

## **Archdiocese of Dubuque Policy for the Protection of Minors**

The following *Policy for the Protection of Minors* was developed by the Archdiocese of Dubuque Review Board for the Protection of Minors.

This policy fulfills the requirements of the *Charter for the Protection of Children and Young People* adopted by the United States Conference of Catholic Bishops in June 2002 and amended in June 2005. It is in compliance with the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* approved in November 2002 and amended in June 2005.

The initial version of this policy was studied, discussed, and recommended for approval by the Archdiocesan Pastoral Council, the Archdiocesan Priests' Council, the Diaconal Community Council, and the Archdiocesan Board of Education.

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**Archdiocese of Dubuque  
Policy for the Protection of Minors**

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## I. Preface

All humans have dignity as persons created in the image of God. Sexual abuse tramples this dignity and damages God's creative purpose. This is why such abuse is not only a physical, psychological, and legal harm, but also a theological scandal with spiritual consequences for individuals and the Church. Addressing this scandal therefore requires more than rules and procedures. Our response must also be rooted in an appreciation of God's new creation in Christ, with the Church as sign of that renewal.

In the creation, God took the chaos and made a space for life. God's power was shown in setting the boundaries between light and dark, water and land, and humans and animals, calling all of these good.<sup>1</sup> Within these boundaries, humans could thrive, relating responsibly to one another and the whole creation. Likewise, with Israel, God rescued the chosen people from slavery and gave a way for life. God's power was shown in setting the boundaries of the law that governed behavior and made community possible.<sup>2</sup> Obedience to the law was not a burden but a delight, a way of life that led to peace, mercy, and healing.

As sinful people, however, we have often ignored and even rejected God's covenant and what was meant for thriving. We abuse others when we rename or violate the boundaries set up to preserve life. This is especially true with the misused power and violated boundaries of sexual abuse. Far more than simply a violation of boundaries, sexual abuse degrades the very image of God in another human being. Such behavior is therefore completely unacceptable and cannot be tolerated by those who follow Christ.

Through Christ, we have come to know God's fullest expression of abundant life.<sup>3</sup> Christ's power was shown in transcending human boundaries,<sup>4</sup> deepening the righteousness that God first created,<sup>5</sup> and opening the way of repentance.<sup>6</sup> In his dying and rising, Christ made a new creation<sup>7</sup> and called to himself a holy people that would nurture a place of thriving once more. The Church is the sign of this new creation in Christ.<sup>8</sup> Its mission is therefore to restore a space for abundant life in witness to the world and to act with mercy and justice by challenging whatever debases the image of God in any human being.

As a particular Church, the Archdiocese of Dubuque embodies this mission by sharing in the three roles of Christ as Redeemer. Christ saves us as Priest (the Most Holy One who makes us a holy people), as Prophet (the Word of God who teaches us), and as Pastor (the Good Shepherd who is our servant leader). All Christians share in these roles.<sup>9</sup> And this has a direct bearing on how the Archdiocese addresses the scandal of sexual abuse in terms of holiness, teaching, and service.<sup>10</sup>

- *Holiness* includes assessing all allegations of sexual abuse within the Church for the purpose of seeking justice with mercy, especially providing for the care of all who are affected by it.<sup>11</sup>
- *Teaching* includes raising awareness about sexual abuse for the sake of moral formation within parishes and families, making the Church a safe place in which the dignity of others is respected.<sup>12</sup>

- *Service* includes upholding the highest standards for faithful and qualified leaders within the Church and engaging in regular review of this policy and its use.<sup>13</sup>

Toward these ends, the formation of the Review Board embodies the Archdiocesan commitment to emerging leadership roles that support the mission of the Church.<sup>14</sup> It also ensures compliance with this policy that promotes a way of life leading to peace, mercy, and healing.

