

Additional Information

This information is provided to assist the faithful with understanding the process for creating the list as well as the information contained on the list of priests, deacons, and religious brothers and sisters against whom a credible allegation of sexual abuse of a minor has been received by the Diocese of Austin (referred to here as “the list”).

Process for Creating the List

An independent review team, outside legal counsel, and members of diocesan staff reviewed the clergy and religious personnel files (including the confidential files) of the diocese to search for allegations of possible sexual abuse of a minor. Reports from that search were then brought before the diocesan safe environment review board (which is a volunteer board composed of primarily lay members of the faithful and which functions to review claims of sexual abuse of minors by individuals serving in ministry – the review board has been in existence since 2002). Even if an allegation was borderline for meeting the criteria for list publication, the allegation was brought before the review board for their recommendation. The review board reviewed each report of an allegation involving sexual abuse of a minor and made a recommendation to Bishop Vásquez.

Criteria for Inclusion on the List

In order for a name to be placed on the list, the diocese must have knowledge of an allegation made against the person to be named and the allegation must include all of the following.

- (1) The allegation involved abuse.
- (2) The alleged abuse constituted sexual abuse.
- (3) The alleged victim was under the age of 18 at the time of the alleged abuse.
- (4) The alleged perpetrator was a priest, deacon, religious brother, or religious sister either at the time of the alleged abuse or sometime after the alleged abuse.
- (5) The alleged abuse is claimed to have been committed (a) within the geographic jurisdiction of the diocese, or (b) by a priest or deacon of the Diocese of Austin, or a seminarian or lay person affiliated with the Diocese of Austin who was later ordained.
- (6) After review of the reasonably available, relevant information, there remained reason to believe the allegation was true.

Ascertaining Credibility was Not a Legal Proceeding

The process for evaluating whether an allegation was credible was not a legal proceeding. Rather, if after all of the reasonably available, relevant information had been reviewed, there remained reason to believe the allegation was true, the allegation was classified as credible. Examples of information that helped to ascertain credibility include, but are not limited to, admissions by the accused, criminal convictions, other types of adjudications, patterns of conduct, and prior determinations closer to the time of the alleged sexual abuse or the time when the matter was first investigated.

The Process is Not a Determination of Guilt

A determination of credibility (for purposes of the list) relates to the allegation, but it does not establish that the allegation is substantiated or proven to the Diocese of Austin, a court, or other authority.

The determination as to credibility of an allegation does not establish that a crime was committed. The criminal statutes in Texas describe various forms of sexual abuse, but also contain elements to be proven beyond a reasonable doubt before a conviction is established, and also have different definitions than those used for purposes of the list. For example, a 17-year old generally may consent to sexual relations with an adult under the Penal Code. Sexual relations with a 17-year old is considered sexual abuse of a minor for purposes of the list.

Examples of Names Not on the List

An example of an allegation that would not cause a name to be included on the list is one regarding a religious priest or a priest incardinated in another diocese who served in this diocese for a period of time and allegedly committed sexual abuse of a minor in a geographic area outside this diocese (e.g., after he moved from the Diocese of Austin). In this case, the other diocese or the religious order would have received and investigated the allegation.

Another example of an allegation that would not result in a name being included on the list is one involving a priest or deacon who allegedly engaged in sexual activity or misconduct with an adult.

A third example may occur when information provided did not satisfy the criteria followed for placing names on the list.

Explanation of Terms

“Credible allegation” or “credible accusation” is information received by the Diocese of Austin that, after review of reasonably available, relevant information in consultation with the Diocesan Review Board or other professionals, there is reason to believe is true.

“Deacon” is a man ordained to the Order of Deacon (diaconate). A deacon may be *“permanent”* (ordained with the intent of living the remainder of his life in service as a deacon) or *“transitional”* (ordained with the intent of subsequently being ordained to the priesthood, which means all priests and bishops are also ordained deacons). A deacon lives a life of service to the bishop and the faithful to whom he is assigned. On the list, permanent deacons are identified with a year of *“diaconate ordination”* rather than simply *“ordination.”*

“Diocesan priest” or “diocesan deacon” means a priest or deacon who is committed or affiliated with a particular bishop, who has the care of a certain geographic area (the diocese), and is ordained into the service particularly for the faithful of that diocese. Typically, a diocesan priest or deacon is ordained by and for the diocese he is to serve, but he may have special assignments outside his home diocese. To become a priest or deacon of another diocese, he must go through a formal process of excommunication (approved by his home bishop) and incardination (approved by the receiving bishop).

