Diocese of Harrisburg
Youth Protection Program

Effective August 15, 2018

TABLE OF CONTENTS

INTRODUCTION Page 1

GUIDING PRINCIPLES Page 2

SECTION I

I. APPLICABILITY AND ORGANIZATION Pages 3-10
- A. Definition of Terms
- B. Adherence to Canon and Civil Law
- C. Adherence to Policy

II. PREVENTION AND EDUCATION Pages 11-18
- A. Background Certification and Clearances
- B. Safe Environment Program
- C. Standards of Conduct
- D. Compliance Auditing

III. OUTREACH AND ASSISTANCE FOR SURVIVORS Pages 19-20
- A. Victim (Survivor) Assistance Coordinator
- B. Guiding Principles
- C. Assessment of Counseling Effectiveness

SECTION II

IV. RESPONSE TO AN ACCUSATION OF SEXUAL ABUSE Pages 21-30
- A. Normal Reporting Procedure
- B. Initiating the Inquiry Process
    1. If a Bishop is Accused
    2. If a Cleric, Seminarian, or Candidate for Orders is Accused
    3. If someone in Consecrated Life is Accused
    4. If any Church Personnel are Accused
    5. If a Vendor, Contractor or Subcontractor is Accused
    6. If a Minor is Accused
- C. Specific Steps of the Inquiry Process
- D. Possible Outcomes of the Inquiry Process
    1. Administrative Leave
    2. When Sexual Abuse is Admitted or Established
    3. When Sexual Abuse is Not Admitted or is Denied
    4. When the Result is Inconclusive
- E. Meeting of the Response Team
- F. Anonymous Accusations
- G. False Accusations
- H. Role of the Diocesan Bishop in the Process

I. Legal Considerations

SECTION III

V. THE DIOCESAN REVIEW BOARD Pages 31-32
A. Role
B. Membership
C. Meetings

VI. COMMUNICATIONS Pages 33-36
A. Communications Coordinator
B. Sharing of Information
C. Disclosure and Confidentiality
D. Inquiries from Third Parties

VII. IMPLEMENTATION Page 37-38
A. Promulgation and Effective Date
B. Publication
C. Revision

INTRODUCTION

The tragedy of sexual abuse of minors affects every segment of modern society. Therefore, whenever someone reports suspected sexual abuse of a minor, whether it is a recent or past occurrence, the Diocese will act quickly and authoritatively, in justice to all concerned, in full compliance with both canon and civil law.

The Roman Catholic Diocese of Harrisburg has adopted this *Youth Protection Program*, with the norms and procedures it provides, as a tool of moral responsibility, pastoral life, and legal discipline. It is important to note that it is intended for all clergy and Church personnel (as defined in Section I). In all circumstances, we will report all accusations of sexual abuse of a minor to civil authorities, no matter how long ago such abuse is alleged to have occurred if the incident has not been previously reported, even if there is no legal mandate to do so.

The Diocese of Harrisburg will respond promptly and decisively to all accusations of suspected sexual abuse of a minor by any person connected with the Church. The Diocese will abide by the current provisions of the USCCB *Charter for the Protection of Children and Young People,* the USCCB *Essential Norms for Diocesan/Eparchial Policies Dealing with Accusations of Sexual Abuse of Minors by Priests or Deacons*, the Apostolic Letter motu proprio *Sacramentorum sanctitatis tutela* (norms on the more grave crimes), and this *Youth Protection Program*, and will further comply fully and without exception with all pertinent elements of the prevailing canon and civil law.

The Diocese of Harrisburg is committed to meeting its responsibility to its people, particularly Survivors, and to the larger society regarding the problem of the sexual abuse of minors. In this regard, our foremost concern is the safety and welfare of children and youth. We must and will continue offering Survivors loving and compassionate pastoral outreach and assistance for their healing. People must know that they can and should seek the help of the Church when sexual abuse occurs. Survivors must be encouraged to report sexual abuse both to Church and civil authorities. The entire Church community must pray for the Survivors of sexual abuse, for their families, and for all who have been hurt and scandalized by sexual misconduct.

The Church must pay particular attention to the fitness of those whose employment or ministry includes routine interaction with children and youth, and it must focus special care on those who seek ordination. The Church is equally concerned with the continuing education of clergy and Church personnel in the area of the sexual abuse of minors.

GUIDING PRINCIPLES

The Diocese of Harrisburg pledges:

1. To recognize forthrightly the tragedy of sexual abuse of minors in society and in the Church. We are committed to recognizing and addressing the problem and we pledge the resources of the Diocese to this end.
2. To maintain as our primary concern the healing, reconciliation, and spiritual well-being of persons who were sexually abused as minors by clergy or other Church personnel. We pledge that in each case we will reach out to these Survivors of abuse to offer whatever pastoral and professional care we can, and to address their spiritual and emotional needs. We pledge also to assist these Survivors of sexual abuse in locating resources and providers to address their emotional and mental health needs that arise from the tragic experience of sexual abuse.
3. To observe the requirements of the two laws under which the Diocese operates: the canon law of the Roman Catholic Church and the civil law of the Commonwealth of Pennsylvania and of the United States of America. We pledge also to assist the accuser and the accused in knowing and fulfilling their rights under both laws.
4. To comply with the requirements of the revised *Charter* and the *Essential Norms* documents (referenced in the above Introduction to this *Program*), as approved by the United States Conference of Catholic Bishops.
5. To forward to appropriate civil authorities, even when it is not required by civil law, every report of suspected sexual abuse of a minor.
6. To receive every accusation of suspected sexual abuse of a minor with compassion and to treat it with seriousness and diligent attention. Response to accusations will be the priority of all who are involved.
7. To make our Policies and Procedures regarding the sexual abuse of minors known and available in openness and transparency. We pledge to follow these Policies, practices and procedures consistently in each case.
8. To educate the Church community – youth and adults – in matters related to the sexual abuse of minors, especially its identification, prevention, and reporting.
9. To make known to all clergy and Church Personnel the provisions of this *Program*, along with a "Code of Conduct" to guide interactions with minors.
10. To undertake a comprehensive practice of screening clergy and Church Personnel who have more than sporadic and infrequent contact with minors. This screening shall include background certification and clearances.

I. APPLICABILITY AND ORGANIZATION

The provisions of this *Program* apply to the following classes of persons:

- All clergy (bishops, priests and deacons) incardinated or assigned or residing in the Diocese who assist in any ministry;
- All seminarians and those in formation toward Holy Orders for the Diocese, or assigned to pastoral ministry or formation within the Diocese;
- All those laity in Consecrated Life (men or women) who assume any assignment or apostolate, full or part-time, or volunteer in any youth-serving programs and ministries within the Diocese; and
- All Church personnel, as defined in this *Program*.

Should an accusation of suspected sexual abuse of a minor be received against a person not listed above, or a person who is affiliated with another Diocese or Institute of Consecrated Life, the accusation will still be reported to civil authorities by the Diocese and also the Program Director will assist the accuser in locating the appropriate ecclesiastical authority, to whom a report will also be made by the Diocese. In all cases, the Diocese will conform to pertinent canon and civil law in forwarding accusations of sexual abuse.

A. Definition of Terms

As used in this document, the following terms mean:

1. **Accused** – A person who is suspected of sexual abuse of a minor, or who has been reported as having sexually abused one or more minors. Using this term does not indicate a judgment of guilt or innocence.
2. **Accuser** – A person making a report or accusation of suspected sexual abuse of a minor, whether that person is the Survivor, a family member, or other concerned person. Using this term does not indicate a judgment on the veracity or falsehood of the accusation.
3. **Accusation** – A report of suspected sexual abuse of a minor received from any source involving a cleric or any Church personnel as defined herein. For the purposes of this *Program*, a self-report will be treated as an accusation and will initiate all applicable provisions of this policy.
4. **Adult** – Generally, a person who has completed 18 years of age.
5. **Charter for the Protection of Children and Young People** – The most recent (revised) document of the United States Conference of Catholic Bishops dealing with the issue of the sexual abuse of minors by clergy and Church personnel, and identifying specific ways that dioceses are to respond. Referred to as simply the *Charter* or the USCCB *Charter* in this *Program.*
6. **Church** – The Roman Catholic Diocese of Harrisburg, including parishes, missions, schools, institutions, corporations, and agencies that are accountable to the Bishop of Harrisburg.

7. **Church Personnel** – An inclusive term that includes: all employees of the Diocese; all employees of a Catholic parish or mission within the Diocese; all employees of a Catholic school within the Diocese; all employees of an institution or corporation affiliated with the Diocese; all volunteers for the Diocese, parish, mission, school, or other institution; and independent contractors (and subcontractors) in the employ of the Diocese, parish, mission, school or other institution. This term excludes clergy as well as all those Sisters and Brothers (not clergy) in Consecrated Life who are retired or not active in any ministry (employed or volunteer) in the Diocese.
8. **Clergy or Cleric**– A bishop, priest or deacon in the Catholic Church, whether incardinated in a Diocese or a member of an Institute of Consecrated Life.
9. **Communications Coordinator –** The person named by the Diocesan Bishop who has the responsibility of coordinating all communication activities related to this Program. This person serves as the official voice of the Diocese in all matters connected with the sexual abuse of minors and sexual misconduct by clergy, seminarians, those in formation toward Holy Orders, those in Consecrated Life, or any Church personnel.
10. **Compliance Coordinator** - The person named by the Diocesan Bishop who is to ensure compliance with the norms and practices concerning the mandatory background certification and clearances and compliance with the screening and educational programs mandated by this *Program* and by the USCCB *Charter*. The Compliance Coordinator's responsibilities also include the implementation and oversight of procedures for auditing all institutions covered by this *Program*, and to ensure compliance with the mandates of this *Program*, the USCCB *Charter* and *Essential Norms*, and any other applicable policies and procedures published by the Diocesan Bishop (in consultation with the Youth Protection Council).
11. **Diocese** – Unless specified otherwise in this *Program*, the Roman Catholic Diocese of Harrisburg.
12. **Diocesan Review Board** – The confidential, consultative body appointed by the Diocesan Bishop to advise him in developing this *Program* and in assessing accusations of sexual abuse of minors against clergy. Criteria for membership, roles and functions are specified in the *Essential Norms* document of the USCCB.
13. **Direct Contact with children –** The care, supervision, guidance or control of children, **or** routine interaction with children. Under Pennsylvania law, this is the same definition as used in the Child Protective Services Law, 63 Pa.C.S. § 6303.
14. **Direct Volunteer Contact –** The care, supervision, guidance or control of children **and** routine interaction with children. Under Pennsylvania law, this is the same definition as used in the Child Protective Services Law, 63 Pa.C.S. § 6303.
15. **Disclosure Form** – Diocesan form that must be completed by all clergy, employees, seminarians, those in formation toward Holy Orders, and those volunteers who have direct volunteer contact with children. This form certifies that the person has not been convicted of certain crimes or offenses which would disqualify him/her from a diocesan ministry, employment or volunteer position involving direct contact with children.
16. **Education Coordinator** – The person designated by the Diocesan Bishop who has the responsibility for the approval and oversight of the educational programs required in this *Youth Protection Program*, by the Youth Protection Council, or by the USCCB *Charter for the Protection of Children and Young People*.