## II. History

This policy emerged within the larger history of how the Archdiocese of Dubuque has addressed sexual abuse. With honesty, the Archdiocese acknowledges the failures and inaction that have allowed people to be harmed and trust in the Church to be compromised. With hopefulness, the Archdiocese affirms the insights and decisions that can lay the foundation for rebuilding that trust and offer assurance about the future. Three moments in this history bear special mention.

Initially, Archbishop Daniel Kucera, mindful that sexual abuse was pervasive in American society and concerned about its presence within the Church, established a committee that wrote a sexual misconduct policy for all personnel of the Archdiocese. The *Sexual Misconduct Policy for the Archdiocese of Dubuque* was approved by the Archdiocesan Board of Consultors in October 1993 and promulgated by the Archbishop in December of that same year. The policy sought sensitivity and pastoral care for victims while respecting the rights of the accused. It was mandated for all Archdiocesan personnel and included a background questionnaire requiring signature of receipt and compliance.

Next, Archbishop Jerome Hanus, complying with the *Charter for the Protection of Children and Young People* adopted in June 2002 by the United States Conference of Catholic Bishops, continued the process of responding to allegations, promoting healing, and ensuring protection of minors in the future. Records of allegations under his administration were reviewed, as well as cases that occurred during the tenure of his three predecessor Archbishops. The ministry status of named perpetrators was assessed. All are deceased and/or were dismissed from the clerical state and/or duties. No known perpetrators remained active in ministry in the Archdiocese. Members of the Archdiocesan administration have also responded to victims/survivors and their families, providing counseling and spiritual assistance to promote healing.

Finally, a Review Board for Sexual Abuse of Minors by Clergy and Other Church Personnel was convened in August 2002. Its principal tasks were to review and revise the existing policies, assess allegations of sexual abuse, and make recommendations concerning fitness for ministry in particular cases. The creation of this Board was mandated by the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* approved by the United States Conference of Catholic Bishops in November 2002 and later by the Holy See. The following policy developed by that Board also reflects the Archdiocesan commitment to teaching, service, and holiness.

### **III. Definition of Sexual Abuse**

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. For purposes of this policy, a minor is defined as a person up to the age of eighteen (18). For purposes of this policy, such abuse is defined in compliance with, but not limited to, Chapters 702.17, 709, 709C, and 728, Code of Iowa, as amended 2002, and subsequent revisions.<sup>15</sup> For full current text, see <[www.legis.state.ia.us/IowaLaw.html](http://www.legis.state.ia.us/IowaLaw.html)>.

Moreover, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment.<sup>16</sup> A canonical offence against the sixth commandment of the Decalogue<sup>17</sup> need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent.”<sup>18</sup>

### **IV. Prevention and Education**

Ideally, no minor will ever be sexually abused by an adult. The provisions of this section are intended to help assure that ideal. Everyone in the Church community has a role to play and must be aware of the causes and signs of sexual abuse, the steps to take to protect minors, and the procedures to follow if abuse is suspected or observed.

- A. All personnel (see Appendix A) must be familiar with the existence of this policy and be knowledgeable of its application to them in the position in which they serve in the Archdiocese. (The entire policy may be reviewed on the Archdiocesan website.) All personnel will sign a *Verification* form indicating that they have received, read, and understood the Standards of Conduct and agree to adhere to these requirements.
- B. The Standards of Conduct will be included in all personnel handbooks used in the Archdiocesan entities as defined in Appendix A.
- C. Personnel will participate in an educational program, including a segment dealing with sexual abuse, at the time of initial employment and at least every five years thereafter. Educational programs will be offered to the general public on a regional basis.
- D. Catholic schools and religious education programs are to develop and incorporate curricula for the prevention of sexual abuse of minors into the educational programs for early childhood through grade 12. The curricula reflecting the best current practices will be used and reviewed at least every seven years by the Office of Educational Services.
- E. The Archdiocese will establish “safe environment” programs. It will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and

others about ways to make and maintain a safe environment for children. The Archdiocese will make clear to all personnel the Standards of Conduct for persons in positions of trust with regard to sexual abuse.

