



## **Diocese of Grand Island Child Protection Policy**

### **Introduction**

Historically, the Roman Catholic Church has sought to better lives of all in the spirit of the Kingdom. The identity and mission of the Church revolve around the presence of the Kingdom from which the Good News of Jesus is realized. It is this presence which must be celebrated in an environment of safety and justice.

Of particular concern is the care and the welfare of our children and of our young people. To this end, the Office of Child Protection, Diocese of Grand Island, has formulated and has implemented a goal ministry in which this is realized. It is through this diligence, vigilance, and care in which a pastoral heart is created, anchored in the love of God, and made real in the proclamation of the Good News. This hope and this prayer then serve as the foundation from which the common good is acknowledged and is celebrated.

### **Scope of Diocesan Child Protection Policy**

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

This policy recognizes and cooperates with the requirements and procedures of 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.

The policy, first published in 2003, is in its third revision. Policy is reviewed on a regular basis and revisions are included to correspond with revisions to the United States Conference of Catholic Bishops *Charter for the Protection of Children and Young People* and the *Essential Norms*.

## 1. Definitions

- 1.1 **Sexual abuse** – Any sexual conduct of Diocesan personnel which is unlawful as described by the laws of the State of Nebraska.
- 1.2 **Minor** – Under Nebraska law, a person not yet 19 years of age. Under the 1983 Code of Canon Law, a person not yet 18 years of age. As defined by the *Essential Norms 2011*, a person under 18 years of age or an adult who habitually lacks the use of reason.
- 1.3 **Vulnerable Adult** - *Per Nebraska law: Vulnerable adult shall mean any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed under the Nebraska Probate Code.* This term includes, but is not limited to, adults who habitually lack the use of reason.
- 1.4 **Child pornography** – Any visual depiction of a minor which meets the criteria of child pornography as defined by the Nebraska Law or found in the Child Pornography Prevention Act.
- 1.5 **Plausible allegation** – A claim based upon the identifiable facts, such as specific names, places, or time frames, details of incidents or names of corroborating persons.
- 1.6 **Victim Assistance Coordinator** – Person(s) responsible for initial pastoral response and subsequent pastoral care in the name of the Diocese to victims of sexual abuse by church personnel.
- 1.7 **Diocesan Review Board** – A panel including the Chancellor and eight other persons of whom a minimum of four are practicing Catholics. This panel serves as the consultative body to the Bishop regarding the implementation and application of the Charter for the Protection of Children and Young People, review of particular allegations or cases, review of Diocesan policies, practices and procedures for the creation of safe environments, proactive protection of minors and prevention of the abuse of minors by personnel of the Diocese. (Charter for the Protection of Children and Young People, Article 2; Essential Norms, Article 5).
- 1.8 **Personnel** – All ordained priests and deacons, all seminarians, all employees of Diocesan departments, agencies, parishes, and Catholic school and lay volunteers who have contact with minors in the name of the Catholic Church.
- 1.9 **Regular contact** – Having a defined role of involvement with minors in the name of the Church, in which the individual has multiple

contacts within a given year or is responsible for the supervision of minors. Such roles may include, but are not limited to pastoral care or ministry, full-time or part-time teaching, training of minors as altar servers or youth volunteers, accompanying or directing youth choir or similar groups, sponsoring recreational or social activities for minors, supervising minors in nursery or day care assignments, etc.

- 1.10 **Youth volunteer** – Any individual under the age of 21 who assists in the supervision of minors or provides volunteer services for youth activities and programs. Young adults between the ages of 19 – 21 may assist in the supervision of minors when in a joint relationship with an adult supervisor age 21 or older. Minors under the age of 19 should never be expected to have supervisory responsibilities.
- 1.11 **Reasonable cause** – A prudent estimation based on trustworthy information that an incident occurred, has been perceived as having occurred, or is in danger of occurring.
- 1.12 **Safe Environment Coordinator** – Person(s) responsible for safe environment programming at the parish / school / program level. Duties include implementation of diocesan and parish policy, documentation of training and screening of personnel, and education and training of personnel, parents and children / youth.

