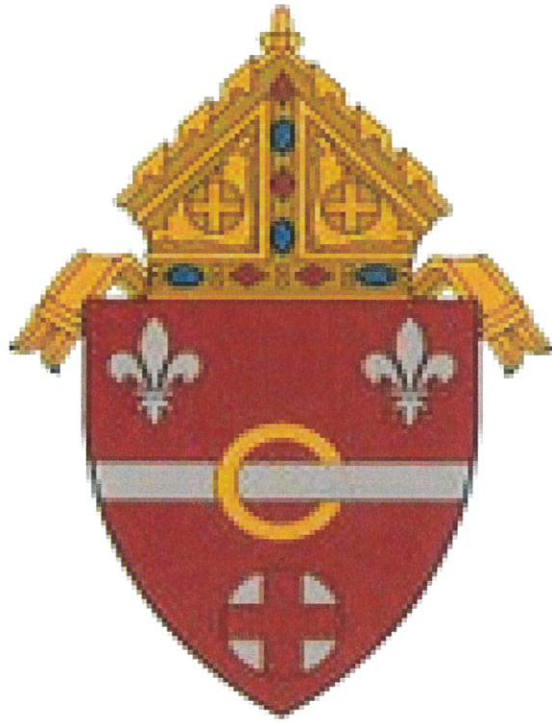




DIOCESE OF ALLENTOWN

POLICIES AND PROCEDURES REGARDING ALLEGED SEXUAL ABUSE

(Effective November 1, 2022)

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DIOCESE OF ALLENTOWN

November 1, 2022

Dear Brothers and Sisters in Christ:

The Church has a duty and obligation to protect the most vulnerable, especially children and young people. Since the implementation of the “Charter for the Protection of Children and Young People” by the Bishops of the United States in 2002, the Church has made considerable progress in developing policies and procedures that help to provide safe environments for children, youth and vulnerable adults. The Diocese of Allentown is committed to the implementation of the Charter and the accompanying Essential Norms.

The Diocese of Allentown affirms its commitment to the safety of God’s precious gifts to us— our children. Through a comprehensive program that includes ongoing training, stringent safe environment policies and background checks of clergy, employees and volunteers, the Diocese is a model for the protection of children, youth and vulnerable adults. We have educated thousands of Catholics through our program and continue to maintain the highest standards to ensure compliance in all of our schools, institutions and ministries.

I am grateful to the members of the laity and clergy who have assisted in developing and implementing our policies over the past years. In order to emphasize the importance of this policy, I declare that:

The “Policies and Procedures Regarding Alleged Sexual Abuse” have the force of Diocesan particular law and are binding on the entire Diocese of Allentown.

Sincerely yours in Christ,

Most Rev. Alfred A. Schlert, D.D., J.C.L.
5th Bishop of the Diocese of Allentown

SECTION I

INTRODUCTION

A. Establishment of Policy. Sexual abuse is a crime. It violates human dignity and the mission of the Roman Catholic Diocese of Allentown and the Roman Catholic Church. Sexual abuse by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all jurisdictions in the United States. These policies and procedures are established to address the subject of sexual abuse in the Diocese.

B. Purpose. These policies and procedures focus specifically on sexual abuse of minors and/or those who habitually lack the use of reason by Diocesan clergy, religious, lay employees of the Diocese, and lay volunteers of the Diocese. The Diocese considers any allegation of sexual abuse or exploitation of a minor and/or those who habitually lack the use of reason by a cleric, religious, or layperson an extremely serious matter. The purpose of these policies and procedures is to respond to such allegations in a way that is effective in its application and fully compliant with applicable law.

C. Applicability. These policies and procedures apply to all priests and deacons incardinated in the Diocese of Allentown, to all religious clerics and extern clerics entrusted with a canonical assignment by the Diocese, and to all lay employees and volunteers of the Diocese. Religious clerics, extern clerics, and lay people employed by or volunteering at non-Diocesan institutions are subject to the direction, authority, supervision, policies, and procedures of the superiors of their respective religious order or bishop of their respective diocese. The Diocese of Allentown will fully cooperate with those religious superiors and bishops, as well as all appropriate governmental authorities to address allegations regarding sexual abuse or other related situations.