- F. All personnel charged with implementation of curricula for the prevention of sexual abuse of minors will be approved by the Archdiocese. For personnel working in educational programs, the Office of Educational Services, in collaboration with experts and other offices and agencies, will coordinate training and certification in accord with the provisions of civil law.
- G. Annually, the Archdiocese shall offer to its personnel a training program about prevention and recognition of sexual abuse.
- H. The Director of the Office for the Protection of Children will provide the mechanisms for handling all inquiries about resources related to the sexual abuse of minors. The Archdiocese shall also maintain a library of educational, prevention, and informational materials that shall include: training materials and curricula; lists of support groups, programs, and agencies that work with abuse of minors; informational material about the use of mental health resources; and lists of mental health professionals with experience in treating victims of sexual abuse.
- I. The procedures for reporting allegations of abuse will be readily available in printed form and will be the subject of periodic public announcements. These procedures will also be on the Archdiocesan website <[www.arch.pvt.k12.ia.us](http://www.arch.pvt.k12.ia.us)>.

**V. Reports of Abuse** (Revised Section Approved by Archbishop Hanus 12/29/2009)

All cases of alleged, suspected, or known sexual abuse of a minor (hereafter referred to as “abuse”) committed by any personnel of the Archdiocese and Archdiocesan entities while acting in their capacity as personnel of the Archdiocese and Archdiocesan entities must be reported immediately according to the following procedures.

- A. All personnel are obligated to report abuse to their immediate supervisor, who then will immediately report the abuse to the Director of the Office for the Protection of Children, who will also inform the Vicar General and/or Superintendent of Schools, as appropriate. School personnel will follow Iowa rules governing reports of abuse by school personnel or volunteers. In addition, if an incident of alleged abuse is reported to an administrator that is potentially sexual in nature, the administrator will notify the Director of Office of Protection of Children that an incident has been reported. The Director will implement The Policy for the Protection of Minors, which includes a Report to Civil authorities. The administrator will communicate the outcome of the Level 1 Investigation to the DOPC. Other personnel may make reports to civil authorities.
- B. A report must be made to the civil authorities by the Director of the Office for the Protection of Children (if not previously reported) without preliminary screening, investigation, or legal judgment by the Archdiocese with one exception:
  - 1. In the case of an adult
    - a. who reports that he or she was sexually abused as a minor by Church personnel AND
    - b. the statute of limitations has expired AND

- c. the victim requests that the report to civil authorities not be made  
AND
- d. the victim signs a request within thirty days that the case not be reported to civil authorities, a report to civil authorities will not occur.

This does not preclude a Church investigation from proceeding.

- C. Civil authorities include, but are not limited to, Police, Sheriff, Department of Human Services, and County Attorney.
- D. The duty of personnel to report applies to all allegations regardless of when the abuse was said to have occurred. The obligation to report allegations of abuse to civil authorities will hold regardless of the statute of limitations, except as provided in Section B (above).
- E. The Archdiocese of Dubuque will not tolerate retaliatory acts of any nature against persons who in good faith make reports and provide information implementing these policies.

**VI. Investigation** (Revised Section Approved by Archbishop Hanus 12/29/2009)

In general practice, any allegation that is not manifestly false or frivolous is subject to an investigation. The purpose of the Archdiocesan investigation is to protect alleged victims (hereafter referred to as “victims”), discover the facts of an allegation, and promote justice when abuse has occurred. Investigation ordinarily occurs only when the accused is still alive and capable of participating in the investigation.