## 2. Personnel

- 2.1 All incardinated clerics (including all incardinated permanent and transitional deacons of the Diocese).
- 2.2 All religious priests, deacons, brothers and seminarians working for the Diocese, its institutions or offices.
- 2.3 All those non-ordained persons to whom a participation in the exercise of pastoral care of a parish is entrusted to Canon 517, Section 2 of the 1983 Code of Canon Law.
- 2.4 All clerics of *other* jurisdictions who are working for the Diocese.
- 2.5 All women religious working in the Diocese, its parishes, and schools.
- 2.6 All personnel of Catholic schools of the Diocese (administration, faculty, and support staff).
- 2.7 All religious education directors or coordinators and teachers in the parishes, schools, and programs of the Diocese.

- 2.8 All youth ministers in the parishes, schools, or institutions of the Diocese.
- 2.9 All personnel of Diocesan campus ministries.
- 2.10 All paid personnel in the offices of the Diocese, in the parishes of the Diocese, in the schools of the Diocese.
- 2.11 All volunteers in the offices and institutions mentioned in 2.10 who have regular contact with minors
- 2.12 Such other personnel as designated by the Bishop of the Diocese.

### **3. Applicable Law**

3.1 This policy is intended to address violations of law. A violation of the criminal law can subject the perpetrator to a prison sentence and / or monetary fine. It can also be the basis for a civil suit for monetary damages.

3.2 The law changes from time to time by enactment of amendments to statutes and judicial interpretations. Because of this it is incumbent upon all personnel to familiarize themselves with such changes that may occur.

3.3 The Nebraska Criminal Code defines various types of sexual misconduct. Three of the primary areas of concern are:

3.3.1 Sexual abuse (as it applies to adult / child or vulnerable person interactions) is the subjection of a child or vulnerable adult, by any person, to any sexual act which is a violation of the Nebraska Criminal Code.

3.3.2 Sexual exploitation (as it applies to any formal helper / helpee relationship) is any kind of sexual interaction between counselor and client, whether initiated by either counselor or client.

3.3.3 Sexual harassment is any unwelcomed sexual advance, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education.

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment; or in the case of employment, the employer knows of the existence of the harassment and fails to take timely and appropriate action.
- 3.4 Other Child Abuse – Nebraska law defines abuse or neglect as knowingly, intentionally, or negligently causing or permitting a child to be:
- (a) Placed in a situation that endangers his or her life or physical or mental health;
  - (b) Cruelly confined or cruelly punished
  - (c) Deprived of necessary food, clothing, shelter, or care.
  - (d) Left unattended in a motor vehicle if such minor child is six years of age or younger.
- 3.5 Abuse of a Vulnerable Adult is defined by Nebraska law as any knowing or intentional act on the part of a caregiver or any other person which results in:
- (a) physical injury,
  - (b) unreasonable confinement,
  - (c) cruel punishment,
  - (d) sexual abuse,
  - (e) or exploitation
- 3.6 In accord with Nebraska law, any personnel who have reasonable cause to believe that a child or vulnerable adult has been subject to abuse or neglect, or who observes a child or vulnerable adult being subjected to conditions or circumstances which reasonably would result in abuse or neglect, shall report such incident (or cause such report to be made) to the proper law enforcement agency or to the Department of Health and Human Services. (See Report of Suspected Abuse form).
- 3.7 Child Pornography - As defined by Nebraska Law in the Child Pornography Prevention Act, child pornography includes the involvement of any person under the age of 18 as a participant and any person under the age of 16 as a portrayed observer in any visual depiction of the following:
- (a) Erotic fondling,
  - (b) Erotic nudity,
  - (c) Sadomasochistic abuse,
  - (d) Sexually explicit conduct .