D. Definitions.

1. “Sexual Abuse or Exploitation.” The term “sexual abuse or exploitation” is defined in Pennsylvania law as follows: “The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following: (i) Looking at the sexual or other intimate parts of a child or another individual for the

purpose of arousing or gratifying sexual desire in any individual. (ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual. (iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual. (iv) Actual or simulated sexual activity for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming.” (See Pennsylvania Child Protective Services Act at 23 Pa. C.S.A. § 6303). The term “sexual abuse or exploitation” also means any of the following offenses committed against a child: rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, prostitution, or other form of sexual abuse or exploitation of children. (See Pennsylvania Child Protective Services Act at 23 Pa. C.S.A. § 6303). For purposes of these policies and procedures, the term “sexual abuse or exploitation” is also defined to include the possession or use of any child pornography and/or violation of any federal and/or state laws pertaining to child pornography. For purposes of the “sexual abuse or exploitation” of those who habitually lack the use of reason, these same definitions shall apply.

2. “Minor.” The term “minor” means any person who is under eighteen (18) years of age.

3. “Person who Habitually Lacks the Use of Reason.” This phrase means a vulnerable adult who is intellectually disabled and/or diagnosed with some form of psychosis.

4. “Diocese.” The term “Diocese” means the Roman Catholic Diocese of Allentown.

5. “Bishop.” The term “Bishop” means the bishop of the Roman Catholic Diocese of Allentown.

6. “Clergy” or “Cleric.” The terms “clergy” and/or “cleric” mean any bishop, priest, or deacon of the Diocese of Allentown or in a canonical assignment by or on behalf of the Diocese of Allentown under the Canons of the Church.

7. “Religious.” The term “religious” means other religious representatives of the Diocese of Allentown (e.g., nuns, sisters, etc.).

8. “Lay Employees.” The term “lay employees” includes all non-clerical/religious employees of the Diocese, including employees of its schools, parishes, ministries, and other Diocesan entities.

9. “Lay Volunteers.” The term “lay volunteers” includes all non-clerical/religious volunteers of the Diocese, including volunteers at its schools, parishes, ministries, and other Diocesan entities.

E. Interchangeability of Language. Words used in the masculine form with regard to alleged victims of sexual abuse are to be read to include the feminine, as particular circumstances indicate.

SECTION II

DIOCESAN BISHOP, FORMER BISHOP(s) AND RETIRED BISHOP(s)

A. RESPONSE TO ALLEGATION

1. Presentation of Allegation.

(a) When an allegation is made to the Diocese against the sitting Diocesan Bishop, former Bishop(s), or retired Bishop(s), the norms of *Vos Estis Lux Mundi* will be followed.

SECTION III

DIOCESAN CLERICS

A. INITIAL RESPONSE TO ALLEGATION

1. Presentation of Allegation.

(a) When an allegation is made to the Diocese regarding sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason, the alleged victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed of these policies and procedures. A copy of these policies and procedures should be made available to the person reporting the allegation. These policies and procedures should also be made available on the internet web site of the Diocese. The person reporting the allegation is to be provided with information concerning the Victim Assistance Program of the Diocese, including his/her right to contact law enforcement. The Diocesan policies and procedures set forth herein will be immediately initiated upon receipt of an allegation of sexual abuse. The appropriate Diocesan representative, as determined below, will immediately make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Vicar for Clergy.

(c) If the allegation bears a semblance of truth, the cleric will immediately be removed from ministry pending the outcome of an investigation.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused by priests, deacons, religious, lay employees, or lay volunteers of the Diocese. The Victim Assistance Coordinator will offer to the alleged victim (and/or family) pastoral support and, when deemed appropriate, will provide a list of counseling referrals within the community to assist in the healing process. Assistance will be provided to the alleged victim and/or family with respect to accessing the counseling resources. Temporary victim assistance may be offered pending completion of the Investigation and Action Phases of these policies and procedures, after

which a determination could be made with respect to further victim assistance. The nature, extent, and scope of victim assistance to be offered will be made based on the unique facts and circumstances of each case, with individual determinations to be made on a case-by-case basis. Information concerning the Victim Assistance Program is to be made available on the internet web site of the Diocese and published in Parish bulletins in the Diocese. Services through the Victim Assistance Coordinator are voluntary. No one is required to take part in such services.

3. Vicar for Clergy. The Vicar for Clergy will:

(a) Inform the Bishop, Vicar General, and Secretary for Catholic Health and Human Services & Youth Protection of the allegation.

(b) Cooperate with governmental authorities in accordance with the requirements of the Pennsylvania Child Protective Services Law to make sure that the allegation is reported as the law requires. In every instance, the Diocese will support an alleged victim's right to make a report to governmental authorities and cooperate with any related governmental investigation.

(c) Make himself available to those closest to the accused's official assignment, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegation.

(d) If the allegation is against the Vicar for Clergy, the Diocesan Vicar General will inform the Bishop and Secretary for Catholic Health and Human Services & Youth Protection and will perform the duties and responsibilities set forth above.