- A. An investigation will be initiated and conducted promptly and objectively. When the accused is a cleric, a preliminary investigation will be conducted in accordance with canon law. When the accused is a religious or layperson, an investigation will also be conducted in accordance with canon law. During the investigation, the accused shall have the presumption of innocence; and, all appropriate steps shall be taken to protect the accused’s reputation.
- B. The Archdiocese shall retain an independent investigator, with professional training and experience in the investigation of sex crimes and/or child abuse. In rare cases, after consultation with the Review Board’s designee, the Archbishop may vary from this policy.
- C. The investigation is to be coordinated with and concurrent to any criminal investigation without preempting or interfering with any criminal investigation. The Archdiocese will cooperate with any investigation conducted by civil authorities and/or the Archdiocese appointed investigator. Investigations will be handled with due regard for confidentiality and privacy.
- D. If the preliminary investigation (clerics) or investigation (religious and laypersons) of the allegation suggests it is probable that an act of abuse has occurred as alleged, the individual will be relieved of his/her duties, pending completion of Archdiocesan procedures.
- E. In the case of a cleric, a preliminary investigation and any subsequent procedures will be conducted in accord with canon law. These procedures are enumerated in Appendix B.

- F. Nothing in this policy is intended to interfere with the Archbishop's ability to act to remove a cleric from office, to remove or restrict his faculties, or to limit his ministry.

## **VII. Responsibility**

All members of the Archdiocese have responsibility for reconciliation and healing, justice, and the prevention of revictimization and a culture of victimization. Mechanisms are needed that seek justice with mercy, providing for the care of all who are affected by abuse. These mechanisms of responsibility include the already established resources of the Archdiocese, the Review Board, the Director of the Office for the Protection of Children, the Victim Assistance Coordinators, and faith communities.

### **A. Archdiocesan Responsibilities**

- 1. For protection and prevention -
  - a. The Archdiocese shall establish:
    - 1) The Archdiocese of Dubuque Review Board for the Protection of Minors.
    - 2) The position of Director of the Office for the Protection of Children.
    - 3) The position of Victim Assistance Coordinator.
  - b. The Archdiocese shall provide the financial and human resources necessary for adherence to this policy.
  - c. The Archdiocese shall cooperate, as appropriate, with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in the sexual abuse of minors.
  - d. The Archdiocese shall establish the mechanisms to prevent sexual abuse of minors.
    - 1) The Archdiocese will work with law enforcement and other community agencies to monitor the background of all personnel of the Archdiocese and Archdiocesan entities.
    - 2) The Archdiocese shall implement adequate screening and evaluative techniques in deciding the fitness of candidates for ordination<sup>19</sup> and develop systematic ongoing formation programs.<sup>20</sup>
    - 3) The Archdiocese will ensure that no priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province, and shall provide the maximum safety possible for minors when such priest or deacon changes residence.<sup>21</sup>
  - e. An annual report to the public assessing the progress made in implementing this policy will be made. This report will reflect a commitment to a communications policy of transparency and openness. Regular reports (at least annual) will also be made to the

Review Board. These reports will include data for all activities as well as annual outcome assessment of activities.

- f. The Archdiocese will be audited for compliance by an independent contractor according to the *Charter*.
  - g. The Archdiocese will establish the mechanisms for persons to conveniently contact the Archdiocese concerning allegations of sexual abuse and for the purpose of obtaining information regarding this policy and its execution.
2. To victims and their families -
    - a. The Archbishop or his representative will offer to meet with victims and their families to listen with patience and compassion to their experiences and concerns and to share the “profound sense of solidarity and concern” expressed by Pope John Paul II and affirmed by Pope Benedict XVI.
    - b. The Archdiocese shall assist in ensuring appropriate services (such as an independent medical examination, counseling, psychotherapy, spiritual assistance, support groups, and/or other social services) for victims and their families as agreed upon by the victim and the Archdiocese. At the request of the victim or the Archdiocese, the Archdiocese shall provide the opportunity for consultation through an independent medical examination to ensure appropriate services.
    - c. The Archdiocese shall promote justice by holding offenders accountable for their actions, as well as by developing the means by which offenders can make restitution to victims and to the community.
  3. To the accused:
    - a. The Archdiocese will carefully analyze and respond to the need for restoration of the reputation of an accused who is the subject of an accusation that was unfounded.
    - b. The Archdiocese will provide pastoral care and spiritual guidance for offenders.
    - c. The Archdiocese will investigate and resolve allegations against priests or deacons in harmony with canon law.<sup>22</sup>
  4. To faith communities -
    - a. The Archbishop or his representative will extend pastoral outreach to faith communities in which the sexual abuse occurred.
    - b. The Archdiocese will provide for support, counseling, spiritual direction, and consultation to clergy and other Church personnel who are helping parishioners manage the crisis of sexual abuse in the Church.
    - c. The Archdiocese will communicate with openness and respect as it continues to work to restore the bonds of trust that unite faith communities.