Nebraska law further states, that it is unlawful for a person to knowingly:

- (a) Make, publish, direct, create, provide, or in any manner generate any such visual depiction.
- (b) Purchase, rent, sell, deliver, distribute, display for sale, advertise, trade, or provide to any person any such visual depiction.
- (c) Employ, force, authorize, induce, or otherwise cause a child to engage in any visual depiction.
- (d) As guardian, consent to a child engaging in such visual depiction.

3.7 Personnel who have reason to believe that a child or vulnerable adult has been exploited through child pornography, or who find evidence of child pornography in the possession of personnel, shall report such incident or cause such report to be made to the proper law enforcement agency or to the Department of Health and Human Services.

#### **4. Education and Training**

##### 4.1 Safe Environment Training

4.2 Training shall be required for all personnel of the Diocese, priests, deacons, paid staff, and volunteers, who have contact with minors, at the time they enter service in the name of the Church

4.2.1 Personnel will participate in training on an annual and continuing educational basis.

##### 4.3 Preventative Education

4.3.1 Education will be provided for children in grades Kindergarten through 12<sup>th</sup> grade. Information will be prepared in age appropriate and sequential format and presented in Catholic schools, religious education, youth ministry, and other programs organized under the responsibility of the Diocese. Standard educational components will be embedded and included in the curricula and in the environment of all child services offered in the name of the Church.

4.3.2 Educational opportunities and resources will be provided to parents and families of minors participating in services offered in the name of the Church.

4.3.3 Educational opportunities and resources will be provided to youth volunteers assisting in Church activities and programs for minors.

4.3.4 Educational opportunities and resources will be made available to Catholic communities.

4.3.5 Education will be provided to the community at large through educational resources and outreach to community organizations.

4.4 The Chancellor and the Office of Child Protection shall plan, oversee, and assist the implementation of each education and training program in partnership with Diocesan and parish offices.

## **5. Distribution of / Accessibility to Policy and Procedures**

5.1 A copy of this policy and other policies relating to specific aspects of the protection of all children shall be distributed to the following:

- All Diocesan Parishes
- All Diocesan offices, ministries, and commissions
- All Catholic elementary and secondary schools in the Diocese
- All Parish / School / Program Safe Environment Coordinators
- All Victim Assistance Coordinators.

5.1.1 This policy shall be included in the personnel handbook for the Diocese of Grand Island for both priests and lay employees.

5.1.2 This policy shall be made available on the Diocesan website.

5.1.3 A summary of this policy pertaining to volunteers shall be provided to every volunteer who has regular contact with children and youth.

5.1.4 Personnel files shall include acknowledgement of the receipt of this policy and / or the Volunteer Policy Summary.

5.2 Each parish, school, and program working with minors shall have and publicize a basic procedure for the individualized implementation of safe environment programming and communication regarding concerns, issues, or incidents related to the protection of children.

## **6. Personnel Criminal Background and Reference Checks**

6.1 All prospective personnel of the Diocese age 19 and over, who will have regular contact with minors 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. (See Background Questionnaire Form.

- 6.2 All prospective personnel of the Diocese shall submit, as part of the normal screening, interview, and hiring process, references for their character, work history, and performance. Pastors, school, administrators, and those charged with the interview process, are obliged to contact a candidate's references in completion of the assessment and selection process of any candidate considered as a finalist for a position. (See Reference Questionnaire)
- 6.3 Results of the criminal background check shall be communicated to the pastor, the school administrator, the Safe Environment Coordinator, or the immediate supervisor of the position in question. Irregularities, incomplete information, or concerns affecting the decision to hire shall be resolved with the prospective personnel by the pastor, school administrator or the immediate supervisor of the position in question. Information will be kept confidential and secure.
- 6.4 The Chancellor of the Diocese 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 volunteer service.