B. INVESTIGATION PHASE

1. Essential Norms. The Diocese's investigation of the allegation will be in full accord with the *Essential Norms* implementing the *Charter for the Protection of Children and Young People* promulgated 12 December 2002, and most recently revised in September 2021, as amended and updated from time to time in the future.

2. Initial Review. The Vicar for Clergy will review the allegation and recommend action to be taken, including the need for further

investigation. These recommendations shall be made expeditiously. If the allegation is against the Vicar for Clergy, the Vicar General will review the allegation, recommend action to be taken, and act in the place of the Vicar for Clergy.

3. Investigation. If an allegation is made against a cleric of the Diocese, the Diocese will conduct a prompt and appropriate investigation. The investigation shall include interviews of the accused and the accuser and shall proceed in a manner that does not interfere with or prevent a full and complete investigation by governmental authorities. Others who may have knowledge of facts relating to the allegation may be interviewed. The accuser and the accused are to be advised of their right to civil (and in the case of the cleric, canonical) legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser. The Vicar for Clergy will recommend necessary action to be taken, including, where the allegation is deemed credible, immediate removal of the cleric from public ministry.

4. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his reputation, as well as the reputation of the accuser. The legal rights of the alleged victim and the accused must be respected and preserved.

5. Completion of Investigation. The Diocese's investigation should be completed expeditiously. The Vicar for Clergy is to report the findings of the investigation and provide a recommendation to the Bishop. The Vicar for Clergy may consult with appropriate professionals for guidance and insight as needed in this regard.

6. Findings and Recommendations. The findings and recommendations received and/or made by the Vicar for Clergy, as reported to the Bishop and Vicar General, are to be submitted to the Independent Review Board, an advisory body to the Bishop.

7. Independent Review Board. The Independent Review Board will advise the Bishop as to:

(a) whether the investigation findings are sufficient to support the probable nature of the allegation; and

(b) the accused cleric's suitability for continued ministry.

8. Close of Investigation. After the Independent Review Board has presented its advice to the Bishop, the Investigation Phase is completed.

9. Other Cases – Not Involving Minors and/or Persons who Habitually Lack the Use of Reason. The Bishop reserves the right, but shall not have any obligation, to refer other cases involving allegations of sexual abuse by clerics to the Independent Review Board, regardless of the age or mental capacity of the alleged victim.

C. ACTION PHASE

1. Determination By Bishop. Once the Investigation Phase has been completed, the Bishop is to determine whether the allegation that has been investigated is probable. If so, the Bishop is then obligated by Article 13 of *Sacramentorum sanctitatis tutela* to transmit this matter to the Congregation for the Doctrine of the Faith, which will advise him how to proceed.

2. If Allegation is Determined Probable. If, in the opinion of the Bishop, the findings of the investigation are sufficient to make the allegation probable, the following actions are to be taken:

(a) The accused cleric is to be “promptly notified of the results of the investigation.” (*Essential Norms* no. 6);

(b) The Bishop will then apply the precautionary measures in Canon 1722 of the *Code of Canon Law*. Canon 1722 calls for the withdrawal of the accused from exercising sacred ministry or from ecclesiastical office or function, imposition or prohibition of residence in a given place or territory, including prohibition from public (con)celebration of the Most Holy Eucharist, pending the outcome of the Action Phase; and

(c) The Bishop will then transmit the findings of the investigation, with his *votum*, to the Congregation for the Doctrine of the Faith.

3. If Allegation is Determined Not Probable. If, in the opinion of the Bishop, the findings of the investigation are insufficient to make the allegation probable, the Bishop will promptly notify the accused cleric of the results of the investigation and may terminate the Action Phase. The findings of the investigation and the *votum* of the Bishop explaining the insufficiency or doubtful nature of the proofs are to be transmitted to the Congregation for the Doctrine of the Faith. (*Essential Norms* no. 8A). If deemed necessary, appropriate administrative action can be taken. (*Essential Norms* no. 9).

4. If Allegation is Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to conclude that the accused has engaged in the conduct alleged, the Bishop will act to restore the reputation of the accused, where such action is deemed appropriate.

5. If Allegation is Determined Not Probable, But Conduct Was Imprudent. After the investigation, if the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop may specify that the activities of the accused be restricted and that he be supervised, monitored, and/or counseled. (cfr. *Essential Norms* no. 9). The Bishop makes all final decisions regarding the accused.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

(a) The accused will be immediately removed from his assignment and will receive no further assignments in the Diocese of Allentown. Dismissal from the clerical state is not excluded if the case warrants;

(b) The case will be forwarded to the appropriate Vatican Congregation; and

(c) The accused will be subject to all aspects of civil, criminal, and canon law that apply. The cleric will be provided with appropriate spiritual guidance, as well as psychological evaluation and treatment.