- 1) The Archdiocese will not enter into confidentiality agreements for legal settlement except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement between the victim and the Archdiocese.
  - 2) If initial assessment of the allegation suggests it may be sustained, the Archdiocese will notify faith communities of the allegation of abuse.
- d. The Archdiocese will provide the mechanisms for assessment of the immediate and ongoing needs of the affected parish community, development of the response to those needs, and implementation of the response.
  - e. The Archdiocese will provide education and prevention as described in Section 2 of this policy.

## **B. Review Board Responsibilities**

### **1. Membership.**

The Review Board will be comprised of twelve (12) members of outstanding integrity and good judgment. At least five (5) of these members will be in full communion with the Catholic Church. The majority of the members will be laypersons who are not in the employ of the Archdiocese. Ideally, the members of the Review Board will be geographically representative of the Archdiocese and include no fewer than five (5) persons of each gender. Ideally, the Board will include the Promoter of Justice (if not as a member, then as a participant in Board meetings), a person of another faith, and an attorney. The Board must include one priest who is an experienced and respected pastor of the Archdiocese and one person with expertise in the treatment of sexual abuse of minors.

### **2. The Review Board is responsible to victims, the accused, and faith communities to:**

- a. Advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.
  - Unfounded: Allegation appears false.
  - Exonerated: An incident did occur, but the action was not unlawful or inappropriate.
  - Not sustained: Insufficient evidence to prove or disprove the allegation.
  - Sustained: The allegation has been established as more likely than not to have occurred
- b. Review Archdiocesan policy for dealing with sexual abuse of minors.
- c. Offer advice on all aspects of cases of sexual abuse of minors, whether retrospectively or prospectively.

- d. Monitor the Policy for the Protection of Minors to assure adherence to the protective, preventive, and restorative tenets of this policy and to assure the dignity and rights of the involved parties.

**C. Director of the Office for the Protection of Children Responsibilities**

The Director of the Office for the Protection of Children (DOPC) shall assist the Board in the performance of its duties and carry out tasks designated by the Archdiocese associated with implementing this policy. The DOPC shall serve as an administrator as well as a facilitator of services.

The DOPC shall be a lay person who maintains appropriate professional qualifications and has substantial experience in the human services/social work/mental health field(s). Other qualifications may be specified by the Archdiocese.

The DOPC is responsible to:

1. Perform duties as designated by the Archdiocese, which include, but are not limited to:
  - a. Oversight of the Victim Assistance Coordinator(s).
  - b. Review of all actions taken in each case to ensure that this policy and associated procedures are followed.
  - c. Duties as specified in this policy and those duties which are not delineated as the duty of another specified party.
  - d. Duties as specified in the DOPC job description.
  - e. Duties as specified in all procedural manuals associated with the policy.
2. Refers persons requesting mental health services for clinical consultation to obtain necessary recommendations.
3. Perform duties as designated by the Review Board.

**D. Victim Assistance Coordinator Responsibilities**

The Victim Assistance Coordinator (VAC) is responsible to the victims and their families to provide an immediate compassionate presence. The VAC does not provide therapy, counseling, legal services, personal companionship, or spiritual direction. The VAC shall be a person with a caring presence. Other qualifications may be specified by the Archdiocese.