17. **Employee** – Persons on the payroll (full or part time) for the Diocese or any parish, school, institution or corporation affiliated with the Diocese.
18. **Employer** – The Secretariat or diocesan office, parish, school, institution, or corporation directly affiliated with the Diocese that immediately employs or oversees the work or ministry of an employee or volunteer. The relationship pertains only during the time in which a person is directly acting within the scope of their employment or volunteer service (cf. also **Responsible Supervisor**).
19. **Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons** – The most recent (revised) document of the United States Conference of Catholic Bishops, providing norms to ensure that each diocese/eparchy in the United States will have procedures in place to respond promptly to all allegations of sexual abuse of minors by clergy (Diocesan or those in Consecrated Life). These norms are complementary to the universal law of the Catholic Church and are to be interpreted in accord with that law. Referred to as simply the *Essential Norms* or the USCCB *Essential Norms* in this *Program*.
20. **Inquiry Coordinator** – The person (usually a canon lawyer) appointed by the Diocesan Bishop to conduct the Preliminary Inquiry when an accusation of sexual abuse of a minor, involving a cleric, seminarian or those in formation toward Holy Orders, has been made to the Diocese , forwarded to the proper civil authorities, and cleared by those authorities to take action. When an accusation of sexual abuse of a minor involving any Church Personnel has been made, the Inquiry Coordinator oversees the Inquiry and serves as advisor to the employer or supervisor of the accused, who conducts the Inquiry.
21. **Inquiry Team** – Those responsible for conducting the Preliminary Inquiry into an accusation of sexual abuse of a minor, according to the provisions of this Policy. Team membership varies according to the status of the accused person: a cleric, seminarian, those in formation toward Holy Orders, those in Consecrated Life, or any Church Personnel.
22. **Institute of Consecrated Life** – For purposes of this *Program*, an inclusive term that includes both men and women (Sisters and Brothers), who are not clergy, in all the canonically recognized forms of consecrated life, either temporarily or perpetually professed, by vows or other sacred bonds: Religious Institutes, Secular Institutes, Societies of Apostolic Life, Hermits, and the Order of Consecrated Virgins. Clergy who live a consecrated life will be treated under this *Program* as Clergy.
23. **Mandated Reporting** – A report of child abuse, including sexual misconduct that an individual must make under the provisions of the current civil law of the Commonwealth of Pennsylvania (under the provisions of the Pennsylvania Child Protective Services Law) or following the USCCB *Charter,* as it may be amended from time to time. There has been a substantial expansion by the Commonwealth of Pennsylvania of who is a mandated reporter. All clergy, all employees working with children and those volunteers serving in schools, Catholic Charities and parish youth ministries are now classified as mandated reporters.
24. **Minor** – A person who has not reached the age of 18. Also, a person who, no matter what their chronological age, is developmentally disabled, or habitually lacks the use of reason, is to be considered equivalent to a minor (cf. *SST,* art. 6, §1, 1°). The Commonwealth of Pennsylvania refers to this person as a vulnerable adult.
25. **Perpetrator or Offender** – Anyone who has engaged in any form of sexual abuse of a minor.

26. **Preliminary Inquiry** –This inquiry, also known in canon law as the Prior Investigation, follows the norms of canon law (c. 1717ff), the USCCB *Charter*, the USCCB *Essential Norms*, and this *Program*. When an accusation of the abuse of a minor is received the first step is to inform the proper civil authorities. In cooperation with law enforcement, the Diocese will reach out and offer counselling to the Survivor.
27. **Program Director** – The person appointed by the Diocesan Bishop to provide overall direction for the *Youth Protection Program* within the Diocese, coordinating its development and implementation by chairing the Youth Protection Council and convening the Response Team and Review Board.
28. **Promoter of Justice** – A canon lawyer appointed by the Diocesan Bishop to serve in the role as defined in the *Code of Canon Law* (cf. canon 1430). A Promoter of Justice must be appointed in each Diocese, whose role is basically to safeguard the public good. The intervention of the Promoter of Justice is required in two types of cases: (1) penal cases (including the sexual abuse of a minor); and (2) contentious cases in which the public good may be at stake. The USCCB *Essential Norms* document recommends that the Promoter of Justice participate in the meetings of the Diocesan Review Board.
29. **Prosecutable Offense** – Conduct that violates the criminal statutes of the Commonwealth of Pennsylvania or the United States and for which criminal prosecution is not barred by applicable statutes of limitation.
30. **Response Team** – The group that meets to hear the results of the Preliminary Inquiry (initial fact-finding inquiry) and to advise the Diocesan Bishop or the responsible supervisor on appropriate actions to be taken. Team membership varies according to the status of the accused: Cleric, those in Consecrated Life, or Church personnel. It will normally include the members of the Inquiry Team, the Program Director, the Victim (Survivor) Assistance Coordinator, the Diocesan Solicitor, other counsel versed in both canon and civil law, and if the accused is a Cleric, the Diocesan Bishop and members of the Diocesan Review Board.
31. **Responsible Supervisor** – The employer, superior or highest-ranking supervisor of an employee or volunteer within the Diocese. For clergy, this is their proper Bishop or the major Superior of their Institute of Consecrated Life (working with the Bishop or Superior of the cleric's place of assignment or residence). For those in Consecrated Life (not clergy), this is the proper Superior of their Institute (working with the Bishop of the place of assignment or residence). For Church personnel, this is the appropriate employer or highest-ranking supervisor (i.e., Diocesan Vicar, Secretary, the pastor, or the principal of the school).
32. **Routine Interaction with Children** – Regular **and** repeated contact that is integral to a person's employment or volunteer responsibilities (cf. PA Act 2015-15).
33. **Seminarians and Those in Formation Toward Holy Orders** – Those men accepted by a Diocese (or an Institute of Consecrated Life) as Seminary students who seek ordination to the priesthood, or those men (married or single) who are accepted by a Diocese for formation toward ordination to the Permanent Diaconate. Until such men are ordained deacons, they remain in the lay state.
34. **Sexual Abuse of a Minor** – Any offense against the Sixth Commandment of the Decalogue with a minor as understood in Canon Law (cf. canon 1395 §2; USCCB *Essential Norms*, Preamble; *SST*, art. 6 §1, 1°, 2°). A canonical offense against the Sixth Commandment need not be a completed act of sexual intercourse, nor need it involve force, physical contact, or a discernible harmful outcome. Therefore, it may include sexual molestation, sexual harassment, sexual misconduct, or sexual exploitation of a minor and other behavior by which an adult uses

a minor as an object of sexual gratification. In canon law, "sexual abuse" denotes conduct or interaction with a minor that is an external, objectively grave violation of the Sixth Commandment of the Decalogue. Canon law considers the acquisition, possession, or distribution by a cleric of pornographic images of minors, for purposes of sexual gratification, by whatever means or using whatever technology, to be a grave crime against morals and one that, along with the sexual abuse of a minor, must be reported to the appropriate civil and ecclesiastical authorities. Civil law also considers child pornography a crime, and any person who intentionally views or knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act, commits an offense.

35. **Sexual Harassment of a Minor** – A form of sexual abuse of a minor that includes but is not limited to the following behaviors: (1) Derogatory verbal comments of a sexual nature such as epithets, jokes and slurs, or unwanted sexual advances made for purposes of sexual gratification; (2) Displaying lewd visuals such as posters, photographs, cartoons, drawings or gestures including derogatory sexually-oriented materials; (3) Physical contact or sexual overtures that interfere with an individual's work or academic performance or which create an intimidating, hostile or offensive working or academic environment; (4) Threats and demands to submit to sexual requests as a condition of continued employment, other benefits, etc., or to avoid some other loss or to offer benefits in return for sexual favors; (5) Retaliation for having reported or threatened to report sexual abuse.
36. **Statement of Episcopal Commitment** – Document developed by the Ad Hoc Committee on Bishops' Life and Ministry of the USCCB and approved by the full body of U.S. Bishops at its November 2005 General Meeting and then again in 2011. This document is referred to in this *Program* as either *Statement of Episcopal Commitment* or USCCB *Statement of Episcopal Commitment*.
37. **Support Counselor** – A professional counselor who works with the Survivor.
38. **Survivor** – A person who is the injured party or direct subject of sexual abuse or at least is alleged to have been so, when they were a minor (see definition for "minor"). In this document the term "accuser" may also be used, yet using this term does not indicate a judgment on the truth or falsehood of the accusation. The term "Survivor" is generally used to distinguish the person who was or may have been abused from any other person who may be an "accuser" (i.e., a parent or guardian), especially if the Survivor is a minor or is developmentally disabled, or habitually lacks the use of reason at the time the allegation is made).
39. **Those in Consecrated Life** – The men and women (Sisters and Brothers) who are members of an Institute of Consecrated Life (not clergy) or Society of Apostolic Life, Hermits and Consecrated Virgins, and who are involved in any assignment or apostolate, full or part-time, employed or volunteer, in any youth-serving programs or ministries in the Diocese.
40. **Victim (Survivor) Assistance Coordinator –** A person competent and knowledgeable in the areas of mental health counseling and social services, who is named by the Diocesan Bishop, to oversee all aspects of the outreach and assistance to Survivors of sexual abuse as minors and their immediate family members.

41. **Vulnerable Adult** – any adult (18 years of age or older) who is developmentally disabled, or habitually lacks the use of reason and may be considered the equivalent of a minor.
42. **Youth Protection Badge** – The personal identification badge that is given to each individual (Cleric and Church personnel) who has successfully passed the necessary background Certification and clearances and safe environment training. The badge, which is required for all Clerics, seminarians, those in formation toward Holy Orders, employees, and for volunteers who have direct contact with children, enables one to be employed or volunteer for the Diocese, a Parish, mission, school, institution, corporation or agency affiliated with the Diocese. The badge must also be worn whenever the person is involved in youth serving events or activities. Clerics may wear the badge visibly or at least have it on their person during youth events or activities.
43. **Youth Protection Council** – A group of diocesan staff designated by the Diocesan Bishop to serve in the following capacities under the provisions of this *Program*: Program Director, Victim (Survivor) Assistance Coordinator, Communications Coordinator, Education Coordinator, and Compliance Coordinator.

B. Adherence to Canon and Civil Law

The sexual abuse of a minor is a serious crime in both canon law and in the law of the Commonwealth of Pennsylvania. When an accusation of this crime is made against a cleric, seminarian, those in formation toward Holy Orders, those in Consecrated Life, or against any Church personnel, the Diocesan Bishop will ensure both that the information is reported to the proper civil authorities and that a Preliminary Inquiry is conducted. This Inquiry is oriented, in cooperation with competent civil authorities, toward identifying possible Survivors of sexual abuse, and toward establishing the truth of the accusation.