7. Ongoing Full Cooperation with Governmental Authorities. If governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. In this event, the Diocesan investigation may be deferred to avoid interference with the governmental investigation.

8. Record Keeping. The investigation file and its contents will be kept in the Archives of the Diocesan Curia according to the norms of Canon Law.

9. Notice of Offer of Meeting with Bishop. Upon the conclusion of the Action Phase, the accuser is to be offered a meeting with the Bishop or his designee. The meeting, if any, will be facilitated by the Victim Assistance Coordinator.

SECTION IV

LAY DIOCESAN EMPLOYEES

A. INITIAL RESPONSE TO ALLEGATIONS

1. Presentation of Allegation.

(a) When an allegation is made to the Diocese regarding sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason, the alleged victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed of these policies and procedures. A copy of these policies and procedures should be made available to the person reporting the allegation. These policies and procedures should also be made available on the internet web site of the Diocese. The person reporting the allegation is to be provided with information concerning the Victim Assistance Program of the Diocese, including his/her right to contact law enforcement. The Diocesan policies and procedures set forth herein will be immediately initiated upon receipt of an allegation of sexual abuse. The appropriate Diocesan representative, as determined below, will immediately make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Secretary for Catholic Health and Human Services & Youth Protection, who will notify the Vicar General, the Diocesan Executive Director of Human Resources, and appropriate Secretary/Director where the accused serves as an employee. If the allegation is made against the Secretary for Catholic Health and Human Services & Youth Protection, the report must be made directly to the Vicar General.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused by priests, deacons, religious, lay employees, or lay volunteers of the Diocese. The Victim Assistance Coordinator will offer to the alleged victim (and/or family) pastoral support and, when deemed appropriate, will provide a list of counseling referrals within the community to assist in the healing process. Assistance will be provided to the alleged victim and/or family with respect to accessing the counseling resources.

Temporary victim assistance may be offered pending completion of the Investigation and Action Phases of these policies and procedures, after which a determination could be made with respect to further victim assistance. The nature, extent, and scope of victim assistance to be offered will be made based on the unique facts and circumstances of each case, with individual determinations to be made on a case-by-case basis. Information concerning the Victim Assistance Program is to be made available on the internet web site of the Diocese and published in Parish bulletins in the Diocese. Services through the Victim Assistance Coordinator are voluntary. No one is required to take part in such services.

3. Secretary for Catholic Health and Human Services & Youth Protection. The Secretary will:

(a) Inform the Vicar General of the allegation, who will then immediately inform the Bishop.

(b) Inform the Diocesan Secretary/Director where the accused serves as an employee and the Diocesan Executive Director of Human Resources.

(c) Cooperate with governmental authorities in accordance with the requirements of the Pennsylvania Child Protective Services Law to make sure that the allegation is reported as the law requires. In every instance, the Diocese will support an alleged victim's right to make a report to governmental authorities and cooperate with any related governmental investigation.

(d) Make herself/himself available to other employees of the Diocese, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

B. INVESTIGATION PHASE

1. Initial Review. The Secretary for Catholic Health and Human Services & Youth Protection, with the assistance of the Secretary/Director where the accused serves as an employee and the Diocesan Executive Director of Human Resources, will review the allegation and recommend action to be taken, including the need for further investigation. These recommendations shall be made expeditiously. If the allegation is made

against the Secretary for Catholic Health and Human Services & Youth Protection, the Vicar General will review the allegation with the assistance of the Diocesan Executive Director of Human Resources, recommend action to be taken, and act in the place of the Secretary for Catholic Health and Human Services & Youth Protection.

2. Investigation. If it is determined that further investigation is appropriate under the circumstances, an investigator will be requested to investigate the allegations. The investigation shall include interviews of the accused and the accuser and shall proceed in a manner that does not interfere with or prevent a full and complete investigation by governmental authorities. Others who may have knowledge of facts relating to the allegation may be interviewed. The accuser and the accused are to be advised of their right to legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser. The Secretary for Catholic Health and Human Services & Youth Protection, with the assistance of the Secretary/Director where the accused serves as an employee and the Diocesan Executive Director of Human Resources, will recommend appropriate corrective action to be taken based upon the results of the investigation, including disciplinary action up to and including termination of employment.

3. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his or her reputation and also to protect the reputation of the accuser. The legal rights of the alleged victim and the accused must be respected and preserved.

4. Completion of Investigation. The Diocese's investigation should be completed expeditiously. The Secretary is to report the findings of the investigation and provide a recommendation to the Bishop and Vicar General. The Secretary may consult with appropriate professionals for guidance and insight as needed in this regard.