The VAC is responsible to:

1. Receive reports of allegations of sexual abuse.
2. Comply with all aspects of this policy.
3. Perform duties as specified in the VAC job description.
4. Perform duties as specified in the procedural manuals associated with this policy.

## E. Faith Community Responsibilities

Faith communities are responsible to victims, those accused, and each other to:

1. Report abuse or suspected abuse.
2. Avail themselves of the education offered by the Archdiocese.
3. Provide compassionate and non-judgmental response to those who report abuse.
4. Protect the rights of all involved parties.
5. Pray for all victims and their families, the accused and their families, faith communities, and the entire Church.

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<sup>1</sup> Genesis 1:1-31.

<sup>2</sup> Deuteronomy 30:11-20.

<sup>3</sup> John 10:10.

<sup>4</sup> Galatians 3:28.

<sup>5</sup> Matthew 5:17-20.

<sup>6</sup> Luke 24:46-48.

<sup>7</sup> 2 Corinthians 5:17.

<sup>8</sup> *Lumen Gentium* I.1.

<sup>9</sup> *Lumen Gentium* IV.34-36, *Apostolicam Actuositatem* I.2, *Catechism of the Catholic Church* par. 897-913.

<sup>10</sup> *Vision 2000*, p.3, under “We affirm” (“...that all of us are called to share fully in the Church’s mission to teach, to serve and to sanctify.”); cf. *Lumen Gentium* V.39-40.

<sup>11</sup> *Vision 2000*, p.4, ¶ 1 under “We envision” (“...a Church in which we are disciples of Christ empowered by the Holy Spirit to be a *community* ‘devoted to the apostles’ instruction and the communal life, to the breaking of bread and prayers,’ zealous in caring for the needs of others”).

<sup>12</sup> *Vision 2000*, p.4, ¶ 2 under “We envision” (“...a Church in which we are a people in whom the biblical *Word of God* finds rich soil, flourishes in the truth of Catholic teaching and produces a harvest of holiness and social justice”).

<sup>13</sup> *Vision 2000*, p.4, ¶ 3 under “We envision” (“...a Church in which we are ministered to by faith-filled and qualified *persons in leadership* who imitate the Good Shepherd and are ‘worthy of their hire’”).

<sup>14</sup> *Vision 2000*, p.4, under “Archdiocesan Mission Statement” (“We, the Church of the Archdiocese of Dubuque, are God’s people...affirming traditional and emerging leadership roles”).

<sup>15</sup> Cf. Appendix B.

<sup>16</sup> USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6.

<sup>17</sup> CIC, c. 1395 §2.

<sup>18</sup> CIC, c. 1321 §3. Cf. CIC, canons 1322-27. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

<sup>19</sup> Cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513.

<sup>20</sup> Basic Plan for the Ongoing Formation of Priests (2001).

<sup>21</sup> Before a priest or deacon can be transferred for residence to another diocese or religious province, the Archbishop or religious ordinary shall forward, in a confidential manner, to the local bishop and religious ordinary (if applicable) of the proposed place of residence, any and all information concerning any act of sexual abuse of a minor, and any other information that he has been or may be a danger to minors or young people. (Cf. National Conference of Catholic Archbishops and Conference of Major Superiors of Men, *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life. The Archbishop or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. The Archbishop and major superiors of clerical institutes or their delegates will meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in the Archdiocese.

<sup>22</sup> CIC, cc. 1717-1719.

