a volunteer or employee position but may participate as a member of the assembly for religious events, or as a spectator for athletic events etc.*
- 3) *The RSO must make himself/herself known to the parish pastor/principal who in turn will communicate this information to persons who can be expected to monitor the RSO's activity.*

- 4) *The individual must always be accompanied by one or more adult companion(s) who must be known to the head of the ministry whose event the RSO may want to attend.*
- 5) *The RSO and his/her companion(s) must remain in the designated area for the activity.*
- 6) *The RSO and his/her companion(s) must agree to any other restrictions mandated by the pastor/principal.*
- 7) *Violation of any of these guidelines could result in the RSO being banned from attending an activity and from the campus.*
- 8) *The pastor/principal will have full control of any and all restrictions including the right to change the restrictions as needed for the safety of the parish/school.*