5. Findings and Recommendations. Subject to Section VI below, the findings and recommendations of the Secretary as reported to the Bishop and Vicar General may be submitted to the Independent Review Board, an advisory body to the Bishop.

6. Independent Review Board. The Independent Review Board will advise the Bishop as to:

(a) whether the investigation findings are sufficient to support the probable nature of the allegation; and

(b) the accused employee's suitability for continued employment.

7. Close of Investigation. If the matter is submitted to the Independent Review Board, after the Review Board has presented its advice to the Bishop, the Investigation Phase is completed. If the matter is not submitted to the Independent Review Board, the Investigation Phase is completed by the Secretary's final recommendations to the Bishop.

C. ACTION PHASE

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Bishop is to determine whether the allegation that has been investigated is probable.

2. If Allegation is Determined Probable. If, in the opinion of the Bishop, the findings of the investigation are sufficient to make the allegation probable, the following actions are to be taken:

(a) The accused is to be promptly notified of the results of the investigation; and

(b) The Bishop will implement prompt and appropriate corrective action with respect to the accused, including disciplinary action up to and including termination of employment.

3. If Allegation is Determined Not Probable. If, in the opinion of the Bishop, the findings of the investigation are insufficient to make the allegation probable, the Bishop may terminate the Action Phase of the investigation.

4. If Allegation is Determined Not Probable -- Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to conclude that the accused has engaged in the conduct

alleged, the Bishop will act to restore the reputation of the accused, where in the judgment of the Diocese such action is deemed appropriate.

5. If Allegation is Determined Not Probable, But Conduct Was Imprudent. After the investigation, if the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop will implement prompt and appropriate corrective action with respect to the accused, including disciplinary action up to and including termination of employment.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he/she engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

(a) The accused's employment with the Diocese will be immediately terminated by the Diocese; and

(b) The accused will be subject to all aspects of civil and criminal law that apply.

7. Ongoing Full Cooperation with Governmental Authorities. If governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. In this event, the Diocesan investigation may be deferred to avoid interference with the governmental investigation.

8. Record Keeping. The investigation file and its contents will be kept in the Diocesan Office of Human Resources.

9. Notice of Offer of Meeting with Bishop. Upon the conclusion of the Action Phase, the accuser is to be offered a meeting with the Bishop or his designee. The meeting, if any, will be facilitated by the Victim Assistance Coordinator.

SECTION V

LAY DIOCESAN VOLUNTEERS

A. INITIAL RESPONSE TO ALLEGATIONS

1. Presentation of Allegation.

(a) When an allegation is made to the Diocese regarding sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason, the alleged victim or other person reporting the allegation (which may include a parent or guardian in the case of a minor) is to be informed of these policies and procedures. A copy of these policies and procedures should be made available to the person reporting the allegation. These policies and procedures should also be made available on the internet web site of the Diocese. The person reporting the allegation is to be provided with information concerning the Victim Assistance Program of the Diocese, including his/her right to contact law enforcement. The Diocesan policies and procedures set forth herein will be immediately initiated upon receipt of an allegation of sexual abuse. The appropriate Diocesan representative, as determined below, will immediately make any report required by law to the appropriate governmental authorities.

(b) The allegation is to be reported immediately to the Secretary for Catholic Health and Human Services & Youth Protection, who will notify the Vicar General and appropriate Secretary/Director where the accused serves as a volunteer.

2. Victim Assistance. The Diocese has established the position of Victim Assistance Coordinator. This person shall coordinate outreach assistance for the pastoral care of any person who claims to have been sexually abused by priests, deacons, religious, lay employees, or lay volunteers of the Diocese. The Victim Assistance Coordinator will offer to the alleged victim (and/or family) pastoral support and, when deemed appropriate, will provide a list of counseling referrals within the community to assist in the healing process. Assistance will be provided to the alleged victim and/or family with respect to accessing the counseling resources. Temporary victim assistance may be offered pending completion of the Investigation and Action Phases of these policies and procedures, after which a determination could be made with respect to further victim

assistance. The nature, extent, and scope of victim assistance to be offered will be made based on the unique facts and circumstances of each case, with individual determinations to be made on a case-by-case basis. Information concerning the Victim Assistance Program is to be made available on the internet web site of the Diocese and published in Parish bulletins in the Diocese. Services through the Victim Assistance Coordinator are voluntary. No one is required to take part in such services.

3. Secretary for Catholic Health and Human Services & Youth Protection. The Secretary will:

(a) Inform the Vicar General of the allegation, who will then immediately inform the Bishop.

(b) Inform the Diocesan Secretary/Director where the accused serves as a volunteer.

