

# **Procedure to Address Claims of Sexual Abuse of Minors and Vulnerable Adults**

***(Diocesan Safe Environment Regulations pages 9-11)***

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## **A. Reporting a Claim**

1. **Reporting to the Diocese:** All clergy, seminarians or other personnel of the diocese are obliged to report immediately to the Bishop any allegation or suspicion that a priest, deacon, or other church personnel has sexually abused a minor, either in the past or currently. No clergy, seminarian, or diocesan personnel are to interact with the accused before or after reporting a claim to the Bishop, unless and until otherwise instructed by the Bishop. Likewise, after making an immediate report to the Bishop, no diocesan personnel are to interact with an accuser, unless and until otherwise instructed by the Bishop. Preferably, a claim should be presented to the Bishop in writing. Whether given in writing or orally, the report should include:
  - a. The name, address and telephone number(s) of the reporter.
  - b. The name, address and telephone number(s) of the accused.
  - c. The name(s), address(es) and telephone number(s) of the alleged victim(s) or survivor(s).
  - d. The relevant date(s), time(s) and location(s) of the alleged abuse.
  - e. The nature of the alleged abuse and the setting in which it allegedly occurred.
  - f. The name(s), address(es) and telephone number(s) of any person(s) with knowledge or information about the alleged abuse.
2. **Reporting to and Cooperating with Civil Authorities:** Nothing in this Section 3A eliminates reporting required by civil law see, **VA. CODE ANN. § 63.2-1509**. [See also above: **General Considerations**]. See Diocesan document entitled ***“Reporting Ministry-Related Child Sexual Abuse” (APPENDIX “B”)***.
3. **Anonymous Allegations/Information; False Allegations; Allegations Surfaced by the Media:** [See page 4: **General Considerations**].

## **B. Preliminary Actions to Address a Claim**

- a) **Initial Interviews:** When an allegation is received, the Bishop alone will direct the notification of the accused. The Bishop will initiate and conduct a preliminary investigation. The purpose of the Bishop’s preliminary investigation is to allow the Bishop to determine, based on the facts surrounding the allegation, whether or not a canonical crime has been committed, whether the accused was responsible for the crime before the law, and what type of canonical process should be used to resolve the matter. The Bishop may ask for an initial interview of the accused and, if necessary, of the accuser.

The Bishop’s preliminary investigation will not interfere with any civil or criminal investigation at the same time. If necessary, the Bishop may prudently delay his investigation until it is suitable to process so as not to obstruct the civil or criminal investigation.

2. **Intervention and Administrative Leave:** When there is a credible allegation, and in accord with the precautions set out in canon law, the Bishop will order that the accused priest, deacon or other church personnel be placed on administrative leave. The accused enjoys the presumption of innocence and all appropriate steps will be taken to protect the accused’s

reputation. The accused will be encouraged to retain the assistance of civil and/or canonical counsel.

In the case of a cleric, the Bishop may utilize the Crisis Intervention Team to arrange intervention and appropriate mental health evaluation for the accused as necessary. In the case of a lay employee or volunteer, the Diocesan Office of Human Resources may, at the direction of the Bishop, utilize the Employee Assistance Program to arrange for appropriate intervention.

3. **Notifying the Review Board:** When the Bishop receives any allegation of sexual abuse of a minor, then he will notify the Review Board. He will provide the details of the allegation and of any preliminary actions taken. The Bishop will instruct the Review Board to initiate the process for reviewing and/or gathering information and assessing the claim.

## C. Fact-Finding and Assessment of the Claim

1. **Assigning the Claim to a Fact-Finding Committee:** After its initial review of a claim and in consultation with the Bishop, the Review Board may begin the fact-finding phase by convening a Fact-Finding Committee. The Chairperson of the Review Board must convene the Fact-Finding Committee within 7 business days of receiving the claim.
2. **Notifications and Progress Reports:** The Chairperson of the Review Board will notify the Bishop, the accused and the accuser that the fact-finding phase has begun. He will see to it that the Bishop, the accused and the accuser are kept informed of progress with the fact-finding process.
3. **The Fact-Finding Phase:** Once convened, the Fact-Finding Committee shall:
  - a. Select a Committee Coordinator.
  - b. Outline the overall process for those taking part in the fact-finding phase.
  - c. Discover and collect information relevant to the allegation(s) through interviews with the accuser, the accused and other persons who come forward, or are identified, with information pertinent to the allegation(s). Obtain additional relevant information by other means or from other sources. Ordinarily, the Fact-Finding Committee should complete its work within 30 calendar days of being convened by the Review Board.
  - d. Examine all information to discover additional forms or sources of relevant facts.
  - e. Keep accurate records of all interviews and conversations, and document fully all other relevant materials or information.
  - f. Keep the Review Board informed of the committee's progress and follow the directions and guidance of the Review Board throughout the process. The Fact-Finding Committee shall prohibit legal counsel or mental health professionals (who are retained by others than the Fact-Finding Committee or the Review Board) from taking part in interviews or conversations. If they are present, they should participate only as observers, or in the case of a mental health professional, to provide personal care, and only upon request and with advance notice. The committee shall also refer to the Review Board any exceptional requests from the accuser, the accused or other persons.

If further allegations related to the alleged abuser should arise, the Fact-Finding Committee shall immediately inform and seek the direction of the Review Board. Likewise, if any claim should arise against another alleged accused, the Fact-Finding Committee shall refer that allegation immediately to the Review Board for the Review Board's action.

Ordinarily, the Fact-Finding Committee should complete its work within 30 days of being

convened by the Review Board.

4. **The Reporting Phase:** At the conclusion of its work, the Fact-Finding Committee presents a written report of its fact-findings, along with all supporting documentation, to the Review Board. After examining the materials presented by the Fact-Finding Committee, the Review Board can direct the Fact-Finding Committee to continue with further fact-finding. Whenever it does so, the Review Board will establish a strict and expeditious timeline for the Fact-Finding Committee to conclude its work.
5. **The Review and Assessment Phase:** The Review Board reviews the facts gathered by the Fact-Finding Committee along with any other facts pertinent to the allegation(s). Based on that information, the Review Board assesses the allegation(s) for credibility, substance and gravity. Ordinarily, the Review Board should complete its assessment within 7 days of receiving the Fact-Finding Committee's report.

## D. Consultation and Subsequent Responses to a Claim

1. **The Consultation Phase:** When it has completed its assessment of the allegation(s), the Review Board reports its findings to the Bishop. The Review Board assists the Bishop, based on their findings, with advice and consultation as he formulates a judgment about the allegation(s). Likewise, the Review Board assists the Bishop as he determines appropriate actions for responding to the accused and the accuser(s).

The Bishop may also turn to other sources to develop and formulate his conclusions, incorporating these resources into a consultative relationship with the Review Board.

2. **The Response Phase:** When the Bishop has arrived at a judgment about the allegation(s) and has determined what the response actions will be, the Review Board serves to monitor the implementation of the Bishop's decisions.

The Review Board, in cooperation with the Bishop, sees to it that the accused and the accuser(s) are informed of the Bishop's decisions before the Bishop makes those decisions public. The accused and the accuser are invited to direct any inquiries into the Bishop's decisions either to the Chairperson of the Review Board or to the Priest Representative who represents the Bishop on the Review Board.

3. **Documentation:** The Review Board shall document and keep a record of all the proceedings related to the allegation(s). The Fact-Finding Committee's report, all supporting documentation and the Review Board's record of proceedings are confidential. They are stored in the Bishop's archives to be released only by the Bishop.
4. **Unfounded Claim:** If an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.