The Diocese pledges to protect and foster the right of any Survivor of sexual abuse to report the crime to the appropriate civil authorities and will never hinder the reporting of suspected criminal activity to civil authorities, police, prosecutor, or agency that protects child welfare. We will encourage and offer to assist each person who makes an accusation in reporting it to the proper civil authorities. In the event that the Survivor has not reported the accusation to the proper civil authorities, the Diocese pledges to do so. Furthermore, we pledge our cooperation to the law-enforcement agencies of the Commonwealth of Pennsylvania and those of other civil jurisdictions, in the investigation of any suspected criminal activity. If civil authorities are investigating a case, we pledge our cooperation so that resolution of the case is not delayed (cf. USCCB *Charter*, art. 4).

If the Survivor chooses not to make a report to the civil authorities, the Diocese will do so with every case: (1) in which the alleged sexual abuse involves a minor; (2) which falls under this *Program*; and (3) which has not been previously reported. We will do so promptly upon receipt of the accusation. In all cases we will open a Preliminary Inquiry in cooperation with civil authorities. We will do so even when the accused is deceased or when the alleged crime occurred many years ago.

However, it is important to note that matters conveyed to a priest within the Sacrament of Penance (confession) are protected by an inviolable absolute confidentiality. Confidential matters conveyed to a priest in spiritual direction or spiritual counseling, where confidentiality is rightly expected, cannot be repeated by the priest outside of these contexts without the express consent of the individual. These are privileged and protected spiritual arenas in which priests minister to their people in confidence, *see* 42 Pa.C.S. § 5943.

Whenever someone reports suspected sexual abuse of a minor to the Diocese, whether a recent or past occurrence, the Diocese will act quickly and decisively in justice for all concerned and in complete compliance with both canon and civil law.

With regard to canon law, it is important to note:

- The Church mandates that, in response to an accusation of the sexual abuse of a minor received by a Diocesan Bishop that appears to be credible, the Diocesan Bishop must conduct a Preliminary Inquiry in a manner that respects the reputation of all parties involved (cf. canon 1717 of the *Code of Canon Law*).
- Although there is no specific "right" to an advocate or canonical counsel during the Preliminary Inquiry, if the accused or the accuser requests canonical counsel, the Diocese will assist that person in locating a canon lawyer with whom they may consult. The Diocese, however, will not provide the canon lawyer, nor will the Diocese provide any compensation for a canonical advocate.

With regard to federal, state and local law, it is important to note:

- The Diocese upholds the right of any individual to report any accusation of the sexual abuse of a minor to civil authorities according to state or federal law. Without exception, clergy and Church personnel are to comply with the current reporting requirements of state or federal law, as well as the reporting requirements of the USCCB *Charter*. To this end, the Diocese will forward every accusation of the suspected sexual abuse of a minor to the appropriate civil authorities. This will be done even if the accused is deceased at the time the accusation is made, or if the alleged activity occurred many years ago.
- Civil law in every jurisdiction in the United States designates sexual abuse of a child as a crime. In Pennsylvania, the definition is very broad and encompassing. The definition includes, yet is not limited to, the persuasion, inducement, enticement or coercion of a child under 18 to engage in sexual conduct. Such conduct includes, yet is not limited to, looking at a child for the purpose of sexual desire, and participating in sexually explicit conversations in person or by any device or actual or simulated sexual activity. Sexual abuse also includes viewing or possessing child pornography. These only represent part of the definition of sexual abuse of minors. Mistake as to the age of the child is not a defense to a criminal charge in Pennsylvania.
- Since the sexual abuse of a minor is a crime in all civil jurisdictions in the United States, the Diocese will encourage the accuser or Survivor to report the accusation to the proper civil authorities without delay, if either the accusation has not already been reported to civil authorities, or the accuser or Survivor chooses not to make a voluntary report to the civil authorities, the Diocese will make this report.
- Whenever a report is made to civil authorities, the Diocese will closely collaborate with the civil authorities in any investigation of the accusation. Such cooperation will not, however, limit the Diocese in taking appropriate steps that follow the norms of canon law and fulfill our religious and spiritual mission to protect others from abuse or to suspend or remove the accused from ministry or employment.
- Should a competent civil authority request the Diocese not conduct an inquiry into an accusation, the Diocese will seek such direction, in writing, and may comply with the request after seeking appropriate canonical and civil counsel. The decision of the Diocesan Bishop, whether to comply with such a request, will be based on counsel's advice and the Bishop's best judgment as to other persons being in danger of abuse if the Diocese fails to act in a timely

manner.

- Even if an accused party is not prosecuted criminally under state or federal law, the Diocese may still pursue disciplinary action as provided under canon or civil law.

Therefore, except when information is received under the sacramental seal or confidentially conveyed through spiritual direction or spiritual counseling with a priest (when the accuser can reasonably expect confidentiality), a priest or deacon must immediately notify the Program Director when learning of the suspected abuse of a minor. Contact may be made by telephone to **1-800-626-1608**, or email to ReportAbuse@hbgdiocese.org. Since the cleric is a mandated reporter under the law of the Commonwealth of Pennsylvania, he is also to notify the County Office of Children and Youth, or telephone the Statewide ChildLine (**1-800-932-0313**) without delay. The cleric is, however, encouraged to seek the assistance of the Program Director in making the report to civil authorities as long as this does not unduly delay the report.

If a seminarian, those in formation toward Holy Orders, those in Consecrated Life, or any Church personnel become aware of the suspected sexual abuse of a minor, he or she must notify the Program Director as noted above. All mandated reporters must also contact the appropriate civil authorities, as noted above, with the assistance of the Program Director, if possible.

C. Adherence to Policy

The policy outlined in this *Program* and its procedures are to be followed consistently when an accusation of sexual abuse of a minor is received. As far as possible, the Diocese will maintain confidentiality while also ensuring a general transparency and openness regarding policy and procedure.

II. PREVENTION AND EDUCATION

The prevention of the sexual abuse of minors within the Church is a primary pastoral priority for all who participate in youth programs and ministries within the Diocese. Efforts aimed toward prevention include education in creating a safe environment for minors, in recognizing child abuse, in the current State law governing reporting of suspected child abuse, and in the elements of this *Program*.

Prevention and Education consist of four parts: (1) mandatory background certification and clearances (criminal record checks); (2) educational programs; (3) standards of conduct; and (4) compliance auditing. To assist in implementing Diocesan standards for education and screening, the Diocesan Bishop will name an Education Coordinator and a Compliance Coordinator, both of whom will attend Diocesan Review Board meetings and will serve as members of the Youth Protection Council.

A. Background Certification and Clearances

As part of the employment or volunteer position screening process, checks for prior criminal offenses will be conducted for the following classes of persons (cf. USCCB *Charter*, art. 13):

- All clergy of the Diocese (as well as seminarians and those in formation toward Holy Orders);
- All clergy incardinated in another Diocese or Institute or Society of Consecrated Life before they assume office, residence, or assist in any ministry within the Diocese;
- All those in Consecrated Life who assume any assignment or apostolate, full or part-time, are employed or volunteer, who have routine interaction with minors;
- All current Church employees, part-time or full-time, and all new Church employees, as a pre-requisite for obtaining any position with the Church;
- All current (and new) Church volunteers, full or part-time, who have direct volunteer contact with minors (as defined on page 7 of this *Program*), as a pre-requisite for obtaining any volunteer position involving youth within the Church;
- All applicants for certificates in ministry in the Diocesan Institute for Catechetical and Pastoral Formation and all persons receiving a certificate for specialized ministry given by a Secretariat, department, or office of the Diocese;
- Volunteers in liturgical ministry (such as Lectors or Extraordinary Ministers of Holy Communion) if they are involved in the training or supervision of minors;
- All Vendors who have direct contact with minors;
- International clergy: after all due diligence, it may not always be possible to obtain criminal background clearances from some foreign countries, but the Diocese will always obtain a Letter of Suitability from the international cleric's proper Bishop or Religious Superior; and
- Other persons as determined by the Diocesan Bishop.

For those with a continuous residence in the Commonwealth of Pennsylvania for ten or more years prior to the screening, the following is required: (1) the PA State Police criminal record check (PSP); and (2) the PA Child Abuse History certification through the PA Department of Human Services (formerly known as PA Department of Public Welfare), "ChildLine."

For those who are current residents of Pennsylvania, but who have not been residents for the entire previous ten year period prior to the screening, the above requirements must be met **plus** an FBI criminal record check (fingerprint) submitted through the PA Department of Human Services (except for school employees).

The following is required for these specific categories of persons:

All CLERGY within the Diocese of Harrisburg are required to obtain clearances every 60 months (or every 5 years). All Clergy must obtain the following clearances:

- Report of criminal history from the PA State Police (PSP);
- Child Abuse History certification from the PA Department of Human Services; and
- Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Human Services.

In Addition, if a cleric comes to the Diocese of Harrisburg from outside the United States, he must obtain the following clearance:

- Interpol

All EMPLOYEES of the Diocese or of any parish, school, institution, corporation, entity or agency affiliated with the Diocese of Harrisburg are required to obtain clearances every 60 months (or every 5 years). All Employees must obtain the following clearances:

- Report of criminal history from the PA State Police (PSP);
- Child Abuse History certification from the PA Department of Human Services; and
- Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Human Services.
  http://www.keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/C_135246.pdf

In Addition:
All SCHOOL EMPLOYEES must obtain:

- Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Education;
- In the hiring process, all potential Catholic school employees must abide by all of the current laws of the Commonwealth of Pennsylvania.

All CATHOLIC CHARITIES EMPLOYEES must obtain:

- Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Human Services.

Please Note: Any current or potential employee who is a current resident of Pennsylvania now, but has not been a resident of the Commonwealth for the entire previous ten-year period is also required to provide a Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Human Services.

All Adult VOLUNTEERS are required to obtain clearances every 60 months (or every 5 years). All adult volunteers must obtain the following clearances:

- Report of criminal history from the PA State Police (PSP); and
- Child Abuse History certification from the PA Department of Human Services.

Additionally, a Fingerprint-based federal criminal history (FBI) is required if the adult volunteer is a current resident of Pennsylvania now, but has not been a resident of the Commonwealth for the entire previous ten-year period.

The agency under which an applicant should submit the FBI certification application is based on the agency or organization for which the applicant intends to volunteer. If the applicant intends to volunteer in a school or at a school related function, the applicant would apply for the FBI certification through the Department of Education. If the applicant intends to volunteer with children in any other capacity outside of a school setting or function, such as in a parish or for a Catholic Charities program, the applicant would apply for the FBI certification through the Department of Human Services.

Please note: It is now State Law and not just Diocesan policy that prospective adult volunteers **MUST** submit clearances prior to the commencement of service.

All VENDORS who have responsibility for the welfare of a child or have direct contact with children must hold clearances that are less than 60 months (or 5 years) old. Vendors must obtain the following clearances:

- Report of criminal history from the PA State Police (PSP); and
- Child Abuse History certification from the PA Department of Human Services.

All SCHOOL VENDORS must also obtain:

- Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Education.

All CATHOLIC CHARITIES VENDORS must also obtain:

- Fingerprint-based federal criminal history (FBI) submitted through the PA Department of Human Services.