## **7. Reporting and Investigation of Allegations**

- 7.1 **Obligation to Report** - Any personnel of the Diocese who has knowledge of or who has reasonable cause to suspect an incident of sexual abuse or exploitation of a minor by any personnel of the Diocese or who finds evidence that personnel of the Diocese are in possession of or have exploited a minor through child pornography (unless to do so would violate priest / penitent relationship of the Sacrament of Reconciliation or other communication deemed privileged under Nebraska law), shall report as follows – after adhering to the pertinent state and local laws (Section 3):

- 7.1.1 A verbal report of the incident shall be made immediately to the appropriate staff person as determined by each Diocesan or parish entity and shall be followed as soon as reasonably possible by written report with a copy to the Diocesan Bishop or his designate. Unless otherwise determined, the appropriate staff person for Catholic schools is the principal; for parishes, the pastor; and for Diocesan entities, the Chancellor.

In the case when an accusation is made against “the appropriate staff person,” if not a priest, the verbal and written report shall be made, on the Diocesan level, to the Diocesan Bishop or his designate.

When an accusation is made against a Cleric (priest or deacon), the report shall be made to the Diocesan Bishop, who will enact the "Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.

- 7.12 When the accusation is made against a Cleric, the Diocesan Bishop shall notify the Diocesan Review Board.
- 7.13 If an allegation of past abuse is reported when the victim is no longer a minor, the alleged victim shall be informed of his / her right to make a report to law enforcement and a Victim Assistance Coordinator.
- 7.14 Anonymous reports are often considered unreliable; however, when an anonymous communication contains specific names, circumstances, and timelines that raise questions, suspicions, or concerns for the pastor, administrator, or director of pastoral staff, there is an accountability to seek further information.

## 7.2 Investigation of Reported Incidents

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- 7.2.1 When accusations of sexual abuse or exploitation are made against personnel of the Diocese, contact by an officially designated Diocesan representative and / or advocate, with the alleged victim and family will be promptly initiated, taking care not to interfere with any criminal investigation.
- 7.2.2 The Diocese will appoint a Victim Assistance Coordinator to assist the alleged victim and / or victim's family for the purpose of offering whatever concern or solace may be needed, with no comment as to the truth of any accusations.

Medical, psychological, and spiritual assistance may be offered in the spirit of Christian justice and charity.

- 7.23 Each reported incident will be investigated as soon as reasonably possible with care taken not to interfere with any criminal investigation, and with a high level of Christian care, concern, and confidentiality. If the reported incident involves clergy, the investigation will be conducted by the Diocesan Review Board (See Section 1.5).
- 7.24 It is recommended that the alleged perpetrator be represented by counsel of his / her own choosing.

7.25 For accusations against all personnel, the alleged perpetrator should be interviewed in the presence of his / her counsel. The alleged perpetrator shall be advised of the provisions of 7.23 and 7.24 and shall be informed that anything said may be used against the alleged perpetrator in a criminal proceeding or in a civil lawsuit. The alleged perpetrator should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations. The investigator shall also review the alleged perpetrator's personnel file.

7.26 In the case of allegations against clergy, the investigation shall be conducted according to the procedures of the Diocesan Review Board.

7.26.1 Immediately upon receipt of a plausible allegation of abuse of a minor, the alleged perpetrator, in accordance with canonical and other considerations, shall be relieved of all responsibilities in the Diocese, parish, office or institution, and be placed on administrative leave, pending the outcome of the internal and any outside investigation.

7.27 Any media contact or inquiries regarding an incident of sexual abuse or exploitation, or child pornography should be directed to the Diocesan Chancellor.

7.3 Action where guilt determined.

7.31 Any non-cleric personnel of the Diocese who admits to, does not contest or is found guilty of an incident of sexual abuse or exploitation following an investigation under this policy, shall be immediately terminated from employment and any position of responsibility with the Diocese in accordance with Diocesan policy.

7.32 In the case of clergy, any investigation resulting in sufficient evidence of abuse will be referred to the Congregation of the Doctrine of the Faith.

7.33 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.