(c) Cooperate with governmental authorities in accordance with the requirements of the Pennsylvania Child Protective Services Law to make sure that the allegation is reported as the law requires. In every instance, the Diocese will support an alleged victim's right to make a report to governmental authorities and cooperate with any related governmental investigation.

(d) Make herself/himself available to other employees and volunteers of the Diocese, as needed and where appropriate, to help initiate a healing process for the benefit of those affected by the allegations.

B. INVESTIGATION PHASE

1. Initial Review. The Secretary for Catholic Health and Human Services & Youth Protection, with the assistance from the Secretary of the Diocesan Secretariat where the accused volunteers and the Diocesan Executive Director of Human Resources, will review the allegation and recommend action to be taken, including the need for further investigation. These recommendations shall be made expeditiously.

2. Investigation. If it is determined that further investigation is appropriate under the circumstances, an investigator will be requested to investigate the allegations. The investigation shall include interviews of the

accused and the accuser and shall proceed in a manner that does not interfere with or prevent a full and complete investigation by governmental authorities. Others who may have knowledge of facts relating to the allegation may be interviewed. The accuser and the accused are to be advised of their right to legal counsel. If the accuser declines to be interviewed, the accuser should be requested to present the allegation in writing, signed by the accuser. The Secretary for Catholic Health and Human Services & Youth Protection, with the assistance from the Secretary of the Diocesan Secretariat where the accused volunteers and the Diocesan Director of Human Resources, will recommend appropriate corrective action to be taken based upon the results of the investigation, including immediate removal from volunteer service.

3. Presumption of Innocence During Investigation. During the investigation, the accused is to receive a presumption of innocence, and all appropriate steps shall be taken to protect his or her reputation and also to protect the reputation of the accuser. The legal rights of the alleged victim and the accused must be respected and preserved.

4. Completion of Investigation. The Diocese's investigation should be completed expeditiously. The Secretary is to report the findings of the investigation and provide a recommendation to the Bishop and Vicar General. The Secretary may consult with appropriate professionals for guidance and insight as needed in this regard.

C. ACTION PHASE

1. Determination By Bishop. Once the Investigation Phase has been concluded, the Bishop is to determine whether the allegation that has been investigated is probable.

2. If Allegation is Determined Probable. If, in the opinion of the Bishop, the findings of the investigation are sufficient to make the allegation probable, the following actions are to be taken:

(a) The accused is to be promptly notified of the results of the investigation; and

(b) The Bishop will implement prompt and appropriate corrective action with respect to the accused, up to and including removal from volunteer service for the Diocese.

3. If Allegation is Determined Not Probable. If, in the opinion of the Bishop, the findings of the investigation are insufficient to make the allegation probable, the Bishop may terminate the Action Phase of the investigation.

4. If Allegation is Determined Not Probable – Restoration of Reputation. In the event that the investigation determines that there is an insufficient basis to conclude that the accused has engaged in the conduct alleged, the Bishop will act to restore the reputation of the accused, where in the judgment of the Diocese such action is deemed appropriate.

5. If Allegation is Determined Not Probable, But Conduct Was Imprudent. After the investigation, if the Bishop determines that an allegation against the accused is unfounded, but it is determined that the accused has acted imprudently, the Bishop will implement prompt and appropriate corrective action with respect to the accused, up to and including removal from volunteer service for the Diocese.

6. Admission by Accused to Allegation. If, at any time, the accused admits that he/she engaged in sexual abuse or exploitation of a minor or a person who habitually lacks the use of reason:

(a) The accused's volunteer service with the Diocese will be immediately terminated by the Diocese; and

(b) The accused will be subject to all aspects of civil and criminal law that apply.

7. Ongoing Full Cooperation with Governmental Authorities. If governmental authorities have commenced an investigation, cooperation with the governmental authorities is to continue, as required by law. In this event, the Diocesan investigation may be deferred to avoid interference with the governmental investigation.

8. Record Keeping. The investigation file and its contents will be kept in the Diocesan Office of Human Resources.

9. Notice of Offer of Meeting with Bishop. Upon the conclusion of the Action Phase, the accuser is to be offered a meeting with the Bishop or his designee. The meeting, if any, will be facilitated by the Victim Assistance Coordinator.

SECTION VI

INDEPENDENT REVIEW BOARD

A. Establishment: The Independent Review Board (“Board”) is established to serve the following advisory and consultative functions:

1. To advise the Bishop with respect to his assessment of allegations involving the sexual abuse by clergy or a Diocesan employee;
2. To advise the Bishop with respect to the determination of suitability of clerics for continued ministry and the suitability of employees for continued employment;
3. To regularly review, at least annually, Diocesan policies pertaining to allegations of sexual abuse in order to recommend modifications, if any; and
4. To offer advice on all aspects of sexual abuse cases brought to the Diocese, both retrospectively and prospectively.