If a parish, school, corporation, institution, entity or agency wishes a vendor to be issued with a Youth Protection Badge, the vendor must complete the on-line training course and a disclosure statement.

According to Pennsylvania law and this Diocesan Policy, employees who have obtained the necessary background certification and clearances for their employment or volunteer work in one agency or institution, may carry the same certification and clearances for volunteer work in another agency or institution without having to obtain new certification and clearances, as long as those clearances remain current. However, certification and clearances obtained for volunteer purposes cannot be used for employment purposes, even if they are less than 5 years old.

At the start of employment or volunteer service, all certification and clearances must be less than 1 year old. New background certification and clearances must be obtained by employees and volunteers (as noted above) every 60 months (or every 5 years).

OTHER REQUIREMENTS:

If an employee or volunteer is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee or volunteer must provide the Pastor, Principal, Administrator, Vicar, or Manager written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

An employee or volunteer who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline and up to and including termination or denial of employment or a volunteer position.

An Employer, Administrator, Supervisor or other person responsible for employment decisions that intentionally fails to require an applicant to submit the required certification and clearances before the applicant's hiring commits a misdemeanor of the third degree.

The process for completing and documenting all the required background clearances is published by the Diocesan Office of Youth Protection and available on the Diocesan website at: www.youthprotectionhbg.com.

Employees: A new employee will not be permitted to begin employment without all required background clearances. Any exception due to the delay in receipt of a clearance must be submitted in writing to the Secretary of Education for school employees and the Vicar General for all other employees. No employee under the age of 18 may be given the oversight or supervision of other minors, except under the direct and continuous supervision of a person at least 21 years of age who has completed all the requirements of this *Program*.

Volunteers: No person under the age of 18 may be accepted into a volunteer position of any sort that involves oversight or supervision of other minors, except under the direct and continuous supervision of a person at least 21 years of age who has completed all the requirements of this *Program*.

Students (minors) aged 14-17 whose volunteer work meets the criteria above are not required to obtain clearance certifications but they are required to complete the On Line Training, "Jesus Working Through You."

To ensure compliance with the requirement to obtain all background clearances for volunteers, each Vicar Forane (Dean) will have the responsibility to examine a current file during his annual visit to each parish. The file must show, to his satisfaction, that such background certification and clearances for volunteers are being performed on a comprehensive and timely basis. The Dean will complete the required Diocesan Youth Protection Parish Audit Form indicating all these background clearances have been completed, which then becomes part of his official report on each parish.

Clergy (as well as Seminarians, those in Formation toward Holy Orders) and those in Consecrated Life: Applicants for the seminary and those in formation toward Holy Orders in the Diocese are screened by the Secretariat for Clergy and Consecrated Life prior to admission to the seminary or a formation program. These persons must also undergo a psychological assessment as part of the screening process in a manner designated by the Secretariat for Clergy and Consecrated Life. At the

discretion of those responsible for their formation, the psychological assessment may be repeated prior to ordination.

Clergy from other Dioceses seeking to incardinate into the Diocese of Harrisburg or requesting the faculties of the Diocese are screened by the Secretariat for Clergy and Consecrated Life prior to receiving any ministerial assignment or faculties in the Diocese, following consultation with, and documentation from, the cleric's proper Bishop. The Vicar General will require a letter from the cleric's own Bishop attesting to the good standing of the cleric. This letter, which must state that the cleric has never been the subject of a credible accusation of sexual abuse of a minor, is necessary before the cleric is given an assignment within the Diocese or is granted the faculties of the Diocese. If the cleric served previously in the United States, background certification and clearances (criminal record checks) will also be conducted in the State of his last U.S. assignment prior to his grant of faculties in the Diocese of Harrisburg.

Priests, Deacons, Brothers or students from Institutes of Consecrated Life assigned to the Diocese are screened by documentation from their major Superiors, obtained by the Vicar General prior to any assignment to ministry in the Diocese. The Vicar General will require a letter from the cleric's major Superior attesting to the good standing of the cleric. This letter, which must state that the cleric has never been the subject of a credible accusation of sexual abuse of a minor, is necessary before the cleric is given an assignment within the Diocese or is granted the faculties of the Diocese. All background certification and clearances will also be required.

Laity in Consecrated Life are screened by the Secretariat for Clergy and Consecrated Life prior to their assuming any regular assignment or apostolate within the Diocese. This is done by a letter from the person's own Superior, attesting to the good standing of the individual. This letter, which must state that the person has never been the subject of a credible accusation of sexual abuse of a minor, is necessary before the individual is given an assignment or volunteer position in the Diocese. All background certification and clearances will also be required.

If a cleric from another Diocese or Institute of Consecrated Life wishes only to assume residence within the Diocese, without an assignment or ministerial duties, the Vicar General must require a letter from the cleric's proper Bishop or major Superior attesting to the good standing of the cleric within his own Diocese or Institute of Consecrated Life. The letter must include full disclosure of any past or present accusations of the sexual abuse of a minor. This letter is also necessary if a major Superior of an Institute of Consecrated Life wishes to assign any professed member of that Institute (cleric or lay) to residence within a house of that Institute located within this Diocese. Background certification and clearances are also required. If there have been any accusations of sexual abuse of a minor against that person (cleric or lay), the Diocesan Bishop will determine, in each case, whether the proposed residence poses a risk to the public good and on that basis, may grant or deny permission for such residence (cf. USCCB *Essential Norms*, n.12).

Prior Convictions: If a background certification or clearance reveals a prior conviction or other legal concern, the question of suitability for ministry, employment or volunteer work must be considered carefully. At issue is not only the nature of the previous offense and when it occurred, but also its relevance to the proposed job description for the applicant or volunteer.

At all times, the results of each person's background certification and clearances must be treated with extreme confidentiality, consultation in accord with this policy notwithstanding. If the screening of any person reveals a prior history of criminal activity, the Diocesan Vicar, Secretary, or pastor is to consult with the Program Director before the person assumes any employment or volunteer position. A school principal is to direct the matter to the Diocesan Secretary for Education, who will discuss it with the Program Director. A prior criminal conviction of any kind may exclude a person from any employment or volunteer service, which involves more than a sporadic and infrequent contact with minors, unless exceptional circumstances strongly suggest otherwise, in the judgment of the Program Director.

B. Safe Environment Education and Training Programs

The Diocesan Bishop will designate an *Education Coordinator* who will serve as a member of the Youth Protection Council, and whose responsibilities include approval and oversight of various educational programs required by this *Program*, the Youth Protection Council, or the USCCB *Charter*.

The Diocesan Secretariat for Education will ensure that each school within the Diocese (elementary and secondary) and each parish or inter-parochial program of Religious Education has adopted a program of instruction regarding the recognition, prevention and reporting of sexual abuse of a minor, and promoting healthy relationships between adults and minors. The Education Coordinator will prepare an annual report for the Diocesan Review Board on the programs in use by the schools and Religious Education programs, and at which grade levels.

Educational programs are required for the following:

- All clergy with an assignment or residence within the Diocese, or who are granted the faculties of the Diocese, or who assist in any ministry within the Diocese, including retired clergy;
- All seminarians and those in formation toward ordination for the Diocese;
- All those in Consecrated Life (not clergy) who assume any assignment or apostolate, full or part-time, are employed or volunteer, and have routine interaction with minors;
- All employees of the Diocese;
- All employees and volunteers in youth-serving programs of any Catholic parish, mission or school within the Diocese;
- Students in any Catholic school or program of Religious Education;
- Regular participants in any Catholic Youth Organization (CYO) athletic team, event or league;
- Members or participants in any youth group or youth ministry program, including Scouting programs and units that are sponsored by or which use the facilities of the Diocese or of any parish, mission, or school, unless exempted by the Program Director;
- Participants in any college or university campus ministry program;

- Educators (administrators, teachers, catechists and aides) in any school or Religious Education program, including children's Liturgy of the Word and children's Christian Initiation Programs;
- Adult supervisors and assistants in any program of youth ministry or any diocesan, parish, mission or school program that involves minors;
- All volunteers in ecclesial ministry or other program who have direct volunteer contact with minors;
- Parent-Teacher organizations or associations; and
- Boards of Education, whether diocesan, inter-parochial, or parish-based.

Educational programs are regularly to include education in healthy relationships between adults and minors; in defining and maintaining appropriate professional boundaries; education in human sexuality and the prevention, recognition and reporting of the sexual abuse of a minor (cf. USCCB *Charter*, art. 12).

All clergy are to be educated in the current laws of the Commonwealth of Pennsylvania and in the requirements of the USCCB *Charter* regarding mandatory reporting of sexual abuse of a minor.

Each Diocesan Secretariat, parish, school or other institution is regularly to provide a program for employees and volunteers in which the essential elements of this *Program* are explained and the means of recognizing and reporting sexual abuse of a minor are presented. Such a program is required for all new employees and volunteers who have more than a sporadic and infrequent contact with minors.

The Program Director will ensure that materials regarding this *Program* are produced, regularly updated, and made available to all Secretariats, parishes, schools and other institutions affiliated with the Diocese. This will include explanatory materials available on the diocesan website at: www.youthprotectionhbg.com.

The Education Coordinator is to develop and implement procedures by which each Secretariat, parish, school or other institution will report annually on its educational programs. This report is to be forwarded to the Compliance Coordinator.

The Education Coordinator will also prepare an annual report for the Diocesan Review Board on the use of the Diocesan Safe Environment training program by parishes, schools, other institutions and groups.

C. Standards of Conduct

The Program Director oversees the development and publication of standards of ministerial conduct for all persons – clergy or laity – engaged in any ministry within the Diocese of Harrisburg. A separate document entitled, *Codes of Conduct*, is published separately from this *Program* and a copy of it is given to all clergy, seminarians, those in formation toward Holy Orders, employees and volunteers who are involved in any ministry relating to youth in the Diocese, as well as to Members of the Diocesan Review Board (cf. USCCB *Charter*, art. 6). Specific Codes of Conduct relating to these groups of persons are available through the Office of the Vicar General, at the Diocesan website: www.youthprotectionhbg.com.

D. Compliance Auditing

To ensure compliance with the screening and educational programs mandated by this *Program* and by the USCCB *Charter*, periodic audits are to be conducted at all levels. The Diocesan Bishop will name a *Compliance Coordinator* who serves on the Youth Protection Council and whose responsibilities include the implementation and oversight of procedures for auditing all institutions covered by this *Program*. The Compliance Coordinator is to ensure compliance with the mandates and practices of this *Program*, the USCCB *Charter* and the *Essential Norms*, and any other applicable policies and procedures published by the Diocesan Bishop (in consultation with the Youth Protection Council).

The Compliance Coordinator is also to develop and implement procedures for auditing compliance with the norms concerning the mandatory background certification and clearances.

To ensure compliance with the requirements for employees and volunteers in the mandated educational programs, the Vicar Forane (Dean) will, during his annual visit to each parish, check the parish records to ensure to his satisfaction that mandated background certification and clearances and educational programs have been completed by all employees and all volunteers in youth-serving programs and ministries within the parish. He will report his findings on each parish to the Vicar General, and complete the required diocesan Form, as part of the report of his parish visit.