“Faculties” means permissions given by a bishop to a priest or deacon to perform certain ministerial acts. Faculties for both deacons and priests typically include the right to administer the sacraments of Baptism and Marriage, to preside at funerals, and to assist in other liturgies. Some faculties are reserved to priests and bishops, such as celebrating the Mass (Sacrament of the Eucharist), hearing confessions (Sacrament of Penance), anointing (Sacrament of Anointing the Sick).

“Geographic jurisdiction of the Diocese of Austin” includes the geographic area with the boundaries of the Diocese of Austin, which covers 25 counties in Central Texas: Bastrop, Bell, Blanco, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Hamilton, Hays, Lampasas, Lee, Limestone, Llano, Mason, McLennan, Milam, Mills, Robertson, San Saba, Travis, Washington, and Williamson Counties and the part of Fayette County north of the Colorado River. The geographic jurisdiction of the Diocese of Austin excludes the geographic area of Fort Hood.

“Holy See” refers to the office held and exercised by the Holy Father (the Pope), who is the Bishop of the Diocese of Rome. The term extends to the institutions established by the Holy Father to govern pursuant to the authority entrusted to him and his office. It is also known as the *“Apostolic See.”*

“Incardination” and *“excardination”* are terms used when a given priest or deacon is freed from the jurisdiction of one bishop and is received into the jurisdiction of another. Common use of the terms is that a priest or deacon is excardinated from one diocese and incardinated into another by decrees of the releasing and receiving bishops.

“Laicization” means the return of a priest or deacon to the status of a lay person. A priest or deacon is not “un-ordained” through the process of laicization. Rather, the obligations of his ordination are dispensed, his faculties are removed, and the bishop’s obligations to him are relieved.

“Lay person” is a man or woman who has not been ordained and who has not taken vows or made a profession as a religious brother or sister.

“Minor” means a person under 18 years of age.

“Religious order” is a community of men or women who follow a particular way of life, take formal vows (such as poverty, chastity, and obedience), and dedicate their lives to a particular form of service in the church. To be a religious order, the community must have formal recognition by the Holy See. Under certain conditions, a bishop may also establish a *“local religious community”* by decree. Members of a religious order may be *“religious priests”* (men ordained to the priesthood), *“religious brothers”* (unordained men), or *“religious sisters”* (women). Religious orders are divided into separate congregations of men and women. Each congregation is governed by its own superiors. The following religious orders have commonly had a presence in the Diocese of Austin: Holy Cross (CSC), Dominicans (OP), Paulists (CSP), and Franciscans (TOR, OFM, etc.).

“Removal from ministry” means that the faculties or permissions for a man or woman to engage in ministry in or for the Diocese of Austin, or on behalf of a religious order, have been removed or suspended. Removal from ministry occurs before a laicization process begins (for ordained ministers) or before a process of expulsion from a religious order (for religious priests, brothers, or sisters). Laicization or expulsion are not automatically initiated after a man or woman is removed from ministry. A bishop or religious superior may determine that removal from ministry is warranted in a particular case but laicization or expulsion is not.

“Restricted” means an individual has been removed from public ministry, has agreed to live in community under conditions that limit the individual’s activities, and has agreed to account to a supervisor.

“Retirement” of a priest, deacon, religious brother, or religious sister means the individual has received permission (of the bishop or religious superior) to end his or her life of active ministry. (Technically, priests, deacons, and religious brothers and sisters do not “retire” from the priesthood, diaconate, or religious life.) Retirement status is usually granted by reason of one’s age but may also be granted for other purposes, such as permanent health conditions. A retired priest, deacon, or religious brother or sister may engage in ministry on an occasional basis (e.g., a retired priest may celebrate the sacraments at a parish to assist the parish priest from time to time). When necessary, participation in ministry by a retired priest, deacon, religious brother, or religious sister may be limited for just cause.

“Seminararian” commonly refers to a man who is in formation to be ordained to the priesthood. Such men enter a seminary, which is the primary institution in which candidates for the priesthood are educated and formed.

“Sexual abuse” includes sexual activity that is generally harmful to a minor, including but not limited to sexual assault, abuse involving sexual contact, lewdness, indecent exposure, indecency with a minor, voyeurism, and other acts involving sexual activity with or in the presence of a minor.