

# **ADMINISTRATIVE POLICIES/PROCEDURES REGARDING ALLEGATIONS AND/OR VIOLATIONS OF THE CODE OF CONDUCT**

## **KEY COMPONENTS**

- A. POLICY/PROCEDURE REGARDING VIOLATIONS OF THE DIOCESAN CODE OF CONDUCT**
- B. POLICY/PROCEDURE REGARDING PHYSICAL, EMOTIONAL ABUSE AND NEGLECT OF MINORS AND/OR LEGALLY VULNERABLE ADULTS**
- C. POLICY/PROCEDURE REGARDING SEXUAL ABUSE OF MINORS OR LEGALLY VULNERABLE ADULTS AND FOR THE ACQUISITION, POSSESSION OR DISTRIBUTION OF PORNOGRAPHIC IMAGES OF MINORS**

### **I. Preamble**

The Diocese of Spokane is committed to providing a safe environment for minors and vulnerable adults, and respectful boundaries between church personnel (clergy, seminarians, staff, independent contractors and volunteers, hereafter referred to as church personnel) and those whom they serve. These policies recognize that abuse, sexual, physical or emotional, or neglect can have a devastating impact on those who experience it. When church personnel are perpetrators of these acts, victims and their families, as well as the entire church community, are severely impacted. These policies recognize that, because abuse affects the whole church, solutions must also involve the whole Church. These policies manifest the diocese's ongoing work to prevent sexual abuse and abusive behaviors and to respond promptly and justly to all reports. This document is divided into four sections:

- a brief history
- a policy statement regarding the response to violations of the Diocesan Code of Conduct
- a policy statement regarding the response to all forms of abuse of minors and legally vulnerable adults
- appendices

The policy statements are aligned with the diocese's commitment to providing:

- prevention and education programs
- a systematic response to report to civil authorities
- a prompt process and response to violations of the Diocesan Code of Conduct
- a prompt process and response to reports of abuse or neglect of minors or legally, vulnerable adults
- prompt and just actions in response to reports and findings of sexual abuse with professional care and support to victims and their families

### **II. History**

In 1988 the administrative policies for dealing with sexual misconduct by church personnel were approved and the Diocesan Review Board was established. In 1994 the Code of Conduct was expanded.

In 2002 *The United States Conference of Catholic Bishops (hereafter referred to as USCCB) developed the Charter and Essential Norms for the Protection of Children and Young People.*

The Essential Norms became particular law for the dioceses of the United States. The policies of the Diocese of Spokane were updated to align with the *Charter* and *Essential Norms*.

In 2011 the USCCB amended the *Charter* and *Norms* to include (1) the exploitation or abuse of a legally vulnerable adult and (2) the prohibition of the acquisition, possession, or distribution of pornographic images of minors.

These policies of the Diocese of Spokane incorporate the provisions and amendments of the *USCCB Charter* and *Essential Norms*. See Appendix I.

▪ **Definitions**

For the purposes of this policy the Diocese accepts the most current definitions from the RCWs of the State of Washington and the USCCB Charter for the Protection of Children and Young People. If definitions are in conflict, the definition which provides the most protection to victims will be used. For a list of definitions see Appendix II.

▪ **Prevention and Education Programs**

The Diocese of Spokane's comprehensive safe environment program includes regular and on-going education for the prevention of sexual abuse.

1. Education of Children

All children and youth registered in K-12 Catholic schools and parish religious education programs are required to have two lessons per year from the VIRTUS (Touching) Safety Program for Children, provided by the local parish/school Safe Environment Coordinator/teachers/catechists. These lessons are to be recorded each audit year in the Virtus recording system no later than May 15.

2. Education of church personnel

a) All priests, deacons, seminarians, staff and contract staff of parishes/schools/diocese, educators, preschool and child care personnel, coaches, directors of religious education, and youth ministers must complete a background check before working in the diocese. They must also complete the Safe Environment and New Employee training within 60 days of hiring and complete the Virtus online update annually.

b) **All volunteers whose duties include ongoing, unsupervised contact with minors** must successfully complete a background check, Safe Environment training and sign the Diocesan Code of Conduct before beginning to volunteer with children and must complete the online update annually.