The Youth Protection Council may publish additional audit and compliance procedures for any element of this *Program*. An annual report on compliance for both the background certification and clearances and mandatory educational programs will be given to the Diocesan Review Board and to the Diocesan Bishop. The Review Board will make recommendations to the Bishop regarding existing audit and reporting methods and, if necessary, disciplinary actions if mandatory programs are lacking in the Diocese, a particular parish, school or other institution.

Culpable or negligent failure of a Vicar, Secretary, pastor, principal or other administrator to implement the necessary background certification and clearances and/or education practices and programs mandated by this *Program* or by the USCCB *Charter*, will be considered a serious omission and a basis for disciplinary action, including suspension or dismissal from office or employment.

III. OUTREACH AND ASSISTANCE FOR SURVIVORS

Survivors of sexual abuse must know that the Church cares for them and that the primary focus of the Diocese is the good of those who have suffered because of the sexual abuse by clergy or by any Church personnel. The foremost concern of the Diocese is for the Survivors of sexual abuse and their emotional and spiritual welfare. Therefore, we must and will continue to offer to Survivors immediate loving and compassionate care. People must know that they can and should seek the help of the Church whenever abuse occurs, and Survivors must be encouraged to report sexual abuse whenever it occurs and the Diocese will do so if they are unable or unwilling to. The entire Church community must also pray for Survivors of sexual abuse, especially children, for their families, and for all who have been hurt and scandalized by the sexual abuse of clergy or by any Church personnel.

A. Victim (Survivor) Assistance Coordinator

The Diocesan Bishop will name a *Victim* (*Survivor) Assistance Coordinator* to oversee all aspects of the outreach and assistance to accusers and Survivors of sexual abuse (cf. USCCB *Charter*, art. 2). The Victim (Survivor) Assistance Coordinator will attend Diocesan Review Board meetings and will serve as a member of the Youth Protection Council.

The Victim (Survivor) Assistance Coordinator will be the Diocesan contact and support Person for accusers and Survivors of sexual abuse. Prior to the inquiry into any accusation of sexual abuse of a minor, the Victim (Survivor) Assistance Coordinator will designate a Support Counselor to participate in the Preliminary Inquiry by serving on the Inquiry Team. During the Preliminary Inquiry process, it is the Support Counselor who will serve as the contact and support person for the accuser or alleged Survivor, advising the Victim (Survivor) Assistance Coordinator of the immediate needs that have been expressed by the accuser and his or her family, and who will make specific recommendations to the Response Team during their meeting. Following the Preliminary Inquiry, the Victim (Survivor) Assistance Coordinator is responsible for the on-going assistance to an accuser or alleged Survivor until they mutually determine that such support and assistance is no longer needed. The Victim (Survivor) Assistance Coordinator will help the accuser or alleged Survivor obtain counseling or therapy from a qualified, mutually agreed upon provider, and will answer any questions the accuser or alleged Survivor may have about the process.

If requested, the Victim (Survivor) Assistance Coordinator will help the accuser or alleged Survivor obtain any needed urgent medical assistance as well as pastoral or spiritual care. If requested, the Victim (Survivor) Assistance Coordinator will also help the accuser or alleged Survivor locate any available financial assistance in order to satisfy any outstanding financial expenses of mental health therapy.

B. Guiding Principles

- The primary concern of the Diocese is for the spiritual welfare of the Survivor;
- All Survivors are to be offered spiritual, pastoral, and mental health assistance, regardless of their ability or willingness to pay for these services (cf. USCCB *Charter*, art. 1);
- If the Diocese does not appear to have legal liability in a case, and the abuse has been established, the expenses for the Survivor's therapy are the personal responsibility of the

accused, and the Diocese will assist in obtaining a financial commitment from the accused to the extent possible. If the offending cleric or employee is unwilling to pay the therapy expenses, the Diocesan Bishop may compel the accused to pay to the extent possible under canon and civil law, even by means of the attachment of wages;

- In cases in which the offending cleric is from an Institute or Society of Consecrated Life or another Diocese, the cleric's proper Superior or Bishop will be asked to pay for the Survivor's counseling expenses; and
- In no instance will appropriate counseling assistance be denied due to an inability to pay on the part of the offending cleric, Diocese, or Institute or Society of Consecrated Life.

The Diocese may also offer financial assistance as part of its pastoral outreach to Survivors of sexual abuse. Such action implies no legal liability on the part of the Diocese. Any financial assistance will generally be offered for up to one year or 52 sessions of counseling, provided by a mutually agreed upon and properly credentialed therapist. After the initial 52 sessions of therapy, an assessment by the Victim (Survivor) Assistance Coordinator may be needed to determine: (1) the effectiveness of current therapies; (2) if additional assistance may be necessary (an additional 12 sessions at a time may be approved, with progress reports submitted to the Victim (Survivor) Assistance Coordinator according to APA standards); or (3) when to end such assistance. At no time, however, will the Survivor be left without financial assistance to help pay for needed therapy for up to one year or 52 sessions.

C. Assessment of Counseling Effectiveness

Counseling assistance may be terminated under any one of three conditions: (1) all parties agree; (2) fifty-two (52) counseling sessions have already been provided; or (3) it is obvious to one or more parties, in consultation with others (e.g., members of the Diocesan Review Board), that the therapy is not effective. In the latter case, when fewer than fifty-two (52) sessions have been provided, efforts will be made by the Victim (Survivor) Assistance Coordinator to help the Survivor obtain another mutually agreed upon and credentialed therapist.

IV. RESPONSE TO AN ACCUSATION OF SEXUAL ABUSE

A. Normal Reporting Procedure

For those reporting an accusation of sexual abuse of a minor by a cleric or any Church personnel to the Diocese, the following procedures are normally utilized. These procedures will be regularly announced in the Diocesan newspaper, *The Catholic Witness*, and may be found on the Diocesan website at www.youthprotectionhbg.com (cf. USCCB *Charter*, art. 2).

The first step is to notify the proper civil authorities. Next, the Program Director is normally to be notified immediately of the suspected sexual abuse of a minor involving the Diocese in any direct or indirect way. A report is normally made by calling the reporting number at **1-800-626-1608**, or by emailing ReportAbuse@hbgdiocese.org, or by calling the Diocesan Center at **717-657-4804** and asking to speak with either the Victim (Survivor) Assistance Coordinator or the Program Director.

In the absence of the Victim (Survivor) Assistance Coordinator and the Program Director, reports can be made to the Vicar General, the Secretary for Clergy and Consecrated Life, or the Judicial Vicar. The following actions will then be taken immediately.

B. Initiating the Inquiry Process

After receiving a report of suspected sexual abuse of a minor, the Program Director will determine that the proper civil authorities have been contacted. Next, an Inquiry Coordinator will be appointed to begin the Inquiry process as soon as possible, according to the following steps. The Inquiry Coordinator will normally be a canon lawyer if the allegation is against a cleric, seminarian, those in formation toward Holy Orders, or a person in Consecrated Life. If the allegation is against any Church Personnel, the Inquiry Coordinator will be the employer or supervisor of the accused. In such a case, a canon lawyer will offer assistance and advice to the Inquiry Coordinator.

Status of the Accused:

1. A Bishop – If an accusation of the sexual abuse of a minor is made against a bishop, whether serving currently or previously in the Diocese of Harrisburg (or elsewhere), the Diocesan Bishop will refer the matter immediately to the Apostolic Nuncio in Washington, DC, and will follow the directions of the Nuncio (cf. USCCB *Statement of Episcopal Commitment*, n.2). The accusation will also be forwarded to the appropriate civil authorities as required by law.

2. A Cleric, Seminarian or Those in Formation toward Holy Orders – If an accusation of the sexual abuse of a minor is received against any such person, the Program Director is to notify the Diocesan Bishop and the Secretary for Clergy and Consecrated Life, or in the case of a seminarian, the Vocation Director, of the report without delay. The Program Director will appoint a canon lawyer as the Inquiry Coordinator and the Preliminary Inquiry will normally begin with the report that is made to the appropriate civil authorities. If the accused is incardinated in, or in formation for another Diocese, the Program Director, together with the Secretary for Clergy and Consecrated Life, will contact the proper Bishop of the accused without delay to forward the accusation. It is the expectation of the Diocese of Harrisburg that the proper Diocese of the accused will conduct the Preliminary Inquiry (according to

their own policy and process). Only in the event that they are not able to do so (due to lack of canonical staff, geographical distance, small numbers, etc.) will the Diocese of Harrisburg conduct the Preliminary Inquiry, and then forward the results to the proper Bishop of the accused.

3. Laity in Consecrated Life – If an accusation of the sexual abuse of a minor is received against any such person, the Program Director is to notify the Diocesan Bishop and the Secretary for Clergy and Consecrated Life of the report without delay. After consultation with civil counsel and the appropriate civil authorities an internal Inquiry proceeds. Since the accused is not a cleric, but a member of an Institute of Consecrated Life, with his/her own proper Superior, the Program Director, together with the Secretary for Clergy and Consecrated Life, will contact the proper Superior of the accused without delay to forward the accusation. It is the expectation of the Diocese that the Institute or Society of the accused will conduct the Preliminary Inquiry (according to their own policy and process). Only in the event that they are not able to do so (due to lack of canonical staff, geographical distance, small numbers, etc.) will the Diocese of Harrisburg conduct the Preliminary Inquiry, and then forward the results to the proper Superior of the accused, and inform the appropriate civil authorities.

4. Church Personnel – If an accusation of the sexual abuse of a minor is received against any Church personnel, the Program Director is to notify the responsible supervisor or employer of the accused of the report without delay. After consultation with civil counsel and the proper civil authorities the Diocese may proceed with an internal Inquiry.

5. Vendor, Independent Contractor or Subcontractor – If an accusation of the sexual abuse of a minor is received against any of these persons, the Program Director is to forward the report and all known details to the appropriate civil authorities without delay. The Diocese will not conduct any Inquiry into these reports.

6. Sexual Abuse of a Minor by another Minor – If an accusation of the sexual abuse of a minor is received, stating that one minor abused another minor, the Program Director will assist the one who received the report in identifying the most appropriate and effective response. Such an accusation will not be investigated under this *Program*, but if it is a reportable offense it will be forwarded without delay to the appropriate civil authority.

C. Specific Steps of the Inquiry Process

The following steps will be taken whenever an accusation of the sexual abuse of a minor is received by the Diocese and such an accusation falls under this *Program*:

- The Program Director will normally receive the accusation and immediately inform proper law enforcement and inform others on the Diocesan staff, including the Victim (Survivor) Assistance Coordinator, the Communications Coordinator, and the Diocesan Bishop. He will also designate an Inquiry Coordinator.
- From receipt of the accusation, the Inquiry Coordinator, without delay, will assemble an Inquiry Team consisting of two persons – a Professional Counselor and either a canon lawyer (if the accusation is against a cleric, seminarian, those in formation toward Holy Orders or a person in Consecrated Life), or the employer or supervisor of the accused (if the accusation is against any

Church Personnel.