B. Process. The Board may make recommendations regarding the continuation or termination of ministry or employment of personnel who are the subject of an allegation of sexual abuse made to the Bishop. Cases involving Diocesan clerics must be presented to the Board. Cases involving lay Diocesan employees may, in the Bishop’s discretion, be presented to the Board.

C. Compliance and Cooperation. In investigating and addressing allegations of sexual misconduct, all Diocesan personnel who are subject to these policies and procedures are expected to cooperate with civil authorities, comply with legally established reporting requirements, and otherwise conduct themselves as good citizens. In addition, all Diocesan personnel shall comply fully with the letter and spirit of these policies and procedures. All Diocesan personnel are expected to cooperate with the review process set forth herein, consistent with their particular role in the Diocese. All Diocesan personnel who may be requested to participate in the review process are asked to do so with understanding and sensitivity for its goals.

D. Membership. The Board shall be comprised of at least five, but no more than seven, members of outstanding integrity and good judgment appointed by the Bishop. A majority of the members shall be lay Catholics in full communion with the Roman Catholic Church who are not employees of the Diocese. The membership of the Board shall at a minimum include, but not be limited to, the following:

1. At least one member shall be a priest who is an experienced and respected Pastor in the Diocese;
2. At least one member shall have expertise in the treatment of sexual abuse of minors;
3. At least one member shall have expertise in civil laws concerning sexual abuse of minors;
4. At least one member shall have medical, psychological, or psychiatric training and experience; and
5. At least one member shall be a parent.

E. Term. Each appointed member shall serve on the Board for a term of five years or until a successor is appointed. Members may serve for more than one term.

F. Officers. The Board shall elect one Board member as Chairperson and one Board member as Vice Chairperson, for two-year terms. The Chairperson will ordinarily convene and preside at meetings of the Board. The Vice Chairperson will perform these functions when the Chairperson is unable to do so.

G. Relationship with Bishop. The Board shall serve as an advisory body to the Bishop with respect to providing the advice contemplated by these policies and procedures. The Board is not accountable to other officials of the Diocese, except as may be necessary for the efficient administration of its responsibilities.

H. Compensation. The members of the Board shall receive no compensation for their services, but all members shall be reimbursed for

their necessary expenses. Members shall be provided with liability insurance coverage through the Diocesan insurance program.

I. Quorum and Majority for Doing Business. A majority of the members of the Board shall constitute a quorum, and the concurrence of not less than a majority of those members in attendance shall be necessary to make a recommendation.

J. Meetings:

1. Generally. The Board shall meet a minimum of once annually, and at that meeting shall review the “Policies and Procedures Regarding Alleged Sexual Abuse.” The Board shall conduct its business at meetings which shall be scheduled to occur as often as necessary to perform its duties. The Board ordinarily will meet in person, but one or more members may attend any meeting by telephone conference call or virtual application (e.g., Zoom, Teams, etc.). The members of the Board shall not discuss the business of the Board or information presented to the Board outside Board meetings, except that the Bishop or the Bishop’s designee may communicate with Board members outside Board meetings as required by policies and procedures or as otherwise necessary and appropriate. As an advisory body, Board members shall not make individual inquiries or conduct independent investigations about any matters before the Board. All such business and matters shall be reserved by members for meetings of the Board.

2. Attendance. The Bishop, the Bishop’s designee, and other persons designated by the Bishop may attend those portions of Board meetings during which information is presented to the Board and the Board presents its recommendations. All other persons may attend meetings only upon invitation or with the consent of the Board and subject to such limitations as the Board might require.

3. Nature of the Meetings. Board meetings shall reflect the pastoral character of the Diocese. Board meetings shall be consultative and advisory, not adversarial and adjudicative. Board meetings are not hearings. They are sessions at which the Board receives and considers information, deliberates, and formulates its recommendations. The Board may invite or permit the attendance of any person for the purpose of allowing such person to be heard by the Board.

4. Right to Counsel. Nothing in these policies and procedures shall be interpreted to abridge an individual's right to legal or canonical counsel. If the Board invites or permits someone to attend a meeting or a portion of a meeting, that person may appear with supportive persons in an advisory role, in the Board's discretion, for whom the person must in advance of the meeting request the Board's consent. The Board shall not permit the participation of counsel or other advisers who attempt to unduly delay the review process.