Any further requirements for safe environment training are at the discretion of the bishop, pastor, principal or institutional leader. Pastoral leaders are encouraged to err on the side of caution when deciding who should be mandated to participate. Special attention regarding the pastoral care of the sick and those who are homebound is strongly recommended with the understanding that local circumstances and the need for training will likely vary location to location.

- High school youth who are 18 and over and volunteer in youth activities must fulfill the same requirements as adult volunteers.
- Youth volunteers under the age of 18 working with children are required to complete the Agreement for Youth Volunteer Working with Minors.

3. Background Checks

- a) All employees, clergy and volunteers must complete Safe Environment Background Consent & Training Summary
  - b) Background checks and Diocesan disclosure statements must be completed and passed initially and at least every five years.
  - c) In the case of a finding of a Possible Match in the background check process or notification of convictions or charges pending, the pastor is to be notified of the findings; the person identified in the background check is to be sent a Notification Letter, which is also to be sent to the Safe Environment Office. Anyone with convictions or charges pending for felonies against persons or families, public order or for indecency, or regarding possession/distribution of controlled substances will not be permitted to minister to minors or legally vulnerable adults.
4. Each parish/entity is to retain background consent and findings documents for employees and volunteers indefinitely. In the event of a transfer or change to a position in another entity of the Diocese, copies of these documents are to be obtained and entered into their records by the new entity.

## A. POLICY REGARDING VIOLATIONS OF THE DIOCESAN CODE OF CONDUCT

### PROCEDURE FOR REPORTING CODE OF CONDUCT VIOLATIONS

Concerns about violations of the Code of Conduct that may be signs of grooming of minors or legally vulnerable adults are to be reported to the administrator, principal, pastor or supervisor **and** the Victim Assistance Coordinator (VAC) or Vicar for Priests of the Diocese and/or the Vicar General. The VAC will work with the bishop and vicars to investigate the situation and follow through as directed. The VAC will keep a comprehensive file of the process and information.

See Sections B and C for reporting abuse of minors or legally vulnerable adults.

All other violations of the Code of Conduct should be reported first to the Supervisor, Principal, Pastor or Administrator of that entity. Should one of these persons be the violator or does not follow through on the report, the issue should be taken to the next level of authority for that institution.

The person receiving the report will document the concerns of the reporter, the name of the accused and the specific behaviors, the investigation or follow up, and the outcome.

## B. Policy Regarding Diocesan Response to reports or suspicions of Physical, Emotional Abuse or Neglect of a Minor or Legally Vulnerable Adult to Civil Authorities and the Diocese

When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a minor or a legally vulnerable adult has suffered physical, emotional abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a minor(s) or regularly has unsupervised access to a minor(s) as part of the employment, contract, or voluntary service.

In other words, supervisors/staff or volunteers who supervise other volunteers who work with minors or legally vulnerable adults are **required to report** any suspected physical or sexual abuse or neglect by others whom they supervise. Cited from RCW 26.44.030 (1) (b) and RCW 74.34.020 (11).

1. All are encouraged to report abuse regardless of how much time has passed since the incident. If unsure of how to proceed, Child Protective Services, Adult Protective Services, or the Diocesan Victim Assistance Coordinator (VAC) welcome calls for consultations.
2. The Duty to Report
  - a) Recognizing the criminal nature of these acts, the bishop requires that clergy, except under the seal of Confession, and other church personnel report any disclosed or suspected abuse of minors or legally vulnerable adults to law enforcement **and** Child Protective Services (CPS) or Adult Protective Services (APS).
  - b) Suspected abuse should be reported at the first opportunity. Reports **must** be made no later than 48 hours of becoming aware of the incident.