- After the proper civil authorities have been consulted and give approval, the Inquiry Team will normally have our Diocesan Professional Investigators meet first with the accuser in a professional and mutually agreed upon setting in order to gain additional information and facts about the accusation. The accuser will be made aware of his/her right to make a report of the sexual abuse of a minor to the proper civil authorities, and that the Diocese has made the report in every case.
- Following the meeting with the accuser, the Professional Investigators, without delay, will meet with the accused if the accused is a cleric, seminarian, one in formation toward Holy Orders, or a person in Consecrated Life. The meeting will take place in a professional and mutually agreed upon setting in order to present the accused with the facts of the accusation and listen to his/her response. The accused will be informed that the proper civil authorities have been informed and is encouraged to obtain legal counsel under both canon and civil law. The accused is given, in writing, a list of the rights enjoyed by both the accuser and the accused during this initial inquiry process and a list of legal counselors.
- As soon as possible following the completion of the above interviews of the accuser and the accused, the Program Director will convene a Response Team meeting. The Response Team will include the following persons: the Program Director, the Inquiry Coordinator, the professional investigator (s)the two members of the Inquiry Team, the Victim (Survivor) Assistance Coordinator, the Diocesan Solicitor (or other civil legal counsel for the Diocese), and Canon law counsel (as needed).
- In addition to the above, if the accused is any Church personnel, the responsible employer or supervisor of the accused will attend the Response Team meeting. If the accused is a cleric, a seminarian, someone in formation toward Holy Orders, or a person in Consecrated Life, the Diocesan Bishop (who presides over the meeting), the Vicar General, the Secretary for Clergy and Consecrated Life, the Promoter of Justice, and, if possible, the proper Superior or a delegate of the Institute of Consecrated Life of the accused, will also attend the Response Team meeting, and all members of the Diocesan Review Board are also invited to attend.

In all cases, the Response Team listens to the results of the Preliminary Inquiry, asks appropriate questions, and discusses the case. Each brings his/her expertise, experience and perspective to the discussion. The determination will be made whether or not there exists enough information and basis to act, and what action(s) should be taken.

D. Possible Outcomes of the Inquiry Process:

1. <u>Administrative or Enforced Leave</u>.

A person accused of the sexual abuse of a minor, no matter what their status, will normally be placed on enforced leave from their assignment, office, or employment. This administrative or enforced leave incurs no interruption of salary and accrual of benefits, and may occur at any stage of the Inquiry process. This action may occur immediately upon notice to the accused, at the discretion of the accused person's responsible supervisor, or –in the case of clergy and Diocesan employees, or in the absence of the responsible supervisor – of the Program Director or the Vicar General. The faculty to impose temporary administrative or enforced leave in such circumstances and, in cases involving clerics, to demand withdrawal from a particular rectory or place of residence, is expressly granted by the Diocesan Bishop as particular law under this *Program* to the Vicar General, the Judicial Vicar, and the Secretary for Clergy and Consecrated Life. This action

is not penal in nature yet exists as a tool in the free and unhindered investigation of a serious accusation of a crime (cf. *Essential Norms*, n. 9).

Motivating factors for this administrative or enforced leave include: (1) the accuser is still a minor; (2) the ministry, employment or volunteer position of the accused directly involves contact with minors; (3) the alleged abuse occurred where the accused is currently assigned, employed or in a volunteer position; (4) the accused is still in the same assignment, employment or volunteer position in which the alleged abuse occurred; (5) there may be physical evidence to preserve at the place where the accused is assigned, employed or volunteers; or (6) the accusation has become known or, if known, would engender scandal or contempt for either the accuser or the accused.

Unless circumstances suggest otherwise, no publicity is to be given to this leave, and co- workers and colleagues are not informed of this action by the Diocese. This step is taken to protect the good name and reputation of the accused during this initial Inquiry. If a person is placed on leave, such leave is normally not to extend beyond the Response Team meeting(s) and Inquiry conclusion. The act of placing an accused person on enforced leave will not give rise under canon law to an action for reinstatement during the leave, or for damages at any time.

2. <u>When Sexual Abuse of a Minor is Admitted or Established</u>.

When the sexual abuse of a minor is either admitted or established after an initial Inquiry, the accused, no matter what his or her status, will immediately be removed from all ministry, employment or volunteer status and the individual's Youth Protection Badge will be revoked. When even a single act of sexual abuse of a minor is made to the Diocese, a report will also be made without delay to the proper civil authorities.

- <u>For an employee</u>, even a single act of sexual abuse of a minor results in permanent dismissal from all Diocesan, parish, school or other institutional employment. The former employee will not be permitted to volunteer in any position of ministry in the Diocese. If the employer is contacted by any other potential employer, full disclosure of the incident may be made, after seeking counsel of the Diocesan Solicitor.

- <u>A volunteer</u> will immediately be removed permanently from all his or her volunteer positions in the Diocese, parish, mission, school, or other institutions, and not permitted to volunteer or seek employment in any position of ministry in the Diocese in the future.

- <u>If the accused is a cleric incardinated in the Diocese of Harrisburg</u>, he will be removed from his place of assignment (parish, campus, hospital, etc.), from any assignment or participation in ministry, and if a priest, his faculties will be withdrawn, and he will be placed under penal precept. For even a single act of sexual abuse of a minor, no matter when it occurred, which is admitted or established after an appropriate canonical process, the offending cleric will be permanently removed from all ministry (cf. USCCB *Charter*, art. 5; *Essential Norms,* n. 8). In every case where the sexual abuse of a minor by a cleric has been admitted or established, or in which the accusation at least seems to be true, the Diocesan Bishop will forward the Acts of the Preliminary Inquiry to the Congregation for the Doctrine of the Faith as required by the norms of

the Holy See document, *Sacramentorum sanctitatis tutela*. Also, in every case the pertinent processes provided in canon law will be strictly observed (cf. Book VI of the *Code of Canon Law*; the USCCB *Charter*; the USCCB *Essential Norms*), and dismissal from the clerical state may be sought, if the case warrants it (cf. USCCB Essential Norms, n.8). A report will also be made to the appropriate civil authorities.

- If the accused is a cleric incardinated in another Diocese or is a member of an Institute or Society of Consecrated Life, and the Preliminary Inquiry was conducted by the Diocese of Harrisburg, the Secretary for Clergy and Consecrated Life together with the Program Director will promptly notify the proper Bishop or Superior of the accused of the admission or established sexual abuse of a minor. The accused will be removed from any assignment or participation in ministry, and if a priest, his faculties will be withdrawn, and he will be placed under penal precept. A report will also be made to the appropriate civil authorities. The proper Bishop or Religious Superior will be responsible for the residence of the accused apart from any diocesan or parochial facility.

For a cleric, even a single act of sexual abuse of a minor, no matter how long ago such abuse may have occurred, brings permanent removal from all ministry. An offending cleric may be offered professional assistance for his own healing and well-being, and for the purpose of prevention, even though he will never function in any ministerial capacity again. The cleric will be given the assistance of the Diocese if he wishes to seek voluntary laicization. In the event voluntary laicization is not sought, the penalty of dismissal from the clerical state will be diligently pursued.

- If the accused is a member of an Institute of Consecrated Life, but not a cleric (a Sister or a Brother), and the Preliminary Inquiry was conducted by the Diocese of Harrisburg, the Secretary for Clergy and Consecrated Life together with the Program Director will promptly notify the proper Superior of the accused of the admission or established sexual abuse of a minor. The accused will be removed from residence within the Diocese, from any assignment or participation in ministry (volunteer or paid), and he or she will be placed under penal precept. A report will also be made to the appropriate civil authorities of that jurisdiction.

3. When Sexual Abuse of a Minor is Not Admitted to or is Denied.

After the Preliminary Inquiry, and the proper civil authorities determine not to pursue charges, and when sexual abuse of a minor is not admitted or is denied, the employer or responsible supervisor of the accused can extend administrative leave for any reason upon the sole discretion of the supervisor, the Program Director, or the Diocesan Bishop.

If the accused is a cleric incardinated in the Diocese of Harrisburg, he may be removed immediately from his place of assignment or residence. This removal may occur pending assessment of the initial Inquiry, for any of the motivating factors listed earlier for administrative or enforced leave, or at the discretion of the Diocesan Bishop, or by virtue of a faculty granted by the Diocesan Bishop as defined elsewhere in this *Program* (cf. p. 28).

If this occurs, the Secretary for Clergy and Consecrated Life will accompany the accused cleric to a supervised temporary residence.

If the accused is a cleric incardinated in another diocese or a member of an Institute or Society of Consecrated Life and the initial inquiry is conducted by the Diocese of Harrisburg, the Secretary for Clergy and Consecrated Life together with the Program Director, will promptly notify the proper Bishop or Superior of the Inquiry results and may request, at the discretion of the Diocesan Bishop, that the accused be removed from residence within the Diocese, pending further assessment of the inquiry results.

4. When the Result is Inconclusive.

Providing that Civil Authorities will not pursue charges and after the Preliminary Inquiry: if both the accuser and the accused remain firm, the one accusing the other of sexual abuse and the accused denying the accusation, then in such unclear cases, the investigation is to remain open for a time.

The two members of the Inquiry Team and the Professional Investigators will write their summaries of the interviews with the accuser and the accused, as well as their own first-hand observations and opinions, and submit these summaries to the Program Director. A Response Team meeting will be called as soon as possible upon completion of the Preliminary Inquiry. At this Response Team meeting, all members of the Response Team hear from the members of the Inquiry Team about the interviews with the accuser and the accused, they discuss the case, and determine if an inconclusive inquiry is to remain open and what further actions are to take place.

If any other contacts are to be made with witnesses (material or character), or if the accuser or accused are to be re-interviewed, it remains the task of the two members of the Inquiry Team. The Inquiry Team will keep the Inquiry Coordinator and the Program Director informed throughout the process.

When the Inquiry Team has completed its assigned tasks, the Program Director will again convene the Response Team. If the Response Team determines that an inconclusive Inquiry should now be closed and that sufficient doubt exists to recommend that the accused return to Ministry, the steps listed above (When Sexual Abuse of a Minor is Established) are to be followed. If the Response Team determines that an inconclusive Inquiry should now be closed and that insufficient evidence exists to substantiate the accusation, the steps listed above (When Sexual Abuse of a Minor is Not Admitted or Denied) are to be followed.

E. Meeting(s) of the Response Team

Upon the conclusion of the Preliminary Inquiry, the Program Director will, without delay, convene the Response Team. The Response Team serves in an advisory role to either the Diocesan Bishop (if the accused is a cleric, seminarian, one in formation toward Holy Orders, or a person in Consecrated Life) or to the responsible employer or supervisor (if the accused is any Church personnel).

When there is NOT sufficient information to act:
The employer or responsible supervisor of the accused may undertake any of the following (or another) appropriate action:

- Continue the Inquiry with determined actions to be taken within a reasonable period of time;
- Provide a caution, admonition, penal remedy, penal precept, or other action as provided for in canon law;
- Exonerate and restore the accused to employment, assignment, or volunteer status, as well as to residence.