5. Procedures. When the Board convenes for a meeting, the following procedures will be followed:

- a. A record of attendance will be made;
- b. Particular cases presented to the Board for review shall be discussed without reference to the alleged victim's name and without reference to the accused's name, to assure confidentiality as well as complete impartiality in the review of the case by the Board. The non-disclosure of names may be waived by alleged victims;
- c. The briefing presented by the Vicar for Clergy, or his designee shall be thorough and comprehensive in nature; and
- d. A record of the meeting shall be kept by preparation of meeting minutes by the Vicar for Clergy or his designee. The minutes shall contain a record of:
 - (i) All attendees;
 - (ii) A listing of the agenda items reviewed;
 - (iii) A brief summary of any advisory assessments made; and*

* A companion document, for internal office use only, to be prepared by the Vicar for Clergy identifying the names of the victim and accused, is to be kept with the Diocesan copy of the minutes.

- (iv) A brief summary of any other advisory assessment or consultation made on any other matter.

6. Alleged Victim Attendance. The alleged victim may request an opportunity to meet with and speak to the Board concerning his/her case. Every reasonable effort should be made by the Board to approve such a request. The Board is not required to meet with an alleged victim.

7. Accused Attendance. The accused may request an opportunity to meet with and speak to the Board. Every reasonable effort should be made by the Board to approve such a request. Notwithstanding the foregoing, a meeting with the victim should not occur at the same time as a meeting with the accused, and every reasonable effort should be made to meet with these individuals separately. The Board is not required to meet with the accused.

K. Powers: The Board shall have the power to:

1. Review matters brought to its attention by the Diocese and make recommendations to the Bishop after such review regarding the continuation of ministry or employment of any Diocesan representative accused of sexual abuse.

2. Recommend guidelines and programs for evaluation, treatment, rehabilitation, and supervision of clergy and employees consistent with these policies and procedures.

3. Recommend to the Bishop such amendments to these policies and procedures as the Board believes necessary.

4. Recommend to the Bishop regarding any other area of concern that the Bishop deems necessary.

L. Protection of Privacy of Victim. For the purpose of protecting the identity of the alleged victim, the Board will function as a confidential body.

M. Resource Persons. The Diocesan Vicar for Clergy shall serve as a resource person to the Board and shall attend each meeting of the Board. The Diocesan Victim Assistance Coordinator will also be available to the Board as a resource person, on an “as needed” basis.

N. Presentations to the Board. The Diocesan Vicar for Clergy or his designee shall be responsible to present briefings to the Board with respect to allegations of sexual abuse. When requested by the Board, the Vicar for Clergy shall obtain, where feasible, additional information concerning particular cases and provide such information to the Board.

SECTION VII

EDUCATION, SCREENING, AND ASSIGNMENT TO MINISTRY

A. Education and Screening. The Diocese shall periodically review and augment ongoing programs for the continuing education of personnel in matters related to sexual misconduct with minors or persons who habitually lack the use of reason. Criminal history checks and background checks will be performed in accordance with applicable Diocesan policy and Pennsylvania law.

B. Certification. Diocesan clerics and other individuals in accordance with applicable policies of the Diocese shall be required to certify in writing that they have either attended a presentation on or have read the Diocesan “Policies and Procedures Regarding Alleged Sexual Abuse.” The certification will be maintained in the personnel files of such clerics and other individuals.

C. Relationship with Religious Communities. The Diocese shall establish a protocol applicable to religious communities whose members maintain or seek faculties to work in the Diocese. The protocol shall state:

1. The community will abide by the Diocesan “Policies and Procedures Regarding Alleged Sexual Abuse.”

2. The community will provide to the Bishop a copy of its own policies and procedures regarding the protection of minors and others from sexual abuse;

3. The community will complete safe environment training;
and

4. The presenting community shall provide a written statement as to each candidate presented for service in the Diocese with respect to such candidate’s status, background, character, and reputation. In the case of any incident of sexual misconduct with a minor or a person who habitually lacks the use of reason, the presenting community shall include in the written statement a comprehensive report of the allegation and its disposition.

D. Extern Clergy. The Diocese shall periodically review and, if necessary, revise its policies governing extern clerics who seek or maintain faculties in the Diocese. Such policies shall require the extern cleric's proper ordinary to certify that he is unaware of anything in the extern cleric's background which would render him unsuitable to work with minors or persons who habitually lack the use of reason. In the case of any history of such potential extern cleric involving sexual misconduct with a minor or a person who habitually lacks the use of reason, the extern cleric's proper ordinary shall submit to the Vicar for Clergy of the Diocese a comprehensive report of the allegation and its disposition.

E. Review by Diocese. If any incident of sexual misconduct with a minor or person who habitually lacks the use of reason is disclosed in connection with the presentation of a cleric or application of a cleric from a religious community or another diocese, the Bishop, or in his absence, the Vicar for Clergy, will carefully review such incident.