### 3. The Report Process

When church personnel report to CPS/APS and law enforcement, it is recommended that they complete a Diocesan notice of report (Form #401-link) and submit it to the Diocesan VAC, keeping a copy for their files.

- a) Contact information for the Diocese, Law Enforcement and CPS and APS See Appendix.

All reports of abuse by church personnel are to be made to local Law enforcement and CPS or APS **and** to one of the following diocesan administrators: Victim Assistance Coordinator (VAC), Vicar General, or the Bishop

#### **PROMPT AND JUST ACTION**

The diocese is committed to holding Church Personnel accountable for violating the law and a sacred trust when abuse occurs. Prompt and just actions are guided by Civil Law, Canon Law, this policy and the discernments of the Bishop and his advisors.

#### **1. Justice for the minor or legally vulnerable adult victim (and his and her family) of abuse.**

- a) The diocese will assure that the abuse has been reported to CPS/APS and to law enforcement and will cooperate with authorities
- b) Care will be taken to protect the rights of all parties involved.

#### **2. Justice for those who have been found to have physically, emotionally abused or neglected a minor or a legally vulnerable adult**

- a) Church personnel will be removed from their position while the allegation is investigated. Employed staff will continue to receive their normal pay.
- b) If the accusation is found to be true the accused will be permanently terminated from their position. Processes will be followed according to that person's position in the diocese (examples: cleric, educator, staff or volunteer)
- c) If the accusation is found to be untrue effort will be made to restore the good name and reputation of the accused.

#### **C. Diocesan response to Reports of Sexual Abuse of a Minor or Legally Vulnerable Adult or the Acquisition, Possession, or Distribution of Pornographic Images of Minors.**

1. The acquisition, possession or distribution by church personnel of pornographic images of minors under the age of 18, by whatever means or using any form of technology shall have the gravity of child sexual abuse. Allegations of acquisition, possession, or distribution of pornographic images of minors will be reported to civil authorities. The diocesan process for handling an accusation of sexual abuse of a minor will be followed and the offender punished according to the severity of the act including dismissal.

The bishop directs church personnel to cooperate in any subsequent CPS, law enforcement or Diocesan investigation. If an accused employee fails to cooperate, he/she could be subject to termination. A priest or deacon is liable to canonical penalties for failing to cooperate with an investigation.

2. Diocesan response to those minors or legally vulnerable adults reported to have been **sexually** abused:
  - a) The VAC, in consultation with the Vicar General and Bishop, will be the lead person in the Diocesan response to reported victims.
  - b) The VAC will make every effort to communicate with the person who is reported to have been sexually abused, or their representatives. This information may include the following:
    - a description of next steps after a report is received by the diocese
    - when the report was made to Child or Adult Protective Services and local law enforcement
    - anticipated timing of investigation by local law enforcement or CPS/APS investigative outcome
    - actions the diocese took in response to credible findings of abuse by clergy, staff and volunteers
  - b) In the initial meeting with the reported victim and his/her family, the VAC provides the VAC's confidential cell-phone number, explains the emotional course of the experience after reporting, and, guided by the unique needs of the victim and the situation, arranges for counseling and other forms of professional and pastoral support.
  - c) Throughout the investigation process, the VAC is the primary diocesan contact person for continued communication with those reported to have suffered sexual abuse, their families and/or their representatives.
  - d) In reported cases of alleged sexual abuse of a minor or legally vulnerable adult by church personnel, the VAC will verify that the allegation has been reported to local law enforcement and to Child Protective Services or Adult Protective Services. If both reports have not been filed the VAC will file the necessary report(s).
3. Diocesan response to those who have been accused of sexual abuse of a minor or legally vulnerable adult
  - a) The bishop or his representative will inform the accused individual that an allegation has been made, that an investigation by proper authorities will begin immediately and that, without assumption of guilt, the accused individual will be relieved of his/her duties during the investigation (employees will continue to receive pay). A priest or deacon will be removed from ministry during the investigation in accord with Canon 1722 and the *Essential Norms* #6.
  - b) The bishop or his representative will advise an accused cleric of available support, including referral to legal, canonical and healthcare professionals (*Essential Norms* #6).
  - c) The bishop or his representative will advise church personnel (non-cleric staff and volunteers) to seek legal counsel.