When there IS sufficient information to act:
The employer or responsible supervisor of the accused (for any Church personnel) or the Diocesan Bishop (for any cleric, seminarian, one in formation toward Holy Orders, or person in Consecrated Life) may undertake any of the following (or another) appropriate action:

- If the accused is not a cleric, to terminate employment or volunteer status. The accused is thus prohibited from all employment and all volunteer positions within the Diocese.
- If the accused is a seminarian or in formation toward Holy Orders, to dismiss him from formation.
- If the accused is a cleric incardinated in the Diocese of Harrisburg, to continue his Administrative Leave and to forward the results of the Preliminary Inquiry to the Holy See for further direction in the case; to place him under penal precept or canonical penalty, which will forbid him from presenting himself as a cleric and from functioning publicly as a priest or deacon.
- If the accused is a cleric incardinated in the Diocese of Harrisburg, to request that he seek a medical or psychological assessment, evaluation or treatment, which does not preclude other appropriate actions at the same time.
- If the accused is a cleric not incardinated in the Diocese of Harrisburg, and the Diocese of Harrisburg has conducted the Preliminary Inquiry, to forward the matter, in its entirety, to the cleric's proper Bishop or Superior and to withdraw any assignment to ministry, employment, permission to reside, and faculties of the Diocese.
- If the accused is not a cleric, but is a member of an Institute or Society of Consecrated Life, and the Diocese of Harrisburg has conducted the Preliminary Inquiry, to forward the matter, in its entirety, to the person's proper Superior and to withdraw any assignment to ministry, employment, volunteer status, and permission to reside within the Diocese.

If appropriate, the Program Director will inform the Communications Coordinator of the facts of the accusation and future actions to be undertaken. Disclosure will be determined as appropriate in each case, according to the Communications policy of this *Program*.

The Program Director will see that the appropriate civil authorities are kept apprised of our determinations and actions. Furthermore, the Diocese will seek close collaboration in any future investigation by either civil or ecclesiastical authorities.

When the Inquiry Remains Open:

The same Inquiry Team will ordinarily conduct all subsequent interviews or meetings in the manner described above, unless the employer or responsible supervisor of the accused, after consulting with the Program Director or Diocesan Bishop, determines otherwise in an individual case. The Program

Director is to be kept informed of the steps and progress of an open inquiry. When appropriate, another Response Team meeting may be convened for further advice. The Response Team will also convene when the employer or responsible supervisor of the accused judges that sufficient basis for making a definitive decision exists. While an Inquiry remains open, at no time is a cleric or employee normally to remain on Administrative Leave for longer than 90 days without some determination or without referral to civil authorities. The Victim (Survivor) Assistance Coordinator is to maintain periodic contact with the alleged Survivor during an open Inquiry and see that pastoral, emotional or spiritual needs are being addressed adequately.

F. Anonymous Accusations

The Diocese strongly discourages anonymous reports of suspected sexual abuse of a minor, which prevent the healing and reconciliation of the Survivor and generally provide insufficient information for a competent and fair Inquiry. Anonymous accusations may inadvertently allow sexual abuse to continue and are therefore, strongly discouraged. They will, however, be investigated and reported to civil authorities.

The right to know the identity of one's accuser is based on the fundamental rights of due process, including the right of the accused to self-defense. Protection of due process is necessary to maintain

the integrity of the Church's ministry and to indicate the seriousness of false accusations. Because an accusation of the sexual abuse of a minor can bring serious harm to a person's reputation and employment, it is important to safeguard the rights of the accused as well as those of the accuser. Ordinarily, the accuser's identity will be made known to the person accused of the serious crime of sexual abuse of a minor.

The consequences of untrue accusations cannot be overestimated, since they may involve permanent emotional trauma, loss of reputation and employment, and may lead to litigation harmful to all persons involved.

G. False Accusations

If the accusation has been completely retracted or it is otherwise patently clear that the accusation is unfounded in fact and made with malice, and if the matter has become public or has engendered scandal or loss of reputation to the accused, every effort will be made to restore the good reputation of the accused (cf. USCCB *Essential Norms*, norm 13). If appropriate, the Diocese will also consider civil or canonical action against the one making the false accusation, and the employee or cleric will be advised of his or her rights in the matter. The appropriate response to a false accusation will be determined by the Bishop and the Response Team on a case by case basis. The Response Team will advise the employer or responsible supervisor of the falsely accused employee, or in the case of a falsely accused cleric, seminarian or one in formation toward Holy Orders, or person in Consecrated Life, the Response Team will advise the Diocesan Bishop, what means might accomplish these goals.

If the accusation becomes known, the response may include appropriate communications with:

- Staff or co-workers of the falsely accused;
- The parish community of the falsely accused;
- Diocesan officials of this or of any other diocese in which the falsely accused may minister,

reside, work or volunteer; and
- The media.

If requested, the Diocese will assist the falsely accused person in obtaining civil or canonical legal counsel. The Diocese will not, however, provide any compensation or reimbursement for these services.

H. Role of the Diocesan Bishop in the Process

At times the Bishop's personal presence, or that of his delegate, may be needed to foster healing and reconciliation. The Diocesan Bishop or his delegate will offer, through the Victim (Survivor) Assistance Coordinator, to meet with Survivors and their families (cf. *Charter*, art. 1). He will listen with patience and compassion to their experiences and concerns, and he will share with them his own sentiments and that of the Diocese, as expressed on May 1, 2016 by His Holiness, Pope Francis in his weekly address: "This (the abuse of minors) is a tragedy… We must not tolerate the abuse of minors. We must defend minors. And we must severely punish the abusers."

At times, the Bishop's personal presence, or that of his delegate, may also be needed to foster healing and reconciliation for the accused, even though, if the sexual abuse of a minor is admitted or established, the accused will never return to any assignment, employment or volunteer status in the Catholic Church.

I. Legal Considerations

If either the Survivor or the accused requests the counsel of a canon lawyer, or if the Inquiry Team or Program Director determines the need for either party to have canonical counsel, the Victim (Survivor) Assistance Coordinator, working with the diocesan canon lawyer involved with the accusation (either the Inquiry Coordinator or the canonical member of the Inquiry Team), will help the Survivor or the accused in locating competent outside canonical counsel to assist them. It is normally the personal responsibility of the accused to pay all fees and costs associated with such canon law counsel during the Preliminary Inquiry and prior to the opening of any formal penal process, whether administrative or judicial.

During a penal process, and if requested by the accused, the Diocese may assume part or all of the costs associated with canonical counsel to the accused, as long as those costs are within acceptable standards suggested by the Canon Law Society of America.

All legal fees and any award for damages against the offender are the personal responsibility of the offender. Diocesan liability insurance does not cover intentional acts of a criminal nature, including acts of sexual abuse of minors.

If the Diocese has clear legal responsibility in a case of sexual abuse of a minor (as an intentional or negligent action or inaction), the Diocese will meet that responsibility and will not force a Survivor into unnecessary litigation. If, however, the Diocese has determined, on advice of counsel and given the facts of the case, that it does not possess legal liability, neither the Diocese nor any parish, school, corporation, or institution affiliated with it will assume unnecessary costs or fees. In those cases, it is the primary responsibility of the offender to assume all costs associated with the Survivor's counseling or therapy. When an offender is deceased at the time the accusation is made to the Diocese, and it has been established that the accusation is most likely true, the costs associated with the Survivor's counseling

will be assumed, for up to one year (or fifty-two (52) sessions), by the Diocese as part of its pastoral concern for the well-being of the Survivor.

Furthermore, the Diocese will not assist in providing the legal fees for any offender. If a settlement is indicated in an extraordinary and particular case, the Diocese will not enter into a confidentiality agreement unless specifically requested by the Survivor or the Survivor's legal representative, and will do so only for compelling reasons. At no time will the Diocese initiate such a confidentiality agreement. If such a request for confidentiality is made and agreed upon by the Diocese, such a request of the Survivor will be noted in the text of the agreement (cf. USCCB *Charter*, art. 3).

V. THE DIOCESAN REVIEW BOARD

A. Role

According to the USCCB *Charter*, Dioceses are 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*, 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" (art. 2; cf. also *Essential Norms*, norm 4).

B. Membership

According to the USCCB *Essential Norms*, "The review board, established by the diocesan/eparchial bishop, will be composed of at least five (5) 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 (1) member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one (1) member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five (5) years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board" (norm 5).

In the Diocese of Harrisburg, the Diocesan Bishop will appoint members to five-year concurrent terms on the Review Board. The Review Board shall consist primarily of lay persons not in the employ of the Diocese. The Board shall act in full conformity with the USCCB *Charter*, the USCCB *Essential Norms*, the Diocesan *Youth Protection Program*, and all other applicable provisions of canon and civil law.

Members of the Board will be chosen from diverse backgrounds and ages, equally representing men and women. Inasmuch as possible, membership will include one or more persons from the following backgrounds or professions:

- Education;
- Psychiatry, psychology, or mental health counseling;
- Law;
- Law enforcement;
- Youth or young adult ministry;
- One pastor;
- One person in Consecrated Life; or
- Parents.

The Program Director, the Promoter of Justice, or other canon or civil law experts are not members of the Review Board, nor are members of the Diocesan Youth Protection Council, but these persons serve

as staff to the Diocesan Bishop and Review Board and are invited to be present for part or all of the Review Board meetings.

C. Meetings

The Program Director will convene the Review Board, which will meet on an as-needed basis throughout the year to hear specific cases and advise the Bishop, and will meet at least once a year for the specific purpose of reviewing this *Program* and making any recommendations for its revision to the Diocesan Bishop.

In consultation with the Diocesan Bishop and Youth Protection Council, the Program Director will prepare a written agenda for all the Review Board meetings, and will maintain general written notes of all the meetings.

All members of the Review Board will be invited by the Program Director to attend meetings of the Response Team when accusations against clergy, seminarians or those in formation toward Holy Orders, or someone in Consecrated Life [when the Diocese conducts the Preliminary Inquiry] are discussed.

VI. COMMUNICATIONS

The Inquiry into any accusation of the sexual abuse of a minor will be kept as confidential as possible given the circumstances of the case. Determination of what disclosure is to be made and when, will be made on a case-by-case basis.

A. Communications Coordinator

"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 sexual abuse of a minor" (USCCB *Charter*, art. 7).

In accord with the above article of the USCCB *Charter*, the Diocesan Bishop will designate a *Communications Coordinator*, who will serve as the official voice of the Diocese in all matters connected with the sexual abuse of minors and sexual misconduct by clergy, seminarians, those in formation toward Holy Orders, those in Consecrated Life, or any Church personnel. Any other person offering statements or commentary to the media must be understood as offering only personal viewpoints and opinions, not necessarily reflecting the position of the Diocese or any of its parishes or schools in any official manner. The Diocesan Bishop will designate another person to serve in the capacity of Communications Coordinator in the event this person is unavailable.