## **8 Contact and Conduct with Minors**

8.1 All personnel and youth volunteers will be expected to adhere to a standard code of conduct which they have agreed to in writing. (See Pastoral Code of Conduct)

8.2 Personnel shall document incidents when the code of conduct has not been followed.

8.3 The code of conduct shall include, but not be limited to, the following.

8.3.1 Personnel will avoid meeting with minors in isolation.

8.3.2 A team approach will be utilized in decision-making and when working with minors.

8.3.3 Personnel will encourage an environment of open communication.

8.3.4 Personnel will maintain appropriate personal and professional boundaries.

8.3.5 Personnel will not have contact with minors while under the influence of alcohol or other substances.

## **9 Program Evaluation**

The Child Protection Office will monitor and evaluate the implementation of Safe Environment Programming through:

9.1 Maintenance of records including, but not limited to:

9.1.1 Background Check Authorization Forms and results.

9.1.2 Documentation of Victim Assistance Coordinator(s) contacts with alleged victims and family.

9.1.3

9.1.4 Documentation of consultation, continuing education, and resources provided.

9.1.5 Positive and negative feedback regarding Safe Environment Programming. (Safe Environment Program File Review Summary).

9.1.6 Documentation of Initial Safe Environment Training.

9.2 Periodic review of individual Parish and Program Records including, but not limited to:

9.2.1 Volunteer files (See Safe Environment Program File Review Checklist and Safe Environment Program File Review Summary)

9.2.2 Training and education opportunities provided.

9.3 Cooperation with regular audits and research authorized by the United States Conference of Catholic Bishops Secretariat for Child and Youth Protection.

9.4 Analysis of data regarding the effectiveness of program implementation.

## **10. Communications**

10.1 All allegations of abuse of a minor shall be met with an immediate and proactive response.

10.1.1 All allegations of abuse of a minor shall be reported immediately to legal authorities as specified by Nebraska Law.

10.1.2 Verbal report to appropriate Diocesan / Parish staff person (see 7.11) shall be made in a timely manner.

10.1.3 Written report to the Diocesan Bishop or Child Protection Office shall be made in a timely manner.

10.1.4 Anonymous reports that include specific names, circumstances or time lines that raise questions, suspicions, or concerns will be investigated to seek clarification or verification for these reactions.

10.1.5 The Victim Assistance Coordinator shall coordinate immediate pastoral outreach and follow up required in each situation.

10.2 The Diocese shall maintain transparency with regard to allegations of abuse of a minor.

10.2.1 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.

10.2.2 The Chancellor shall serve as the Diocesan spokesperson when issues, allegations, or incidents regarding the protection of children or young people occur in the Diocese. Pastors, school administrators, program directors, and lay leaders shall refer media inquiries or concerns from individuals or groups regarding the incident or issue to the Chancellor of the Diocese.

- 10.2.3 The Bishop shall offer to meet with alleged victims and respond to affected parish and school communities with outreach by himself or an official designee.
- 10.2.4 The Diocesan Review Board may issue statements, reports, or other forms of communication to pastors, priests, faith communities, the general public, or the media. Such communications shall take place after discussion with the full knowledge of the Bishop.
- 10.3 Child Protection Policies and Procedures shall be publicized.
  - 10.3.1 Diocesan Child Protection Policies and Procedures shall be made available on the Diocesan website.
  - 10.3.2 A copy of the Diocesan Child Protection Policy shall be provided to all entities identified in Section 5.1.
  - 10.3.3 A summary of the Diocesan Child Protection Policy pertaining to volunteers shall be provided to all volunteers who have regular contact with minors.
  - 10.3.4 Parishes, schools, and programs shall publicize policies and procedures for implementing Safe Environment programming and communicating concerns to pastor, school administrator, program director, and the Diocesan Office of Child Protection.
  - 10.3.5 The names and contact information of Victim Assistance Coordinators shall be published on the Diocesan website, in the West Nebraska Register, and within each parish and school.