#### 4. The Diocesan Review Board

Allegations of sexual abuse of minors or legally vulnerable adults by church personnel will be reported to the Diocesan Review Board. Taking into account all the known facts and circumstances and giving particular consideration to the safety of minors and legally vulnerable adults and the rights of the accused, the Board will make recommendations to the Bishop about the following:

- Whether to continue the suspension from ministry, employment or volunteer position
- Whether any restrictions should be imposed if someone is to be returned to ministry, employment or volunteer status
- Whether the Board has concerns that are deemed worthy of further investigation or action

5. The Rights and Privacy of Those Involved in a Report

- a) The Diocese will be guided by discretion in protecting the privacy of the individuals involved, informing only those who need to know to assist with investigation and resolution.
- b) Care will be taken to protect the rights of all parties involved.

**PROMPT AND JUST ACTION**

The Diocese is committed to holding church personnel accountable for violating the law and a sacred trust when sexual abuse occurs. Prompt and just actions are guided by Civil Law, Canon Law, the *Charter* and *Essential Norms*, this policy, the Diocesan Review Board, and the discernments of the Bishop and his advisors.

1. Justice for the minor or legally vulnerable adult victim of sexual abuse and his/her family

- a) The Diocese will assure that the sexual abuse has been reported to CPS/APS and to law enforcement and will cooperate with authorities.
- b) Pastoral and professional support will be offered and arranged through the VAC according to Diocesan policies.
- c) The church desires to reconcile with victims and their families and to demonstrate a sincere commitment to their spiritual well-being. The diocese will initiate a process of reconciliation and healing. The bishop will offer to meet with victims and their families, listen with patience and compassion to their experiences and concerns, offer apologies, and share the “profound sense of solidarity and concern” expressed by Pope John Paul II (Address to Cardinals of the United States, April 23, 2002)
- d) The bishop/diocese “will not enter into settlements which bind the parties to confidentiality unless the victims/survivors request confidentiality” *Charter* #3.

2. Justice for those who have been found to have perpetrated sexual abuse

- a) In all cases of confirmed sexual abuse of a minor or legally vulnerable adult, or an incident involving child pornography, even if it is a single incident, the employment or volunteer status of the individual will be terminated and his/her employment or volunteer status will be prohibited elsewhere in the diocese. A priest or deacon will be permanently removed from ministry and subject to additional canonical penalties in accord with *Essential Norms* #8 and #9.
  - If the Diocese of Spokane learns that a former employee, seminarian, or volunteer with a record of sexual abuse is seeking ministerial placement elsewhere, the Bishop of Spokane will immediately notify the Ordinary or ecclesiastical authority of the facts and circumstances in the Spokane Diocese.
  - Information about former church personnel with a record of sexual abuse will be disclosed to others making legitimate inquiry.

b) When the perpetrator is a cleric (in addition to #2a above)

- The diocese recognizes that a cleric who has admitted or been found to have sexually abused a minor or legally vulnerable adult may never return to ministry in the diocese or any other diocese *Essential Norms #12*.
- In every case involving canonical penalties, the process provided for in Canon Law must be observed.
- When deemed appropriate, an effort shall be made to encourage the cleric to request laicization. Should he not do so, the diocese will ordinarily pursue involuntary laicization. If, for reason of advanced age or infirmity, laicization (dismissal from the clerical state) is not pursued, the bishop will make every effort to ensure the safety of children and vulnerable adults.
- A program of supervision will be encouraged under the oversight of the bishop and vicar general. The protocols, procedures and practices must reflect the primary goals of protecting children and legally vulnerable adults.
- In case of a finding of sexual abuse by a cleric of the Diocese of Spokane, the cleric will not be transferred to a ministerial position in another diocese. The bishop, when receiving a priest or deacon from outside his jurisdiction, will obtain the necessary information regarding any past act of sexual abuse by the priest or deacon in question (*Essential Norms #12*). The bishop will notify the local ordinaries of other dioceses concerning the status of clerics of the Diocese of Spokane who are known to live in those dioceses.
- In case of a disclosure or finding of sexual abuse by a cleric, the bishop or his representative will offer a referral for professional assistance.