The Communications Coordinator is a member of the Youth Protection Council and works closely with the Program Director in developing and maintaining the section on communications in this *Program*. The communications policy will reflect a commitment to openness in a manner which respects the right to privacy and the reputation of all persons involved in accusations regarding the sexual abuse of a minor, including the accuser or Survivor as well as the accused. The Communications Coordinator will be kept informed of new accusations and the progress of inquiries into accusations by the Program Director. The Communications Coordinator, in turn, will inform those individuals or groups with a legitimate interest in the matters, especially parish communities affected by sexual abuse accusations, through regular release of information.

B. Sharing of Information

The primary means of communicating to the Catholic community and the larger public is through the diocesan website (www.hbgdiocese.org) and in the diocesan newspaper, *The Catholic Witness*. As appropriate and as determined by the Communications Coordinator in consultation with the Program Director or the Diocesan Bishop, other means of communication, including the secular media, will be used to make known the current policies of the Diocese regarding the sexual abuse of minors and any current inquiry into accusations of sexual abuse that have become public.

The Communications Coordinator is to recommend to the Program Director specific policies for keeping the following persons or groups of persons properly informed as needed:

- The secular media, regarding a specific accusation or inquiry;
- The secular or religious media, regarding policies, procedures and statistics;
- The clergy of the Diocese of Harrisburg;

- The staff or people of a parish, school, Secretariat, or other place affected by a specific accusation;
- The Catholic people of the Diocese of Harrisburg; and
- The general public of Central Pennsylvania.

C. Disclosure and Confidentiality

The Diocese of Harrisburg constantly maintains on its website (www.youthprotectionhbg.com) a clear announcement on how to report suspected abuse of a minor (call the PA Child Abuse Hotline at **1-800-932-0313**); (2) of a vulnerable adult between the ages of 18-59 (call the 24-hours statewide Protective Services Hotline at: 800-490-8505); (3) of a vulnerable adult age 60 and above (call the 24-hour statewide Protective Services for Older Adults Hotline: 800- 527-242); (4) of a minor by a cleric or any Church personnel (contact the Diocese at **1-800-626-1608** or **ReportAbuse@hbgdiocese.org**).

The Diocese will also ensure that annual announcements on how to report the suspected abuse of a minor by a cleric or any Church personnel will be made in all parishes (by announcement or printed in bulletins), as well as published in each issue of *The Catholic Witness* (cf. *Charter*, art. 2).

By means of the annual announcements, the Diocese will encourage all Survivors of sexual abuse to report the cleric or Church personnel to Diocesan officials. While the Church's primary focus is the healing and well-being of Survivors, these public announcements should assure Survivors of the eagerness of the Diocese to assist them and encourage them to come forward in order to prevent on-going or future abuse.

All accusations of the sexual abuse of a minor against a cleric, living or deceased, or against any Church personnel, will be reported by the Diocese of Harrisburg to the proper civil authorities.

As previously noted, the Inquiry into any accusation of sexual abuse of a minor will be kept as confidential as possible under the circumstances of the case. However, legal and professional confidentiality is not to be misunderstood as secrecy. Determination of what disclosure is to be made and at what stage of the Inquiry this is to be done is determined in each case.

From time to time it may become necessary or appropriate to provide information on a specific accusation or results of an Inquiry to the institution to which the accused person is connected (i.e., their Parish, School, Secretariat or Office). This will be done by the Communications Coordinator, with the Program Director and the proper Pastor, Principal, Diocesan Vicar or Secretary. Ordinarily, the right to privacy of both the accuser and the accused, the potential for damage to reputation of involved parties, and avoidance of further harm to a Survivor through publicity, suggest that appropriate disclosure be limited and controlled.

Disclosure may be made in order to reach out to other possible Survivors, to repair harm or scandal caused by sexual abuse, to provide for punishment of criminal activity, or to restore the good name of one falsely accused. Disclosure will respect and preserve the rights of all parties in both canon and civil law.

Disclosure of an accusation or of the results of an Inquiry or penal process may be made to any of the following, depending on the circumstances of the case:

- The staff or parishioners (or students) of the accused person's current and/or previous assignment(s) or place(s) of work or ministry;
- Co-workers or staff of an accused person's current diocesan assignment, employment or ministry;
- Officials of any other Diocese or Institute or Society of Consecrated Life in which the accused person may now work or reside;
- Potential employers of the accused;
- The secular or religious media; and
- In every case disclosure will be made to the appropriate civil and ecclesiastical authorities.

If disclosure is made to a school or parish community at large, the Program Director, together with the Victim (Survivor) Assistance Coordinator, is to ensure that several counselors or therapists are available at the same time and place to offer immediate crisis counseling to any who desire it, or to report additional incidents of suspected abuse.

If disclosure is made to a select person or small group of persons, such disclosure is made with the expectation of confidentiality and privacy, under possible penalty in canon or civil law.
If an accusation becomes public by any means, the Communications Coordinator or the Program Director is to inform the appropriate personnel at the accused person's current assignment or employment that an Inquiry is being conducted. Media questions are to be directed to the Communications Coordinator.

When the Sexual Abuse of a Minor by a Cleric is Admitted or Established:

A. When a cleric has admitted the sexual abuse of a minor or the sexual abuse of a minor has been established after a canonical process, and the accused cleric is not in any active ministry [i.e., he is retired] or is deceased at the time the allegation was made [therefore no minor is currently in danger of ongoing sexual abuse], if the cleric is incardinated in the Diocese of Harrisburg and is still living: subsequent to all the canonical actions that would normally take place (a decree will be issued by the Diocesan Bishop prohibiting the cleric from any exercise of sacred ministry; any and all faculties will be withdrawn; the cleric will be prohibited from presenting himself as a cleric and, if a priest, from celebrating the sacraments in public [except for baptism and penance in danger of death situations]), in accord with the USCCB *Essential Norms* document, n.6, the Congregation for the Doctrine of the Faith will be notified by the Diocesan Bishop. The Diocese will also make an announcement in all parishes on how to make a report of the sexual abuse of a minor by any cleric or by any Church personnel, encouraging anyone who may have been sexually abused by any cleric or by any Church personnel, in the past or recently, to make such a report either to the Diocese or to the proper civil authorities.

B. When a cleric has admitted the sexual abuse of a minor or the sexual abuse of a minor has been established after a canonical process, and the accused cleric is incardinated in the Diocese of Harrisburg and is currently in an assignment in the Diocese: subsequent to all the canonical actions (cf. p. 28 of this *Program*), and in accord with the USCCB *Essential Norms* document, n.6, the Congregation for the Doctrine of the Faith will be notified by the Diocesan Bishop. The Communications Coordinator will also see that a notification of this matter, made by the Diocesan Bishop, is given to: (1) the current and previous parishes where the priest or deacon was appointed; (2) the presbyterate; (3) permanent deacons (when it involves a permanent deacon); (4) the Diocesan staff; and (5) the media.

C. When a cleric incardinated in another Diocese or is a member of an Institute or Society of Consecrated Life and has admitted the sexual abuse of a minor or the sexual abuse of a minor has been established after a canonical process conducted by the Diocese of Harrisburg: subsequent to all the canonical actions (cf. p. 28 of this *Program*), the Secretary for Clergy and Consecrated Life together with the Program Director will promptly notify the proper Bishop or Superior of the cleric's admission or established sexual abuse of a minor. The Communications Coordinator will also see that a notification of this matter, made by the Diocesan Bishop, is given to: (1) the current and previous parishes or places of ministry where the cleric was appointed; (2) the presbyterate; (3) others within the Diocese as appropriate; and (4) the media.

Whenever the sexual abuse of a minor is admitted or established, the Diocese will also make a report, through its legal counsel, to the appropriate civil authorities.

D. Inquiries From Third Parties

Any inquiries from the media concerning the sexual abuse of a minor by a cleric, employee or volunteer, who are in any way affiliated with the Diocese, are to be forwarded to the Communications Coordinator. It is the policy of the Diocese to provide accurate and up-to-date information concerning the number of accusations received within a given time period, the Inquiries conducted, and the accusations admitted or established. This includes information regarding the employment or ministerial status of clergy or any Church personnel, inasmuch as such information does not violate the privacy of the parties or jeopardize the free and complete investigation of an accusation. The Diocese will not ordinarily offer commentary regarding an open Inquiry or any matter in litigation before secular or ecclesiastical courts.

When an accusation involves clergy from another Diocese, Institute or Society of Consecrated Life, or an employee or volunteer of either, the Communications Coordinator will be kept informed of the accusation and the progress of the Inquiry (which may or may not take place in the Diocese of Harrisburg), but normally all questions regarding the matter are referred to the person's proper Diocese or Institute of Consecrated Life.

VII. IMPLEMENTATION

A. Promulgation and Effective Date

This 2018 *Diocesan Youth Protection Program* is hereby promulgated by the Most Reverend Ronald W. Gainer, D.D., J.C.L., Bishop of Harrisburg, on July 15, 2018 and becomes effective on August 15, 2018. On its effective date, this 2018 *Diocesan Youth Protection Program* abrogates all previous Diocesan Youth Protection Policies and Programs.

B. Publication

This *Program* is to be promulgated by notice in the Diocesan newspaper, *The Catholic Witne*ss, the eDigest, and the Diocesan Intranet. The entire text of this *Program* are to be published on the Diocesan website at: www.youthprotectionhbg.com.

This *Program* is to be read by all those who have a Youth Protection badge. Each person holding a Youth Protection badge is required to attest by their signature in their online LMS profile that they have read this *Program.*

Notice of this *Program* and its general provisions is to be included in the materials developed in fulfillment of the educational mandates for all Church personnel. Notice of this *Program* and its general provisions is to be included in each policy manual or published set of policies established by the Diocese, a Secretariat, parish, institution or corporation related to the Diocese.

A copy of the entire *Program*, along with a notice on how to report suspected abuse, is to be available in each place of employment within the Diocese (i.e., a parish, mission, school, institution or corporation affiliated with the Diocese). The notice on how to report suspected abuse [published separately from this *Program*] is to be printed in English, Spanish, Vietnamese, and Korean, and it is to be publicly and permanently posted in the Diocesan Center, and in all parishes, missions, schools, and institutions under the auspices of the Diocese.

C. Revision

Revision of this *Program* will take place on an as-needed basis, as determined by the Diocesan Bishop and the Program Director in accord with the USCCB *Charter*, and in accord with current civil reporting laws of the Commonwealth of Pennsylvania. Members of the Diocesan Review Board will normally be consulted on revisions to the *Program* and its summary, and may recommend policy revisions and modifications to the Diocesan Bishop at any time, especially at the June meeting of the Board convoked for that purpose. All revisions to this *Program* must be approved and promulgated by the Diocesan Bishop.

In accord with the USCCB *Essential Norms* document, this *Youth Protection Program*, as well as any revised *Youth Protection Program* in the future, will be filed with the United States Conference of Catholic Bishops within three (3) months of the effective date of the *Program* or of any modification of the *Program* (cf. norm 2).

Most Reverend Ronald W. Gainer, D.D., J.C.L.
Bishop of Harrisburg