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## **Appendix A**

### **Scope of Application**

- I. “Archdiocese” refers to the corporate entity, an Iowa not-for-profit corporation.
- II. “Archdiocesan Entities” refers to those corporate entities within the Archdiocese that are listed in *The Official Catholic Directory* or the Archdiocesan Directory and have the Archbishop of Dubuque as their President.
- III. “Personnel” includes the following categories:
  - A. All incardinated clerics, including all incardinated permanent deacons and all incardinated transitional deacons, of the Archdiocese.
  - B. All priests and deacons who have the faculties of the Archdiocese of Dubuque.
  - C. All those non-ordained persons to whom participation in the exercise of the pastoral care of the parish is entrusted according to canon 517, §2, of the *Code of Canon Law*.
  - D. All clerics or seminarians of other dioceses or religious communities who are working for the Archdiocese or Archdiocesan entities.
  - E. All religious working for the Archdiocese or Archdiocesan entities.
  - F. All personnel of St. Stephen Catholic Student Center at the University of Northern Iowa and St. Thomas Aquinas Student Center at Iowa State University.
  - G. All personnel in the offices, parishes, Catholic schools, and religious education programs of the Archdiocese or Archdiocesan entities.
  - H. All volunteers in the offices, institutions, and programs listed in #G who have continuing contact with minors (e.g., an average of one hour per week).
  - I. Such other personnel as designated by the Archbishop of Dubuque.
  - J. All personnel of American Martyrs Retreat House.
  - K. All seminarians of the Archdiocese.

Note: Catholic corporate entities within the Archdiocese of Dubuque that are listed in *The Official Catholic Directory* or the Archdiocesan Directory that do not have the Archbishop of Dubuque as their President are not covered by this policy (e.g., Catholic colleges, hospitals, religious communities). However, if an employee of a Catholic corporate entity not covered by this policy volunteers in one of the corporate entities which is covered by the policy, that person must comply with the expectations of III.H.

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## **Appendix B**

### **Allegation Procedure for Priests and Deacons**

- I. The Archdiocese shall provide the mechanisms for investigation (CIC, cc. 1717-1719) and resolution (CIC, cc. 1720-1728) of allegations against priests or deacons in harmony with canon law. All appropriate steps shall be taken to protect the reputation of the accused during the investigation.
- II. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.
- III. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The Archbishop shall then apply the precautionary measures mentioned in CIC, c. 1722—e.g., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.
- IV. The accused may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and to the accused (without prejudice to canon 220), so long as this does not interfere with the investigation by civil authorities.
- V. When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:
  - A. When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accord with canon law—regardless of when the abuse occurred, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395, §2).
  - B. In every case involving canonical penalties, the processes provided for in canon law and germane special norms of the Holy See must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001).
  - C. Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Archbishop how to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription when there are appropriate pastoral reasons.
  - D. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb or to present himself publicly as a priest/deacon.

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- VI. At all times, the Archbishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly/diaconal ministry. The Archbishop shall exercise this power of governance to ensure that any priest/deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. The Archbishop may exercise his executive power of governance to take one or more of the following administrative actions:
- A. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189).
  - B. Should the accused decline to resign and should the Archbishop judge the accused to be truly not suitable (CIC, c. 149 §1) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747).
  - C. For a cleric who holds no office in the Archdiocese, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764).
  - D. The Archbishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The Archbishop may forbid the priest to celebrate the Eucharist publicly and the priest/deacon to administer the sacraments, for the good of the Church and for his own good.
  - E. The Archbishop may also dispense (CIC, cc. 85-88) the cleric from the obligation of wearing clerical attire (CIC, c. 284) and may urge that he not do so, for the good of the Church and for his own good.
  - F. These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff).
- VII. The priest or deacon may at any time request a dispensation from the obligations of the clerical state.
- VIII. In exceptional cases, the Archbishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.
- IX. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to a priest or deacon. The provisions of CIC, canon 1722 shall be implemented during the pendency of the penal process.
- X. A priest or deacon, if it appears advisable either for the protection of society or for his own welfare, may be encouraged to seek counseling, join support groups, or enter into a program of therapy which is mutually acceptable to the Archdiocese and the cleric. Cost of such treatment will be negotiated between the cleric and the Archdiocese. No cleric may be required to undergo professional treatment which includes coercion or intrusion into the sanctity of conscience. The requirements of Church law for sustenance are to be observed (canons 281, 1274, and 1350).