3. Justice for the parish in which sexual abuse occurred

The bishop or his representative helps promote healing and understanding within a parish community by speaking with parish members, offering apologies, and praying with them.

4. Justice for those with unfounded allegations

When an allegation is unfounded, steps will be taken to restore the reputation of the accused person.

Approved:  
Most Reverend Thomas A. Daly  
Bishop of Spokane



## **APPENDIX I**

United States Conference of Catholic Bishops (USCCB) Charter and Norms <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/2011-Charter-booklet.pdf>

## **APPENDIX II DEFINITIONS**

*(Revised 12-9-2009, 3-2012)*

### **ABUSE**

Includes physical abuse or neglect, emotional abuse, and sexual abuse

### **ACCUSED**

A person charged with or alleged to have committed an act of abuse, a serious violation of these policies and procedures or a crime.

### **APS**

Adult Protective Services

### **CHARTER AND ESSENTIAL NORMS**

The Charter for the Protection of Children and young People, adopted by the United States Catholic Bishops in June of 2002, and incorporated in the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. The revised Essential Norms are effective as particular law for the Catholic Churches of the United States (March 12, 2003 and revision of 2011).

### **CHILD/MINOR/YOUTH**

See Minor

### **CPS**

Child Protective Services

### **CHURCH PERSONNEL**

All incardinated priests and deacons of the Diocese of Spokane and other secular and religious clergy who hold ministerial assignments from the Bishop of Spokane or who exercise public ministry with the bishop's approval; seminarians of the Diocese of Spokane and of other dioceses who are in the Spokane Diocese formation program; staff; contracted staff and volunteers of parishes, schools and institutions of the diocese (but not of institutions under the direction and governance of religious institutes and the staff and volunteers of Catholic Charities, hospitals and Catholic Cemeteries of Spokane). *Revised: July 2011*

### **CLERGY/CLERIC**

Clergy/Cleric includes all ordained personnel: bishops, priests, and deacons.

### **CREDIBLE ACCUSATION**

- An allegation that, based upon the facts of the case, meets one or more of the following thresholds:
  - Believable and plausible
  - Reasonable and probable
  - Corroborated with other evidence or another source
  - Acknowledged/admitted or not denied by the accused
- In making this determination, consideration should be given to the trustworthiness of the source.

**DIOCESAN REVIEW BOARD**

The Review Board is established as a confidential consultative body to the Catholic Bishop of Spokane and his Vicars. The Review Board's mission is to oversee the implementation of policies and procedures to prevent and respond to sexual misconduct and, at the Bishop's discretion, other inappropriate behavior by church personnel.

**FELONIES AGAINST PERSONS**

See Disclosure Statement

**MINOR**

For purposes of this policy, a minor is any person under the age of 18

**OFFICE OF THE BISHOP**

The Bishop, the Vicar General of the Diocese or the Vicar for Priests

**RCW**

Revised Code of Washington

**SEXUAL ABUSE**

Includes any act or interaction whether it involves genital or physical contact, with or without consent even if initiated by the child or vulnerable adult, which involves sexual contact, molestation or sexual exploitation by a parent or any other person who has permanent or temporary care, custody or responsibility for supervision of a minor or vulnerable adult, whether or not physical injuries are sustained. These actions include but are not limited to:

- The intentional touching of the genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks of a minor or vulnerable adult, or of a perpetrator by a minor or vulnerable adult, for purposes of sexual arousal or gratification.
- Rape, sexual intercourse (vaginal or anal), oral/genital, or oral/anal contact
- The intentional touching and/or displaying of one's own genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks in the presence and view of a minor or vulnerable adult for purposes of sexual arousal or gratification
- Permitting, causing, encouraging or assisting in the depiction of or posing for viewing by any person, either in person or by way of graphic means including digital or photographic image of the partially or fully unclothed body of a minor or legally vulnerable adult, displaying intimate parts, in motion or not in motion, alone or with other persons, or the depiction of a minor in apparent observation of sex acts by others in the victim's presence
- Displaying or distributing to a minor or vulnerable adult, any picture, photograph, book, pamphlet, digital image, movie or magazine the cover or content of which is principally made of descriptions or depictions of sex acts or contact or which consists of pictures of nude or partially denuded figures posed or presented in a manner which the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest.

**STAFF**

Staff are paid church personnel. *See Church Personnel.*

**USCCB**

United States Conference of Catholic Bishops

**VAC**

Victim Assistance Coordinator

**VOLUNTEER**

Volunteers are unpaid church personnel. *See Church Personnel.*

**VULNERABLE ADULT** (as defined by WAC388-71-0100 and Chapter 74.34 RCW) Includes persons who are: Sixty years of age or older who have the functional, mental, or physical inability to care for themselves and/or are found incapacitated, or (any age) adults who have a developmental disability or are admitted to any facility, or are receiving services from Home Health, Hospice, or Home Care Agencies.

**WAC**

Washington Administrative Code

### APPENDIX III

#### CONTACT NUMBERS FOR REPORTING SEXUAL ABUSE OF MINORS AND LEGALLY VULNERABLE ADULTS TO CPS AND LOCAL LAW ENFORCEMENT AND TO THE DIOCESE OF SPOKANE (IF IT INVOLVES ANY CHURCH PERSONNEL OR VOLUNTEER)

Reporting observed or suspicions of physical or sexual abuse or neglect of a minor must be made to CPS, local Law Enforcement and the Diocese of Spokane if it involves any church personnel or volunteer. Reporting observed or suspicion of a vulnerable must be made to Adult Protect Services or Washington State Department of Social and Health Services.

Child Abuse/Neglect Referrals

Child Protective Services of Spokane

1-800-557-9671 (M-F 8AM - 4:30PM)

1-800-562-5624 (weekends and after 4:30)

DSHS - 1-866-363-4276 (State wide)

Spokane Adult Protective Services 509-323-9400

Washington State Department of Social and Health Services 1-866-363-4276

#### PARTIAL LIST OF LOCAL LAW ENFORCEMENT AGENCIES

Adams County	509-659-1122
Asotin County	509-243-4171
Columbia County	509-382-2518
Colville Tribal Police	(509) 634-4711 or 1 (800) 551-5800
Ferry County	509-775-3132
Franklin County	509-545-3500
Lincoln County	509-725-3501
Garfield County	509-843-3493
Okanogan County	800-572-6604
Pend Oreille County	800-669-3407
Spokane County Crime Reporting	509-456-2233
Spokane Crime Victims Crisis line	509-624-7273
Spokane Tribal Police	(509) 258-4400
Stevens County	800-572-0947
Walla Walla County	509-527-3265
Whitman County	509-397-6266 (after 5pm call 509-397-4341)

#### DIOCESAN CONTACT NUMBERS

[Diocese of Spokane/Victim Assistance Coordinator](#) 509-353-0442 (confidential line) or cell 509-998-8340

Bishop of Spokane (509) 358-7305

OR WRITE:

Catholic Diocese of Spokane

PO Box 1453

Spokane, WA 99210

Please address your letter to any of the above individuals, and mark your letter "personal and confidential"

## **APPENDIX IV**

### **CITATIONS OF WASHINGTON STATE LAW**

[Chpt. 26.44 RCW](#) [Duty to Report Child Abuse](#)

[Chpt. 9a.44 RCW](#) [Crimes against Children](#)

[Chpt. 74.34 RCW](#) [Abuse or neglect of Legally Vulnerable Adults](#)